

ESTTA Tracking number: **ESTTA689087**

Filing date: **08/12/2015**

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	Content Guru Limited
Granted to Date of previous extension	08/12/2015
Address	Eastern RoadRadius Court Bracknell, Berkshire, RG122UP UNITED KINGDOM

Attorney information	Janet F. Satterthwaite Venable LLP PO Box 34385 Washington, DC 20043-9998 UNITED STATES jfsatterthwaite@venable.com,pjwyles@venable.com,trademarkdocket@venable.com Phone:202-344-4974
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Applicant Information

Application No	86328428	Publication date	04/14/2015
Opposition Filing Date	08/12/2015	Opposition Period Ends	08/12/2015
Applicant	Twitter, Inc. 1355 Market Street, Suite 900 San Francisco, CA 94103 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Telecommunications services, namely, providing online and telecommunication facilities for real-time interaction between and among users of computers, mobile and handheld computers, and wired and wireless communication devices; enabling individuals to send and receive text, audio, video and other data via email, SMS, mobile application, instant messaging ora website; providing online chat rooms and electronic bulletin boards for transmission of text, audio, video and other data among users in the field of generalinterest; providing an online communityforum for users to share information, photos, audio, video and other data; transmission of messages; electronic messagesending, receiving and forwarding; virtual chat rooms established via electronic messaging and text messaging; providing online forums for transmission of messages among computer users; electronic transmission of data; electronic transmission of streamed audio and video files via computer and communications networks; electronic transmission of downloadable audio and video files via a computer andcommunications networks; transmission of messages, data and content via a global computer network and other computer and communications networks</p>
<p>Class 041. First Use: 0 First Use In Commerce: 0</p>

All goods and services in the class are opposed, namely: Providing online journals, namely, blogs featuring user-defined content; providing information and news relating to a wide variety of topics in the fields of entertainment, sports, fashion, education, entertainment and sports hobbies, recreation, training, celebrity, culture, namely, entertainment, sports and popular culture, current events news and blogging via the internet and other communications networks; providing a website featuring blogs and non-downloadable text, video and audio files; providing a searchable online database featuring entertainment and sports information; providing a website featuring user-generated blogs featuring information related to the latest stories, ideas, opinions, news and to information of personal interest; providing real-time information relating to the latest stories, ideas, opinions, news and to information of personal interest in the fields of entertainment, sports, fashion, education, entertainment and sports hobbies, recreation, training, celebrity, culture, namely, entertainment, sports and popular culture, current events news and blogging via the internet and other communications networks

Class 045. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Online social networking services; providing a website on the internet for the purpose of social networking; providing computer databases and searchable databases in the field of social networking; social networking services provided through a global telecommunications network; social networking services provided via the internet and other communications networks; social networking services provided via web pages, mobile applications, and data feeds; providing a social networking website for entertainment purposes; providing user authentication services in e-commerce transactions; computer security services, in the nature of providing authentication, issuance, validation and revocation of digital certificates and monitoring of computer systems for security purposes

Grounds for Opposition

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

U.S. Application No.	77544841	Application Date	08/12/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	STORM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Computer hardware, middleware and software to enable the hosting and management of telecommunications services; computer software for telecommunications hosting and management systems; multiple caller processing and management software and systems, namely, computer software and hardware for managing and controlling call centre operations; customer relations management software and systems, namely, computer software and hardware for managing and controlling call centre operations; interactive voice response systems comprising computer hardware and operating and applications software for fixed and mobile communications; computerised telephony software; computer software</p>		

	<p>and telecommunications apparatus to enable connection to databases and the Internet, namely, telecommunications exchange software and hardware</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0</p> <p>Telecommunications services, namely, transmission of webcasts and TV broadcasts; telecommunications gateway services, namely, provision of telecommunication links to TV and media entertainment broadcasts and internet broadcasts; network communication services, namely, transmission of voice, audio, and visual images and data by telecommunications networks, the Internet, information services networks and data networks; providing telecommunications and communications connections to multiple caller processing software and systems, multiple caller management software and systems, and customer relations management software and systems; hosting and management of telecommunications services, namely, call forwarding services; provision of unified electronic messaging services, audio conferencing and facsimile transmission</p>
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Attachments	<p>77544841#TMSN.png(bytes)</p> <p>Notice of Opposition Tweetstorm.pdf(92187 bytes)</p>
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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	/Janet F. Satterthwaite/
Name	Janet F. Satterthwaite
Date	08/12/2015

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

Content Guru Limited)	
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Opposer,)	
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v.)	Opposition No.
)	
)	Serial No: 86328428
)	
Twitter, Inc.)	
)	
Applicant.)	
)	

Atty Ref. No.:

BOX: TTAB FEE

NOTICE OF OPPOSITION

In the matter of the applications for registration of the trademark of Twitter, Inc., Application Serial No. 86328428, published for opposition in the Official Gazette on April 14, 2015, Opposer, Content Guru Limited, a United Kingdom company located at Eastern Road, Radius Court, Bracknell, Berkshire, United Kingdom RG122UP believes that it will be damaged by registration of the mark shown in said Application and hereby opposes the same.

As grounds in support of this opposition, Opposer asserts the following:

1. Opposer Content Guru Limited provides computer hardware and software, and related services, in the field of telecommunications. Under the trademark STORM, Opposer provides the world’s largest communications integration platform.

2. Opposer is the owner of allowed, intent-to-use based U.S. Application Serial No. 77544841, filed August 12, 2008, for the mark STORM (“Opposer’s STORM application”) for

Computer hardware, middleware and software to enable the hosting and management of telecommunications services; computer software for telecommunications hosting and management systems; multiple caller processing and management software and systems, namely, computer software and hardware for managing and controlling call centre operations; customer relations management software and systems, namely, computer software and hardware for managing and controlling call centre operations; interactive voice response systems comprising computer hardware and operating and applications software for fixed and mobile communications; computerised telephony software; computer software and telecommunications apparatus to enable connection to databases and the Internet, namely, telecommunications exchange software and hardware; and Telecommunications services, namely, transmission of webcasts and TV broadcasts; telecommunications gateway services, namely, provision of telecommunication links to TV and media entertainment broadcasts and internet broadcasts; network communication services, namely, transmission of voice, audio, and visual images and data by telecommunications networks, the Internet, information services networks and data networks; providing telecommunications and communications connections to multiple caller processing software and systems, multiple caller management software and systems, and customer relations management software and systems; hosting and management of telecommunications services, namely, call forwarding services; provision of unified electronic messaging services, audio conferencing and facsimile transmission.

3. Opposer has marketed and sold its STORM goods and services in the United States since before Applicant's filing date.

4. The subject application No. 86328428 for TWEETSTORM was filed on July 3, 2014, based on intent to use and covers: Telecommunications services, namely, providing online

and telecommunication facilities for real-time interaction between and among users of computers, mobile and handheld computers, and wired and wireless communication devices; enabling individuals to send and receive text, audio, video and other data via email, SMS, mobile application, instant messaging or a website; providing online chat rooms and electronic bulletin boards for transmission of text, audio, video and other data among users in the field of general interest; providing an online community forum for users to share information, photos, audio, video and other data; transmission of messages; electronic message sending, receiving and forwarding; virtual chat rooms established via electronic messaging and text messaging; providing online forums for transmission of messages among computer users; electronic transmission of data; electronic transmission of streamed audio and video files via computer and communications networks; electronic transmission of downloadable audio and video files via a computer and communications networks; transmission of messages, data and content via a global computer network and other computer and communications networks; Providing online journals, namely, blogs featuring user-defined content; providing information and news relating to a wide variety of topics in the fields of entertainment, sports, fashion, education, entertainment and sports hobbies, recreation, training, celebrity, culture, namely, entertainment, sports and popular culture, current events news and blogging via the internet and other communications networks; providing a website featuring blogs and non-downloadable text, video and audio files; providing a searchable online database featuring entertainment and sports information; providing a website featuring user-generated blogs featuring information related to the latest stories, ideas, opinions, news and to information of personal interest; providing real-time information relating to the latest stories, ideas, opinions, news and to information of personal interest in the fields of entertainment, sports, fashion, education, entertainment and sports hobbies, recreation, training,

celebrity, culture, namely, entertainment, sports and popular culture, current events news and blogging via the internet and other communications networks; Online social networking services; providing a website on the internet for the purpose of social networking; providing computer databases and searchable databases in the field of social networking; social networking services provided through a global telecommunications network; social networking services provided via the internet and other communications networks; social networking services provided via web pages, mobile applications, and data feeds; providing a social networking website for entertainment purposes; providing user authentication services in e-commerce transactions; computer security services, in the nature of providing authentication, issuance, validation and revocation of digital certificates and monitoring of computer systems for security purposes.

5. On information and belief, Applicant did not use its mark before July 3, 2014.

6. If Opposer's STORM application should mature to registration, then the first use date on which Opposer may rely in the United States based on this registration will be long prior to July 3, 2014.

7. Furthermore, Opposer's use of its mark in commerce also predates July 3, 2014.

8. On information and belief, the first use date on which Opposer may rely in the United States is prior to any date that can be relied on by the Applicant.

9. Opposer will be injured if the subject application is registered because the mark that is the subject of the application is so similar to Opposer's mark as to be likely to cause confusion as to the source or sponsorship by Opposer of Applicant's goods and services.

Please deduct the opposition fees from Deposit Account 22-0261.

Please address correspondence to Janet F. Satterthwaite of Venable, LLP, P.O. Box 34385, Washington, D.C. 20045-9998.

Respectfully submitted,

Content Guru Limited

A handwritten signature in black ink, appearing to read "Janet Satterthwaite". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dated: August 12, 2015

By: _____

Janet F. Satterthwaite

VENABLE LLP

P.O. Box 34385

Washington, D.C. 20043-9998

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of August, 2015, I caused a copy of the foregoing Notice of Opposition to be served by first class mail to Applicant's counsel of record:

KAREN A. WEBB
FENWICK & WEST LLP
801 CALIFORNIA ST
MOUNTAIN VIEW, CALIFORNIA 94041-1990

A handwritten signature in black ink, appearing to read "Janet Satterthwaite". The signature is fluid and cursive, with a large initial "J" and a long horizontal flourish at the end.

Janet F. Satterthwaite