

ESTTA Tracking number: **ESTTA687640**

Filing date: **08/04/2015**

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	insightsoftware.com International
Granted to Date of previous extension	08/05/2015
Address	Ground Floor of Unit 8 Parklands Office Park, Southern Cross Wicklow, IRELAND
Correspondence information	Craig Neugeboren Neugeboren O'Dowd PC Suite 200 Boulder, CO 80302 UNITED STATES craig@neugeborenlaw.com Phone:7205364900

Applicant Information

Application No	86395090	Publication date	04/07/2015
Opposition Filing Date	08/04/2015	Opposition Period Ends	08/05/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	Hubble Connected Limited 2nd Floor, Grand Pavilion Commercial Ctr Grand Cayman, KY1-1003 CAYMAN ISLANDS		

Goods/Services Affected by Opposition

Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Electronic transmission and streaming of digital media content for others via global and local computer networks; electronic transmission and delivery of data, messages and information; providing audio, text and video broadcasting services over the Internet, computer and other communications networks; video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged videos of others; providing access to third party websites on the Internet via a universal login

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	common law trademark rights and likelihood of confusion

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4595850	Application Date	10/18/2013
Registration Date	09/02/2014	Foreign Priority Date	NONE
Word Mark	HUBBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2013/10/01 First Use In Commerce: 2014/01/30 Computer hardware and software for Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for providing summary and transaction information in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for budgeting, forecasting and data capture activities in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for reporting, ad hoc inquiry, data analytics, information dashboards and data output activities in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for notification and alerting in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software that provides real-time, integrated Business Intelligence (BI) by combining information from a single or variety of databases and presenting it in an easy-to-understand user interface in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for cloud hosted or on premise platforms or a hybrid of both in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for collaboration and process workflow in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for PC, tablet, phone and other mobile devices namely, software for use in database management in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems</p> <p>Class 042. First use: First Use: 2013/10/01 First Use In Commerce: 2014/01/30 Software as a service (SAAS) services featuring software for use in database management in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems</p>		

Attachments	86095360#TMSN.png(bytes) Notice of Opposition Final 86395090.pdf(1154462 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	/Craig Neugeboren/
Name	Craig Neugeboren
Date	08/04/2015

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

Insightsoftware.com International Opposer, v. Hubble Connected Limited Applicant	Application No. 86395090
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NOTICE OF OPPOSITION

Insightsoftware.com International ("Opposer"), is an Isle of Man Corporation having a place of business at Ground Floor of Unit 8, Parklands Office Park, Southern Cross, Wicklow Ireland and at 5613 DTC Parkway, Suite 950, Greenwood Village, CO 80111. Hubble Connected Limited ("Applicant"), is a Cayman Islands Corporation having an address at 2nd Floor, Grand Pavilion Commercial Center, 802 West Bay Road, P.O. Box 10338 Grand Cayman, Cayman Islands KY1-1003. Opposer believes that it is and/or will be damaged by the registration of Application No. 86395090 (the "Application"), and therefore requests the application be refused registration in whole.

As grounds for the Opposition, Opposer alleges that:

1. Application No. 86395090 was filed on September 15, 2014 for the mark HUBBLE including the following stylized elements (the “Applicant’s mark”) under filing basis 44(e).



2. Applicant’s mark was filed in International Class 38 under the following goods and services: Electronic transmission and streaming of digital media content for others via global and local computer networks; electronic transmission and delivery of data, messages and information; providing audio, text and video broadcasting services over the Internet, computer and other communications networks; video broadcasting services over the Internet or other communications networks featuring the uploaded, posted and tagged videos of others; providing access to third party websites on the Internet via a universal login.

3. Because the application was filed under Section 44(e), no first use date was stated in the application. Applicant’s foreign registration that forms the basis of this application was registered on March 28, 2014. Upon information and belief, Applicant had no use of the HUBBLE mark in the United States prior to March 28, 2014.

4. Opposer is in the business of providing access to both downloadable and online software for use in various aspects relating to database management, customer relationship management, including the electronic transmission and delivery of that data over the internet and other channels under the mark HUBBLE and various other versions and permutations of the

HUBBLE mark.

5. Opposer has offered products and services in support thereof under the HUBBLE mark continuously since at least as early as 2013.

6. Opposer is the owner of all right, title and interest in U.S. Trademark Registration No. 4,595,850 filed with the USPTO on October 18, 2013 and registered with the USPTO on September 2, 2014, for HUBBLE as well as various other common law marks (“the HUBBLE Marks”). Copies are attached hereto as Exhibit A.

7. Since well prior to Applicant’s priority date, Opposer has extensively and continuously used, advertised and promoted the HUBBLE marks for, *inter alia*, many of the goods and services listed in Applicant’s application.

8. Upon information and belief, Applicant made no valid use of the HUBBLE mark prior to the registration or first use of Opposer’s HUBBLE marks and Opposer has priority over Applicant for the use of the HUBBLE mark.

9. Applicant’s HUBBLE mark so resembles Opposer’s previously registered HUBBLE marks, that it will be likely to cause confusion, under the Trademark Act § 2(d), 15 U.S.C. § 1052(d), when used in connection with Applicant’s services.

10. Applicant’s HUBBLE mark so resembles Opposer's previously registered HUBBLE marks, that it will be likely, when used in connection with the Applicant’s services, to cause mistake, to deceive, and/or to dilute the Opposer’s HUBBLE marks, under the Trademark Act § 2(d), 15 U.S.C. § 1052(d).

11. In the alternative, the registration of Applicant's HUBBLE mark on the Principal Register would be inconsistent with Opposer's rights under its aforementioned registration and under the common law, and be damaging to Opposer.

WHEREFORE, Opposer requests that Application No. 86395090 be refused in whole, that judgment in favor of Opposer be entered, and that this Notice of Opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated: August 4, 2015

By: /Craig Neugeboren/
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Attorney for Opposer

Certificate of Service

I certify that on August 4, 2015 I had the attached document mailed via US Mail to the following address:

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BOSTON, MASSACHUSETTS 02110-4106
UNITED STATES

/ Craig Neugeboren/
Craig Neugeboren

United States of America

United States Patent and Trademark Office

HUBBLE

Reg. No. 4,595,850

Registered Sep. 2, 2014

Int. Cls.: 9 and 42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

INSIGHTSOFTWARE.COM INTERNATIONAL (ISLE OF MAN CORPORATION)
GROUND FLOOR OF UNIT 8
PARKLANDS OFFICE PARK, SOUTHERN CROSS
WICKLOW, IRELAND

FOR: COMPUTER HARDWARE AND SOFTWARE FOR ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR PROVIDING SUMMARY AND TRANSACTION INFORMATION IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR BUDGETING, FORECASTING AND DATA CAPTURE ACTIVITIES IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR REPORTING, AD HOC INQUIRY, DATA ANALYTICS, INFORMATION DASHBOARDS AND DATA OUTPUT ACTIVITIES IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR NOTIFICATION AND ALERTING IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE THAT PROVIDES REAL-TIME, INTEGRATED BUSINESS INTELLIGENCE (BI) BY COMBINING INFORMATION FROM A SINGLE OR VARIETY OF DATABASES AND PRESENTING IT IN AN EASY-TO-UNDERSTAND USER INTERFACE IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR CLOUD HOSTED OR ON PREMISE PLATFORMS OR A HYBRID OF BOTH IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR COLLABORATION AND PROCESS WORKFLOW IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS; COMPUTER HARDWARE AND SOFTWARE FOR PC, TABLET, PHONE AND OTHER MOBILE DEVICES NAMELY, SOFTWARE FOR USE IN DATABASE MANAGEMENT IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

Reg. No. 4,595,850 FIRST USE 10-1-2013; IN COMMERCE 1-30-2014.

FOR: SOFTWARE AS A SERVICE (SAAS) SERVICES FEATURING SOFTWARE FOR USE IN DATABASE MANAGEMENT IN THE FIELDS OF ENTERPRISE RESOURCE PLANNING (ERP), CUSTOMER RELATIONSHIP MANAGEMENT (CRM) AND RELATED CRITICAL BUSINESS SYSTEMS, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 10-1-2013; IN COMMERCE 1-30-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 86-095,360, FILED 10-18-2013.

ANNE E. GUSTASON, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Jul 29 03:20:58 EDT 2015

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

Please logout when you are done to release system resources allocated for you.

List At: OR to record: **Record 2 out of 2**

TSDR	ASSIGN Status	TTAB Status	(Use the "Back" button of the Internet Browser to return to TESS)
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HUBBLE

Word Mark HUBBLE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer hardware and software for Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for providing summary and transaction information in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for budgeting, forecasting and data capture activities in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for reporting, ad hoc inquiry, data analytics, information dashboards and data output activities in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for notification and alerting in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software that provides real-time, integrated Business Intelligence (BI) by combining information from a single or variety of databases and presenting it in an easy-to-understand user interface in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for cloud hosted or on premise platforms or a hybrid of both in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems; Computer hardware and software for collaboration and process workflow in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems. Computer hardware and software for PC, tablet, phone and other mobile devices namely, software for use in database management in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems. FIRST USE: 20131001. FIRST USE IN COMMERCE: 20140130

IC 042. US 100 101. G & S: Software as a service (SAAS) services featuring software for use in database management in the fields of Enterprise Resource Planning (ERP), Customer Relationship Management (CRM) and related critical business systems. FIRST USE: 20131001. FIRST USE IN COMMERCE:

20140130

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86095360

Filing Date October 18, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition June 17, 2014

Registration Number 4595850

International Registration Number 1202319

Registration Date September 2, 2014

Owner (REGISTRANT) **insightsoftware.com** International CORPORATION ISLE OF MAN Ground Floor of Unit 8 Parklands Office Park, Southern Cross Wicklow IRELAND

Attorney of Record Craig Neugeboren

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					