

ESTTA Tracking number: **ESTTA698647**

Filing date: **09/28/2015**

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	eOriginal, Inc.
Granted to Date of previous extension	09/26/2015
Address	351 W. Camden Street, Suite 800 Baltimore, MD 21201 UNITED STATES

Attorney information	Royal W. Craig Ober, Kaler, Grimes & Shriver, a professional corporation 100 Light Street Baltimore, MD 21202 UNITED STATES rwcraig@ober.com
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Applicant Information

Application No	86508475	Publication date	07/28/2015
Opposition Filing Date	09/28/2015	Opposition Period Ends	09/26/2015
Applicant	Kore Inc. Suite 430 Orlando, FL 32819 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: Downloadable software for secure messaging and data transfer using instant messaging and email systems, and for secure data management; Enterprise-grade messaging computer software platform for communication, collaboration and commerce between people, teams, business and systems; Computer software platform for business messaging and execution of business processes, thus enhancing productivity</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing a website featuring technology that allows secure data management; Software as a service (SAAS) services featuring software platform for business messaging and execution of business processes, thus enhancing productivity</p>

Applicant Information

Application No	86508491	Publication date	07/28/2015
Opposition Filing Date	09/28/2015	Opposition Period Ends	
Applicant	Kore Inc.		

	Suite 430 Orlando, FL 32819 UNITED STATES
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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: Downloadable software for secure messaging and data transfer using instant messaging and email systems, and for secure data management; Enterprise-grade messaging computer software platform for communication, collaboration and commerce between people, teams, business and systems; Computer software platform for business messaging and execution of business processes, thus enhancing productivity</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing a website featuring technology that allows secure data management; Software as a service (SAAS) services featuring software platform for business messaging and execution of business processes, thus enhancing productivity</p>

Applicant Information

Application No	86508548	Publication date	07/28/2015
Opposition Filing Date	09/28/2015	Opposition Period Ends	
Applicant	Kore Inc. Suite 430 Orlando, FL 32819 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: Downloadable software for secure messaging and data transfer using instant messaging and email systems, and for secure data management; Enterprise-grade messaging computer software platform for communication, collaboration and commerce between people, teams, business and systems; Computer software platform for business messaging and execution of business processes, thus enhancing productivity</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing a website featuring technology that allows secure data management; Software as a service (SAAS) services featuring software platform for business messaging and execution of business processes, thus enhancing productivity</p>

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. Registration No.	3609427	Application Date	07/16/2007
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	ECORE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2008/07/15 First Use In Commerce: 2008/07/15 Computer software for the electronic transmission, storage, transfer, retrieval and destruction, of authenticated information objects using sophisticated cryptographic technology</p> <p>Class 038. First use: First Use: 2008/10/15 First Use In Commerce: 2008/10/15 Electronic transmission of authenticated information objects using sophisticated cryptographic technology</p> <p>Class 039. First use: First Use: 2008/10/15 First Use In Commerce: 2008/10/15 Electronic storage of authenticated information objects using sophisticated cryptographic technology</p>

Attachments	77230112#TMSN.png(bytes) eOriginal_Notice_of_Opposition_KORE_final.pdf(98628 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/Royal W Craig/
Name	Royal W. Craig
Date	09/28/2015

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

eORIGINAL, INC.

Opposer,

v.

KORE INC.

Applicant.

In re Application Serial Nos. 86/508,475
86/508,491
86/508,548

Marks: KORE
kore
kore (& Design)

Published: July 28,2015

Opposition No.: _____

NOTICE OF OPPOSITION

Responsive to the publication of the above-identified marks on July 28, 2015, and within the time period for filing an Opposition, interested party eOriginal, Inc. (“Opposer”), respectfully requests an Opposition Proceeding. Opposer is a corporation organized and existing under the laws of Maryland, having its principal place of business at 351 W. Camden Street, Suite 800, Baltimore, Maryland 21201. Opposer has a bona fide belief that it would be harmed by the registration of the captioned marks on the Principal Register. The Commissioner is hereby authorized to charge the filing fee of \$1800.00 (or any fee necessary for timely entry of the Notice of Opposition) to the Deposit Account No. 503391 and post the following as the attorney docket number: 030538.098439.

Opposer believes that it would be damaged by the registration of the text mark shown in U.S. Trademark Applications Serial No. 86/508,475 and Serial No. 86/508,491 and /or the design mark as shown in the U.S. Trademark Application Serial No. 86/508,548, all filed by

KORE INC. (“Applicant”), and all incorporating the word “KORE” (collectively, “Applicant’s KORE marks”). Opposer requests joinder of the oppositions to all three applications in a consolidated opposition under 37 C.F.R. 2.104(a), the consolidated fee of \$1800.00 in accordance with 37CFR 2.6(a)(17) provided herewith.

As grounds in support of its Opposition, Opposer asserts as follows:

1. Opposer is the owner of U.S. Trademark Registration 3,609,427 (the “Opposer’s Mark”) which is detailed as:

Mark	Registration No. / Registration Date	Goods/International Class
ECORE	3,609,427 21 April 2009	Computer software for the electronic transmission, storage, transfer, retrieval and destruction, of authenticated information objects using sophisticated cryptographic technology - International Class 009 (<i>Electrical and scientific apparatus</i>) Electronic transmission of authenticated information objects using sophisticated cryptographic technology - International Class 038 (<i>Telecommunications</i>) Electronic storage of authenticated information objects using sophisticated cryptographic technology - International Class 039 (<i>Transportation and storage</i>)

2. Opposer has been using its Mark Ecore® since at least July 15, 2008 in IC Class 009 and as early as October 15, 2008 for IC Classes 038 & 039. Since those times Opposer has continuously and consistently used its Mark in association with Class 009 for a computer software platform that provides a secure document vaulting and electronic signing solution, and in association with classes 038 and 039 for encrypted transmission and storage of documents, respectively. Opposer’s use in commerce and in interstate commerce predates the filing of Applicant’s Marks, all of which were filed based on an intention-to-use. Since 2008 Opposer has expended considerable time, effort, and money toward advertising and promoting

the sale of its services under the Opposer's Mark nationally and internationally. Opposer's advertising and promotion of goods and services under the Opposer's Mark has become symbolic of the extensive good will and consumer recognition the Opposer has established through its substantial expenditures over many years. As a result of Opposer's longstanding, continuous, extensive and well-publicized use, consumers associate Opposer's Mark with Opposer and its goods and services.

3. Applicant's KORE marks as shown in U.S. Trademark Applications Serial No. 86/508,475; 86/508,491 and 86,508,548, are intended to be used for *Downloadable software for secure messaging and data transfer using instant messaging and email systems, and for secure data management; Enterprise-grade messaging computer software platform for communication, collaboration and commerce between people, teams, business and systems; Computer software platform for business messaging and execution of business processes, thus enhancing productivity (IC009)* and *(Providing a website featuring technology that allows secure data management; Software as a service (SAAS) services featuring software platform for business messaging and execution of business processes, thus enhancing productivity (IC042))*.

Applicant's recitations are similar to Opposer's in Class 009, 038 and 039, create a significant potential for overlap among the same classes of consumers, and are likely to cause confusion with Opposer's mark.

4. Applicant's KORE marks are nearly identical to Opposer's Mark in sound, connotation and commercial impression. The goods and services of Applicant are overly broad and therefore highly related to the goods and services of Opposer in the field of software and encrypted electronic document and data transmission. Applicant's three (3) applications for and

any use of Applicant's KORE marks are without the consent, authorization or license of Opposer.

5. Opposer has a bona fide belief that confusion would result in a loss of market share and other harm. Consequently, registration of the Applicant's KORE marks on the Principal Register should be denied. Opposer has a bona fide belief that registration of Applicant's KORE marks will damage Opposer by conferring legitimacy on Applicant's use of its marks and usurping Opposer's goodwill built over years, all in violation of Opposer's superior rights, and in detriment to Opposer.

WHEREFORE, Opposer prays that Applications Serial Nos. 86/508,475; 86/508,491 and 86/508,548 be refused, that no registrations for the Applicant's Marks be issued to Applicant, and that this Opposition be granted in favor of Opposer.

Date: September 28, 2015

Respectfully submitted,



Royal W. Craig, Reg. No. 34,145
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A Professional Corporation
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

EORIGINAL, INC.

Opposer,

v.

KORE INC.

Applicant.

Opposition No.: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition has been served on the following parties by mailing said copy via Express Mail to Applicant at its correspondence address of record:

Michael J. Mlotkowski
Roberts Mlotkowski Safran & Cole, P.C.
7918 Jones Branch Drive, Ste 500
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EM 551689177 US



Royal W. Craig