

ESTTA Tracking number: **ESTTA662678**

Filing date: **03/23/2015**

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	Virtue Marketing LLC		
Entity	Corporation	Citizenship	United States
Address	509 Hialeah Drive Bonaire, GA 31005 UNITED STATES		

Correspondence information	Tylie Eaves Virtue Marketing LLC 509 Hialeah Drive Bonaire, GA 31005 UNITED STATES tylie@virtue-marketing.com Phone:(866) 779-0795
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**Applicant Information**

Application No	86230249	Publication date	03/17/2015
Opposition Filing Date	03/23/2015	Opposition Period Ends	04/16/2015
Applicant	Vice Media Canada Inc. 127B King Street Montreal, Quebec, H3C2P2 CANADA		

**Goods/Services Affected by Opposition**

<p>Class 035. First Use: 2006/09/30 First Use In Commerce: 2006/09/30 All goods and services in the class are opposed, namely: Advertising and marketing; advertising and marketing consultancy; advertising and marketing services, namely, promoting the goods and services of others; advertising and publicity services, namely, promoting the goods, services, brand identity and commercial information and news of third parties through events and editorial, print, audio, video, film, digital, social, and on-line medium; advertising and branding services, namely, creating corporate and brand identity for others; public relations; social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; creative development of marketing strategies, concepts and tactics, namely, audience development, brand awareness, customer relations, online community building and digital word of mouth communications; production of advertising material featuring original video, photography, and copywriting for marketing, branding, promoting, or advertising the goods and services of others; advertising, marketing and promotional services, namely, development of advertising campaigns for television, print media and web pages featuring original video, photography and copywriting for marketing, branding, promoting or advertising the goods and services of others; promoting the goods, services, brand identity and commercial information and news of third parties by providing websites featuring advertisements for the goods and services of others on a global computer network; marketing and promotion of special events; special event planning for business purposes; special event planning for commercial, promotional or advertising purposes; event planning and management for marketing, branding, promoting or advertising the goods and services of others</p>
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## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The Virtue Marketing brand is well established and documented and its brand components are actively in use in multiple locations and venues. Considerable resources have been used to create, promote and maintain the Virtue Marketing brand. My company is known to the public and its consumer base by the name "Virtue Marketing." Enforcement of the mark "Virtue" by another company in its industry would, in effect, deconstruct the Virtue Marketing brand, resulting in the need to recall all products and services, which create undue and substantial burden in labor and finances.

## Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86510822	Application Date	01/22/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VIRTUE MARKETING		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/01/01 First Use In Commerce: 2012/01/01 Copywriting, advertising, social media management. Blog and article writing. E-books and videos. Graphic design, website development		

U.S. Application No.	86516300	Application Date	01/27/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VIRTUEMARKETING RESPECT REFINEMENT RESULTS		

Design Mark	
Description of Mark	The mark consists of VIRTUEMARKETING in blue and orange and RESPECT REFINEMENT RESULTS in black and separated with vertical lines. An image of a person in orange, black and blue at the left side of the mark.
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 Advertising and marketing

Attachments	86510822#TMSN.png( bytes ) 86516300#TMSN.png( bytes ) Notice Of Opposition.pdf(137430 bytes )
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### 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	/Tylie L Eaves/
Name	Tylie Eaves
Date	03/23/2015

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

In the matter of trademark application Serial No. 86230249  
For the mark "Virtue"

Published for opposition on 3/17/2015

Virtue Marketing LLC/Tylie Eaves

v.

Vice Media Canada, Inc.

**NOTICE OF OPPOSITION**

Virtue Marketing LLC

Tylie Eaves

509 Hialeah Drive

Bonaire, GA 31005

The above-identified opposer believes that it/he/she will be  
damaged

by registration of the mark shown in the above-identified  
application, and

hereby opposes the same.<sup>(2)</sup>

The grounds for opposition are as follows:

- 1) The proposed mark is confusingly similar to mark in use by my company (note; application 86510822). This confusion is expressly noted as a result of the services and products offered, which are, in many ways, identical. Registration of the mark "Virtue" has the potential to create confusion among consumers by inappropriately/inadvertently creating a non-existent connection between Vice Media and Virtue Marketing LLC.
- 2) Moreover, The Virtue Marketing brand is well established and documented and its brand components are actively in use in

multiple locations and venues. Considerable resources have been used to create, promote and maintain the Virtue Marketing brand. My company is known to the public and its consumer base by the name "Virtue Marketing." Enforcement of the mark "Virtue" by another company would, in effect, deconstruct the Virtue Marketing brand and create havoc in both finances and client relations.



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www.contentexplorer.net, o=CE,  
cn=www.google.com  
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Date: 3/23/2015

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Tylie L. Eaves  
Virtue Marketing LLC  
CEO/Founder