

ESTTA Tracking number: **ESTTA666389**

Filing date: **04/13/2015**

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	The Darkcoin Foundation, Inc.
Granted to Date of previous extension	04/11/2015
Address	1850 E. Innovation Park Dr. #100 Oro Valley, AZ 85755 UNITED STATES

Attorney information	Michael Fedrick Loza & Loza, LLP 305 N. Second Ave. #127 Upland, CA 91786-6064 UNITED STATES mike-pto@lozaip.com Phone:(626) 737-9086
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**Applicant Information**

Application No	86377359	Publication date	02/10/2015
Opposition Filing Date	04/13/2015	Opposition Period Ends	04/11/2015
Applicant	Karmic Labs, Inc 2525 Third Street San Francisco, CA 94123 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Magnetically encoded debit cards; downloadable software in the nature of a mobile application for conducting financial transactions; downloadable software to conduct electronic funds transfers and payment processing; downloadable software that provides alerts regarding balances, spending, loyalty rewards and offers, and companion card requests for money transfers; downloadable software that tracks debit card and other financial transactions</p>
<p>Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial services, namely, electronic bill payment, card-to-card transfers of funds, electronic remote check deposit services, and bank account management services; commercial financial management budgeting services; electronic funds transfer services; debit card services; online financial services, namely, banking services accessible by means of a downloadable mobile application</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing temporary use of online non-downloadable software to financial institutions to conduct financial transactions; providing temporary use of online non-downloadable software to financial institutions to track debit card and other finan-</p>

cial transactions
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## Grounds for Opposition

Priority and likelihood of confusion
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Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DASHCOIN, DSH, and DASH		
Goods/Services	a virtual currency and services associated therewith		

Attachments
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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	/michael fedrick/
Name	Michael Fedrick
Date	04/13/2015

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

The Dark Coin Foundation, Inc., an Arizona Corporation, Opposer,	)	
	)	Opposition No.:
v.	)	Mark: DASH
	)	Serial No.: 86/377,359
	)	
Karmic Labs, Inc., a Delaware Corporation, Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

To the Honorable Commissioner for Trademarks:

In the matter of Serial Number 86/377,359 for the mark DASH, filed August 26, 2014 and published for opposition on February 10, 2015 to Applicant, Karmic Labs, Inc., located at 2525 Third Street, San Francisco, California 94123; Opposer, The Dark Coin Foundation, Inc., an Arizona Corporation located at 1850 E. Innovation Park Dr. #100, Oro Valley, AZ 85755, believes that it will be damaged by the registration of the above-identified mark on the Principal Register and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. By the application herein opposed, Applicant seeks to register the mark DASH in connection with the following services:

International class 009: Magnetically encoded debit cards; downloadable software in the nature of a mobile application for conducting financial transactions; downloadable software to conduct electronic funds transfers and payment processing; downloadable software that provides alerts regarding balances, spending, loyalty rewards and offers, and companion card requests for money transfers; downloadable software that tracks debit card and other financial transactions.

International class 036: Financial services, namely, electronic bill payment, card-to-card transfers of funds, electronic remote check deposit services, and bank account management services; commercial financial management budgeting services; electronic funds transfer services; debit card services; online financial services, namely, banking services accessible by means of a downloadable mobile application.

International class 042: Financial services, namely, electronic bill payment, card-to-card transfers of funds, electronic remote check deposit services, and bank account management services; commercial financial management budgeting services; electronic funds transfer services; debit card services; online financial services, namely, banking services accessible by means of a downloadable mobile application.

2. The Applicant's application was filed August 26, 2014 under Trademark Act Section 1(b) and was published for opposition in the Official Gazette on February 10, 2015.

3. The word marks DASHCOIN, DSH, and DASH (collectively, "Opposer's Marks") have been used in commerce in connection with a virtual currency and services associated therewith by Opposer, The Dark Coin Foundation, Inc. ("Foundation")

**Prior Use: Opposer's Use in Commerce Predates Applicant's Priority Date**

4. At least as early as July 5, 2014, the Opposer began using the DASHCOIN and DSH trademarks. The Opposer's commercial use thus predates the filing date of the Applicant's application, which was filed on August 26, 2014. The Opposer has used its marks continuously from July 5, 2014 to the present.

5. Applicant filed its trademark application for DASH on August 26, 2014 under Trademark Act Section 1(b), after Opposer's first use.

6. Accordingly, Opposer is the senior user of at least the marks DASHCOIN and DSH in commerce in the United States.

7. Prior use is a ground for opposition of Applicant's mark pursuant to Section 2(d) of the Lanham Act, which indicates that a mark cannot have been previously used by another in connection with goods or services in a way which may cause confusion to consumers.

**Applicant's Mark is Confusingly Similar to Opposer's Mark**

8. The Applicant's applied-for mark, DASH, incorporates the dominant portion of Opposer's DASHCOIN mark, is substantially the same as Opposer's DSH mark, and is identical to Opposer's DASH mark.

9. The Applicant's goods in class 9 comprise debit cards and software for managing and conducting financial transactions. These goods are primarily used in connection with conducting

financial transactions. The Applicant's services in class 36 and class 42 likewise all relate to managing and conducting financial transactions.

10. The Opposer provides financial services, namely, providing a virtual currency for use by members of an on-line community via a global computer network. This virtual currency, like any currency, is used to transfer funds and conduct financial transactions.

11. The Applicant's mark so resembles Opposer's Marks as to be likely, when used in connection with the services provided by the Applicant, to cause confusion and to falsely suggest a connection between the applied-for goods and services of the Applicant and those of the Opposer. Accordingly, the registration sought by the Applicant should be refused.

WHEREFORE, Opposer deems that it is and will be damaged by the registration of Serial No. 86/377,359 and opposes the registration for the mark DASH as it relates to goods in International Class 009 and to services in International Classes 0036 and 0042, and prays that Applicant's mark may not be allowed to register.

Dated: April 13, 2015

Respectfully submitted,

**Loza & Loza, L.L.P.**

/Michael Fedrick/

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Attorney for Opposer, The Dark Coin Foundation, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant's Attorney of Record by depositing a copy thereof in the United States mail on April 13, 2015 via first-class mail, postage prepaid, in an envelope addressed as follows:

JON D. MARANS  
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/shirley hsu/

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