

ESTTA Tracking number: **ESTTA659620**

Filing date: **03/06/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	TOGETHER NETWORKS HOLDINGS LIMITED
Granted to Date of previous extension	03/07/2015
Address	PO BOX 146, TRIDENT CHAMBERSROAD TOWN TORTOLA, VIRGIN ISLANDS, BRITISH
Attorney information	Carl H. Pierce Reed Smith LLP 1717 Arch Street Three Logan Square Philadelphia, PA 19103 UNITED STATES cpierce@reedsmith.com, karmellino@reedsmith.com, philpdocketing@reedsmith.com Phone:215-241-7970

Applicant Information

Application No	86362757	Publication date	01/06/2015
Opposition Filing Date	03/06/2015	Opposition Period Ends	03/07/2015
Applicant	Peeps App, Inc. 48911 Crestview Common Fremont, CA 94539 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Mobile device software for use in groupmessaging applications
--

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1887565	Application Date	07/30/1993
Registration Date	04/04/1995	Foreign Priority Date	NONE
Word Mark	TOGETHER		

Design Mark	 TOGETHER		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 dating service		

U.S. Registration No.	2746809	Application Date	09/17/2002
Registration Date	08/05/2003	Foreign Priority Date	NONE
Word Mark	TOGETHER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 045. First use: First Use: 1974/10/01 First Use In Commerce: 1976/08/12 DATING SERVICE BUSINESS		

Attachments	74419643#TMSN.png(bytes) 76450307#TMSN.png(bytes) 2746809_Notice_Opp_03062015.pdf(457739 bytes) 2746809_Notice_Opp_Exhibit_A_03062015.pdf(73501 bytes) 2746809_Notice_Opp_Exhibit_B_03062015.pdf(129243 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Carl H. Pierce/
Name	Carl H. Pierce
Date	03/06/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application of Peeps App, Inc..

-----x		
TOGETHER NETWORKS	:	
HOLDING LIMITED,	:	
	:	
Opposer,	:	Serial No. 86/362,757
	:	Mark: TOGETHER
	:	Published: January 6, 2015
PEEPS APP, INC.	:	
	:	Opposition No. _____
Applicant.	:	
-----x		

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-14513

NOTICE OF OPPOSITION

1. Opposer, Together Networks Holdings Limited. (“Opposer”), a company limited by shares duly organized and existing under the laws of the British Virgin Islands and having a registered address of P.O. Box 146, Trident Chambers Road Town, Tortola, British Virgin Islands, believes that it is or will be damaged by the registration of Application Serial No. 86/362,757 for the mark TOGETHER (hereafter referred to as “Applicant’s Mark”) and hereby opposes same pursuant to 15 U.S.C. §§ 1052 and 1063.

2. On information and belief, Peeps App, Inc. (hereinafter, “Applicant”) is a Delaware corporation with a business address of 48911 Crestview Common, Fremont, California 94539.

As ground for this opposition, Opposer alleges the following:

3. On August 11, 2014, Applicant filed Application Serial No. 86/362,757 on an intent to use basis under 15 U.S.C. § 1051(b) to register the mark TOGETHER for use on or in connection with “Mobile device software for use in group messaging applications” in International Class 9.

4. Opposer is the owner of United States Trademark Registration Serial Number 2,746,809 for its “TOGETHER” word mark for “Dating Service Business,” registered on August 5, 2003 and United States Trademark Registration Serial Number 1,887,565 for its “TOGETHER & Design” mark for “Dating service”, registered on April 4, 1995, as well as numerous other “TOGETHER” marks outside of the United States (hereinafter referred to as “Opposer’s Marks” or the “Together Marks.”) These marks are actively and extensively used in commerce in the United States and around the world by Opposer. Copies of Opposer’s United States Registrations are appended hereto as Exhibit A and are incorporated herein. A list of Opposer’s worldwide registrations and applications is appended hereto as Exhibit B.

6. U.S. Registration Nos. 2,746,809 and 1,887,565 are incontestable as a matter of law under 15 U.S.C. § 1065.

7. Opposer, through itself and its licensees, its predecessors and their licensees, has continuously used and continues to use its TOGETHER marks in interstate commerce on or in connection with its services since at least as early as 1993.

8. Opposer’s services are known by customers, prospective customers, and throughout the industry as consistent, high-quality services.

9. Opposer's Marks have, through Opposer's long and extensive use, come to exclusively identify the high quality services of Opposer and to distinguish them from services emanating from other service providers. As a result of Opposer's extensive advertising and marketing efforts, Opposer's Marks represent goodwill of tremendous value to Opposer.

10. Upon information and belief, Applicant's Mark is confusingly similar to Opposer's Marks.

11. Upon information and belief, Applicant's Mark is proposed to be used at least on or in connection with "Mobile device software for use in group messaging applications," which does not exclude use as a platform for dating services.

12. Upon information and belief, Opposer's use and registration of its TOGETHER Marks predates any alleged use date by Applicant for Applicant's Mark.

13. Upon information and belief, Opposer's use and registration of its TOGETHER Marks predates the filing date of Application Serial No. 86/362,757.

14. Upon information and belief, the services in Application Serial No. 86/362,757 are closely related to Opposer's goods.

15. Upon information and belief, the services in Application Serial No. 86/217,297 and Opposer's services are or will be offered for sale, sold and/or distributed through the same or similar channels of trade to the same class of purchasers.

16. If Applicant is permitted to use and register the subject mark for its services specified in the application herein opposed, confusion in trade resulting in damage and injury to Opposer would result. Persons familiar with Opposer's Marks would likely confuse Applicant's services as being produced by or originating from Opposer, or as being in some way associated

with, connected with, sponsored by, licensed by, or otherwise authorized by Opposer, all to the detriment of Opposer, unless this Opposition is sustained. Any such confusion in trade would inevitably result in loss of sales to Opposer. Furthermore, any defects, objections, or faults found with the services provided by Applicant under Applicant's Mark would adversely reflect upon and seriously injure the reputation of Opposer by association.

17. In view of, without limitation, the similarity of the respective marks, similarity of the channels of trade, similarity of the class of purchasers and the related nature of the goods offered for sale or intended to be sold by the respective parties, the mark in Application Serial No. 86/362,757 so resembles Opposer's Marks as to be likely to cause confusion, or to cause mistake, or to deceive as to the source of Applicant's services by suggesting that Applicant's services are associated with or approved, endorsed, affiliated, authorized, or sponsored by Opposer.

WHEREFORE, Opposer prays that Application Serial No. 86/362,757 be rejected, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

REED SMITH LLP

Date: March 6, 2015

By: /Carl H. Pierce/
Carl H. Pierce
Registration No. 45,730

Three Logan Square
1717 Arch Street Suite 3100
Philadelphia, PA 19103
Tel: (215) 241-7970
Fax: (215) 851-1420
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certified that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on the correspondent address of record for Application Serial No. 86/362,757 by mailing said copy on March 6, 2015, via U.S. First Class Mail, postage prepaid, to:

Michael J. Bevilacqua.
Wilmer Cutler Pickering Hale Dorr
60 State St Ste 25
Boston, Massachusetts 02109-1816
UNITED STATES

And further that a courtesy copy of the foregoing NOTICE OF OPPOSITION has been provided to the correspondent via e-mail transmission at the e-mail address of record (Michael.bevilacqua@wilmerhale.com) on March 6, 2015.

/Carl H. Pierce/
Carl H. Pierce

EXHIBIT A

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

Reg. No. 2,746,809

United States Patent and Trademark Office

Registered Aug. 5, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

TOGETHER

**TOGETHER MANAGEMENT GROUP, INC.
(TEXAS CORPORATION)
5026 DORSEY HALL DRIVE
SUITE 205
ELLCOTT CITY, MD 21042**

FIRST USE 10-1-1974; IN COMMERCE 8-12-1976.

OWNER OF U.S. REG. NO. 1,887,565.

SER. NO. 76-450,307, FILED 9-17-2002.

**FOR: DATING SERVICE BUSINESS, IN CLASS 45
(U.S. CLS. 100 AND 101).**

EUGENIA MARTIN, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office

Reg. No. 1,887,565

Registered Apr. 4, 1995

**SERVICE MARK
PRINCIPAL REGISTER**



TOGETHER

TOGETHER DEVELOPMENT CORPORATION
(CONNECTICUT CORPORATION)
161 WORCESTER ROAD
SECOND FLOOR
FRAMINGHAM, MA 01701

FIRST USE 1-1-1993; IN COMMERCE
1-1-1993.

OWNER OF U.S. REG. NO. 1,145,365.

SER. NO. 74-419,643, FILED 7-30-1993.

FOR: DATING SERVICE, IN CLASS 42 (U.S.
CL. 100).

ANNE L. CORNELIUS, EXAMINING ATTOR-
NEY

EXHIBIT B

COUNTRY	MARK	APP. NO.	FILING DATE	REG. NO.	REG. DATE	GOODS/SERVICES	OWNER	STATUS
US	TOGETHER (DESIGN)	74/419,643	7/30/1993	1,887,565	4/4/1995	42: DATING SERVICE	TOGETHER NETWORKS HOLDINGS LIMITED	REGISTERED
AU	TOGETHER	1600429	1/10/2014	1600429	1/10/2014	45: DATING SERVICES	TOGETHER NETWORKS HOLDINGS LIMITED	REGISTERED
US	TOGETHER	76/450,307	9/17/2002	2,746,809	8/5/2003	45: DATING SERVICE BUSINESS	TOGETHER	REGISTERED
GB	TOGETHER.COM	2449407	3/14/2007	2449407	4/11/2008	9: SCIENTIFIC, NAUTICAL, SURVEYING, PHOTOGRAPHIC, CINEMATOGRAPHIC, OPTICAL, WEIGHING, MEASURING, SIGNALLING, CHECKING (SUPERVISION), LIFE-SAVING AND TEACHING APPARATUS AND INSTRUMENTS; APPARATUS AND INSTRUMENTS FOR CONDUCTING, SWITCHING, TRANSFORMING, ACCUMULATING, REGULATING OR CONTROLLING ELECTRICITY, APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; MAGNETIC DATA CARRIERS, RECORDING DISCS; COMPUTER SOFTWARE; AUTOMATIC VENDING MACHINES AND MECHANISMS FOR COIN-OPERATED APPARATUS; CASH REGISTERS, CALCULATING MACHINES, DATA PROCESSING EQUIPMENT AND COMPUTERS; FIRE EXTINGUISHING APPARATUS.; 16: PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS; PRINTED MATTER; BOOKBINDING MATERIALS; PHOTOGRAPHS; STATIONERY; ADHESIVES FOR STATIONERY OR HOUSEHOLD PURPOSES; ARTISTS' MATERIALS; PAINTBRUSHES; TYPEWRITERS AND OFFICE REQUISITES (EXCEPT FURNITURE); INSTRUCTIONAL AND TEACHING MATERIAL (EXCEPT APPARATUS); PLASTIC MATERIALS FOR PACKAGING (NOT INCLUDED IN OTHER CLASSES); PRINTERS' TYPE; PRINTING BLOCKS; 25: CLOTHING, FOOTWEAR, HEADGEAR; 36: FINANCIAL AND MONETARY AFFAIRS; 41: EDUCATION; PROVIDING OF TRAINING; ORGANISATION OF CONFERENCES; SIMINARS, EVENTS AND EXHIBITS; 42: SCIENTIFIC, INDUSTRIAL AND TECHNOLOGICAL RESEARCH; RESEARCH IN THE FIELD OF CLIMATE CHANGE	WOODROCK HOLDINGS, LTD	REGISTERED
EU	TOGETHER	13374591	10/17/2014			35: Demonstration of goods and services; Business investigations; Business inquiries; Marketing research; Economic forecasting; Compilation of information into computer databases; Systemization of information into computer databases; Compilation of statistics; Updating of advertising material; Advertising by mail order; Rental of advertising space; Rental of advertising time on communication media; On-line advertising on a computer network; Sales promotion for others. 38: Electronic mail; Telecommunications services; Rental of telecommunication equipment; Computer aided transmission of messages and images; Providing access to databases; Providing internet chatrooms; Message sending; Voice mail services; Telecommunications routing and junction services; Providing telecommunications connections to a global computer network. 42: Maintenance of computer software; updating of Computer software; Recovery of computer data; Computer software consultancy; Computer programming; Computer systems analysis; Creating and maintaining web sites for others. 45: Legal services; Registration of domain names; Copyright management; Dating services; Dating services provided through social networking; Intellectual property consultancy; Licensing of computer software.	TOGETHER NETWORKS HOLDINGS LIMITED	PUBLISHED