ESTTA Tracking number: **ESTTA713135**
Filing date: **12/07/2015**

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

Proceeding	91224132
Party	Plaintiff eHarmony, Inc.
Correspondence Address	LISA GREENWALD SWIRE FISH & RICHARDSON PC P O BOX 1022 MINNEAPOLIS, MN 55440-1022 UNITED STATES tmdoctc@fr.com, TrademarkGroup-SV@fr.com
Submission	Motion for Default Judgment
Filer's Name	Michelle M. Parsons
Filer's e-mail	mparsons@fr.com
Signature	/Michelle M. Parsons/
Date	12/07/2015
Attachments	eHarmony - Harmony Girl - MDJ (v02).pdf(1222141 bytes)

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

In the matter of Application Serial No. 86/497,265
Filed January 7, 2015
For the mark **HARMONY GIRL**
Published in the *Official Gazette* on June 2, 2015

eHarmony, Inc., Opposer, v. Kathleen Kvalvik, Applicant.	Opposition No.: 91224132 **MOTION FOR DEFAULT JUDGMENT**

Opposer, eHarmony, Inc. ("Opposer") respectfully requests that the Trademark Trial and Appeal Board (T.T.A.B.) enter a Judgment of Default against Applicant pursuant to Rule 55(a) of the Federal Rules of Civil Procedure (F.R.C.P.) and Section 2.106(a) of the Code of Federal Regulations (C.F.R.) on the grounds that Applicant has failed to file a timely Answer in this matter.

F.R.C.P. 55(a) provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Likewise, 37 C.F.R. § 2.106(a) provides that "[i]f no answer is filed within the time set, the opposition may be decided as in case of default."

Opposer filed and served the Notice of Opposition on September 30, 2015. The T.T.A.B. mailed the Scheduling Order on September 30, 2015, and set November 9, 2015, as the deadline

to file and serve an Answer. Annexed hereto as **Exhibit A** are true and correct copies of the T.T.A.B.'s September 30, 2015 correspondence.

Despite the T.T.A.B.'s September 30, 2015 mail and email correspondence, Applicant did not file and serve an Answer until November 16, 2015, more than *forty-seven* days later, and one week after the T.T.A.B.'s imposed deadline to file an Answer.

Applicant, having failed to file a timely Answer, has conceded the truth of the claims made in the Opposition. Therefore, pursuant to F.R.C.P. 55(a) and 37 C.F.R. § 2.106(a), a Judgment by Default may be entered.

Opposer pre-empted the issuance of a notice of default and appended its Answer with correspondence entitled Applicant's Explanation of the Late Filing of Applicant's Answers.

Applicant claims that it did not receive, or cannot locate, email correspondence from the T.T.A.B. with the Scheduling Order and, therefore, its default was "neither intentional nor as a result of our office's negligence or lack of due diligence." Pursuant to F.R.C.P. 55(c), the standard for setting aside a default judgment is the showing of good cause why default judgment should not be entered against it. Here, Applicant claims that its good cause was that the T.T.A.B. and/or its office's mail server was deficient. Even if the T.T.A.B. were to give deference to this claim in the interest of deciding the case of the merits, there is evidence of both Applicant's gross negligence and willful conduct.

Applicant claims that it anticipated receiving correspondence from the T.T.A.B. setting forth the time to Answer, but it lacked knowledge as to the location of the e-mail copy of that correspondence, so it did not comply with the T.T.A.B.'s deadline is grossly negligent conduct. By its own admission, Applicant was aware of the filing of the Opposition. Further, Opposer communicated with Applicant regularly in the days leading up to the filing of the Opposition –

even requesting Applicant's consent for an extension of time to file the Opposition to allow time to continue settlement discussions; Applicant did not consent. Opposer further followed-up with Applicant the day after the Opposition was filed, and notified Applicant of the filing. Annexed hereto as **Exhibit B** are true and correct copies of this correspondence between Opposer and Applicant. Further, this dispute was not new information to Applicant; it had been ongoing since February 24, 2015, when Opposer first sent notice to Applicant of its prior rights. Applicant confirmed receipt of this notice and responded to Opposer on March 20, 2015. Settlement discussions continued from February 24, 2015 until the filing of the Opposition on September 30, 2015. Applicant should have been tracking this dispute on its docket for some time and not been subject to the multiple failures in receipt and knowledge that it claims in its correspondence. Annexed hereto as **Exhibit C** are true and correct copies of the February 24, 2015 and March 20, 2015 letters between Opposer and Applicant. Therefore, Applicant, who was duly represented by counsel, was actively engaged in settlement discussions, had declined Opposer's request to extend the deadlines, and was on notice of the Opposition *at least as early as* October 1, 2015, was grossly negligent in not filing a timely Answer by the November 9, 2015 deadline.

Applicant's actions in not filing a timely Answer were also willful. As identified in Applicant's Answer, the Answer was finalized and executed on November 13, 2015. In preparing its Answer, Applicant had to review the Opposition and/or the T.T.A.B. record and by that time would have had knowledge of the November 9, 2015 deadline. Nevertheless, Applicant waited until November 16, 2015, three (3) additional days, before it filed its Answer; therefore, willfully delaying its filing.

Finally, Applicant claims that it did not receive and/or cannot locate the email correspondence from the T.T.A.B. with the Scheduling Order. Applicant does not address a lack of receipt of the written correspondence from the T.T.A.B. with the Scheduling Order. Therefore, Applicant did not provide good cause as to why default judgment should not be entered against it, when it did not act in accordance with the deadline identified in the mailed Scheduling Order. If Applicant intended to claim that *both* the email and the mail correspondence were misplaced, and it had no procedures in place to docket a deadline when it was admittedly aware of a filed Opposition, gross negligence must be found and good cause must be rejected.

Applicant has failed to file a timely Answer and failed to show good cause as to why default judgment should not be entered against it. Therefore, pursuant to F.R.C.P. 55(a) and 37 C.F.R. § 2.106(a), Opposer respectfully requests that a Judgment by Default be entered against Applicant.

Respectfully submitted,

Date December 7, 2015

Lisa Greenwald-Swire, Esq.
FISH & RICHARDSON P.C.
P.O. Box 1022
Minneapolis, MN 55402-1022
tmdoctc@fr.com; trademarkgroup-sv@fr.com

ATTORNEY FOR
Opposer eHarmony, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certified that a true and complete copy of the foregoing Motion for Default Judgment has been served this _7_ day of December 2015, by mailing said copy via First Class Mail postage prepaid, to the below-identified Applicant/Attorney at his/her place of business:

DAVID P. BEICHTMAN
Beitchman & Zekian P C
16130 Ventura Blvd Ste 570
Encino, CALIFORNIA 91436-2581
UNITED STATES

Counsel for Applicant

Margaret M. Trevino

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451
General Contact Number: 571-272-8500

Mailed: September 30, 2015

Opposition No. 91224132
Serial No. 86497265

DAVID P. BEITCHMAN
Beitchman & Zekian P C
16130 Ventura Blvd Ste 570
Encino, CA 91436-2581

eHarmony, Inc.

v.

Kathleen Kvalvik

Lisa Greenwald-Swire
Fish & Richardson, P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

ESTTA699367

The opposer (plaintiff) identified above has filed a notice of opposition to the registration sought by the above-identified application filed by applicant (defendant). Opposer has certified that it served a copy of the notice of opposition on applicant, or its attorney or domestic representative of record, as required by Trademark Rule 2.101(a). The electronic version of the notice of opposition, and of the entire proceeding, is viewable on the Board's web page via the TTABVUE link: **http://ttabvue.uspto.gov/ttabvue/v?qs=91224132**.

APPLICANT MUST FILE AND SERVE ANSWER

As required in the schedule set forth below, **applicant must file an answer within forty (40) days from the mailing date of this order.** (For guidance regarding when a deadline falls on a Saturday, Sunday or federal holiday, *see* Trademark Rule 2.196.) Applicant's answer must comply with Fed. R. Civ. P. 8(b), must contain admissions or denials of the allegations in the notice of opposition, and may include available defenses and counterclaims. For guidance regarding the form and content of an answer, *see* Trademark Rule 2.106(b), and TBMP §§ 311.01

and 311.02. Failure to file a timely answer may result in entry of default judgment and the abandonment of the application.

SERVICE OF ANSWER AND OF ALL FILINGS

The answer, and **all** other filings in this proceeding, **must** be served in a manner specified in Trademark Rule 2.119(b), and **must** include proof of service. For guidance regarding the service and signing of all filings, *see* TBMP §§ 113-113.04. As noted in TBMP § 113.03, proof of service should be in the following certificate of service form:

> *I hereby certify that a true and complete copy of the foregoing (insert title of submission) has been served on (insert name of opposing counsel or party) by mailing said copy on (insert date of mailing), via First Class Mail, postage prepaid (or insert other appropriate method of delivery) to: (set out name and address of opposing counsel or party).*
>
> *Signature*_____
> *Date*_____

The parties may agree to forward service copies by electronic transmission, *e.g.*, e-mail. *See* Trademark Rule 2.119(b)(6) and TBMP §113.04. Pursuant to Trademark Rule 2.119(c), however, five additional days are afforded only to actions taken in response to papers served by first-class mail, "Express Mail," or overnight courier, not by electronic transmission.

LEGAL RESOURCES AVAILABLE AT WEB PAGE

Proceedings will be conducted in accordance with the Trademark Rules of Practice, set forth in Title 37, part 2, of the Code of Federal Regulations. These rules, as well as amendments thereto, the Manual of Procedure (TBMP), information on Accelerated Case Resolution (ACR) and Alternative Dispute Resolution (ADR), and many Frequently Asked Questions, are available on the Board's web page, at: http://www.uspto.gov/trademarks/process/appeal/index.jsp. For a general description of Board proceedings, *see* TBMP §102.03.

FILING PAPERS ONLINE

The link to the Board's electronic filing system, ESTTA (Electronic System for Trademark Trials and Appeals), is at the Board's web page, at: http://estta.uspto.gov/. The Board **strongly encourages parties to use ESTTA** for all filings. ESTTA provides various electronic filing forms; some may be used as is, and others may require attachments. For technical difficulties with ESTTA, parties may call 571-272-8500. Due to potential technical issues, parties should not wait until the last date of a deadline for filing papers. The Board may decline to consider any untimely filing.

OPPOSER'S OBLIGATION IF SERVICE IS INEFFECTIVE

If a service copy of the notice of opposition is returned to opposer as undeliverable or opposer otherwise becomes aware that service has been ineffective, opposer must notify the Board in writing within ten (10) days of the date on which opposer learns that service has been ineffective. Notification to the Board may be provided by any means available for filing papers with the Board, but preferably should be provided **by written notice filed through ESTTA**. For guidance regarding notice of ineffective service, *see* Trademark Rule 2.101(b) and TBMP § 309.02(c)(1).

While opposer is under no obligation to search for current correspondence address information for, or investigate the whereabouts of, any applicant opposer is unable to serve, if opposer knows of any new address information for the applicant, opposer must report the address to the Board. If an opposer notifies the Board that a service copy sent to an applicant was returned or not delivered, including any case in which the notification includes a new address for the applicant discovered by or reported to opposer, the Board will give notice under Trademark Rule 2.118.

FORMAT FOR ALL FILINGS

Trademark Rule 2.126 sets forth the required form and format for all filings. The Board may **decline to consider** any filing that does not comply with this rule, including, but not limited to motions, briefs, exhibits and deposition transcripts.

CONFERENCE, DISCOVERY, DISCLOSURE AND TRIAL SCHEDULE

Time to Answer	11/9/2015
Deadline for Discovery Conference	12/9/2015
Discovery Opens	12/9/2015
Initial Disclosures Due	1/8/2016
Expert Disclosures Due	5/7/2016
Discovery Closes	6/6/2016
Plaintiff's Pretrial Disclosures	7/21/2016
Plaintiff's 30-day Trial Period Ends	9/4/2016
Defendant's Pretrial Disclosures	9/19/2016
Defendant's 30-day Trial Period Ends	11/3/2016
Plaintiff's Rebuttal Disclosures	11/18/2016
Plaintiff's 15-day Rebuttal Period Ends	12/18/2016

PARTIES ARE REQUIRED TO HOLD DISCOVERY CONFERENCE

As noted in the schedule above, the parties are required to schedule and to participate with each other in a discovery conference by the deadline in the schedule. For guidance, *see* Fed. R. Civ. P. 26(f), Trademark Rule 2.120(a)(2), and TBMP § 401.01. In the conference, the parties are required to discuss (1) the nature of and basis for their respective claims and defenses, (2) the possibility of settling or

at least narrowing the scope of claims or defenses, and (3) arrangements for disclosures, discovery and introduction of evidence at trial, if the parties are unable to settle at this time.

Discussion of amendments of otherwise prescribed procedures can include limitations on disclosures and/or discovery, willingness to stipulate to facts, and willingness to stipulate to more efficient options for introducing at trial information or materials obtained through disclosures or discovery.

The parties must hold the conference in person, by telephone, or by any means on which they agree. A Board interlocutory attorney or administrative trademark judge will participate in the conference, upon request of any party, provided that such request is made no later than ten (10) days prior to the conference deadline. *See* Trademark Rule 2.120(a)(2). A request for Board participation must be made either through an ESTTA filing, or by telephone call to the assigned interlocutory attorney whose name is on the TTABVUE record for this proceeding. A party should request Board participation only after the parties have agreed on possible dates and times for the conference. A conference with the participation of a Board attorney will be by telephone, and the parties shall place the call at the agreed date and time, in the absence of other arrangements made with the Board attorney.

PROTECTIVE ORDER FOR CONFIDENTIAL INFORMATION

The Board's Standard Protective Order is applicable, and is available at: http://www.uspto.gov/trademarks/process/appeal/guidelines/stndagmnt.jsp. During their conference, the parties should discuss whether they agree to supplement or amend the standard order, or substitute a protective agreement of their choosing, subject to approval by the Board. *See* Trademark Rule 2.116(g) and TBMP § 412. The standard order does not automatically protect a party's confidential information and its provisions for the designation of confidential information must be utilized as needed by the parties.

ACCELERATED CASE RESOLUTION

During their conference, the parties should discuss whether they wish to seek mediation or arbitration, and whether they can stipulate to follow the Board's Accelerated Case Resolution (ACR) process for a more efficient and economical means of obtaining the Board's determination of the proceeding. For guidance regarding ACR, *see* TBMP § 528. Detailed information on ACR, and examples of ACR cases and suggestions, are available at the Board's webpage, at: http://www.uspto.gov/trademarks/process/appeal/index.jsp.

DISCOVERY AND INTERLOCUTORY PROCEDURES

For guidance regarding discovery, *see* Trademark Rule 2.120 and TBMP Chapter 400, regarding the deadline for and contents of initial disclosures, *see* Trademark Rule 2.120(a)(2) and TBMP § 401.02, and regarding the discoverability of various

matters, *see* TBMP § 414. Certain provisions of Fed. R. Civ. P. 26 are applicable in modified form. The interlocutory attorney has discretion to require the parties, or to grant a request made by one or both parties, to resolve matters of concern to the Board, or a contested motion, by telephone conference. *See* Trademark Rule 2.120(i)(1) and TBMP § 502.06(a).

TRIAL

For guidance regarding trial and testimony procedures, *see* Trademark Rules 2.121, 2.123 and 2.125, as well as TBMP Chapter 700. The parties should review authorities regarding the introduction of evidence during the trial phase, including by notice of reliance and by taking testimony from witnesses. For instance, any notice of reliance must be filed during the filing party's assigned testimony period, with a copy served on all other parties, and any testimony of a witness must be both noticed and taken during the party's testimony period. A party that has taken testimony must serve on each adverse party a copy of the transcript of such testimony, together with copies of any exhibits introduced during the testimony, within thirty (30) days after completion of the testimony deposition.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing is not required, but will be scheduled upon request of any party, pursuant to Trademark Rule 2.129. For guidance regarding briefing and an oral hearing, *see* TBMP §§ 801-802.

PARTIES NOT REPRESENTED BY COUNSEL

This proceeding is similar to a civil action in a federal district court. The Board **strongly** advises all parties to secure the services of an attorney who is familiar with trademark law and Board procedure. Strict compliance with the Trademark Rules of Practice and, where applicable, the Federal Rules of Civil Procedure, is required of all parties, whether or not they are represented by counsel. Parties not represented by such an attorney are directed to read the Frequently Asked Questions, available at the Board's web page: http://www.uspto.gov/trademarks/process/appeal/index.jsp.

PARTIES MUST NOTIFY BOARD OF OTHER PENDING ACTIONS

If the parties are, or during the pendency of this proceeding become, parties in another Board proceeding or a civil action involving the same or related marks, or involving any issues of law or fact which are also in this proceeding, they shall notify the Board immediately, so the Board can consider whether consolidation and/or suspension of proceedings is appropriate. *See* TBMP § 511.

From: ESTTA@USPTO.GOV
Sent: Wednesday, September 30, 2015 4:39 PM
To: tmdoctc; Trademark Group - SV
Subject: Notice of Opposition

UNITED STATES PATENT AND TRADEMARK OFFICE Trademark Trial and Appeal Board

Opposition No. 91224132
Application No. 86497265

09/30/2015

IMPORTANT NOTICE

A notice of opposition to registration has been filed with respect to the application listed above.

The Trademark Trial and Appeal Board (TTAB) has issued an order instituting the opposition proceeding and setting trial dates. To see the order, click on the link below or paste the URL into the address box of your browser.

http://ttabvue.uspto.gov/ttabvue/v?pno=91224132&pty=OPP&eno=2

This order contains important information which you should review immediately. You must respond to the notice of opposition within forty days of this date. This will be the only notification of this order you will receive.
An e-mail copy of the order itself will not be sent.

If you are unable to view the order, call the TTAB for technical assistance at 571-272-8500. Do not use the reply button to respond to this message by e-mail.

The entire public file of this proceeding may be viewed at http://ttabvue.uspto.gov.

Papers in Board proceedings may be filed electronically with ESTTA at http://estta.uspto.gov.

Further information is available at the TTAB's web page at http://www.uspto.gov.

EXHIBIT B

From: David P. Beitchman <dbeitchman@bzlegal.com>
Sent: Thursday, October 01, 2015 5:15 PM
To: Kathy Tsai; Lisa Greenwald-Swire; Sylvia Depelyan
Cc: Christine Chin; Margaret Trevino; APS Outgoing
Subject: RE: URGENT : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY

Kathy- REDACTED

Thanks, Dave

David P. Beitchman, Esq.

BEITCHMAN ZEKIAN
A PROFESSIONAL LAW CORPORATION

16130 Ventura Blvd., Suite 570
Encino, California 91436
Tel. (818) 986-9100
Fax. (818) 986-9119

www.bzlegal.com

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From: Kathy Tsai [mailto:tsai@fr.com]
Sent: Thursday, October 01, 2015 1:35 PM
To: Lisa Greenwald-Swire <Greenwald-Swire@fr.com>; David P. Beitchman <dbeitchman@bzlegal.com>; Sylvia Depelyan <sdepelyan@bzlegal.com>
Cc: Christine Chin <cchin@fr.com>; Margaret Trevino <trevino@fr.com>; APS Outgoing <APSO@fr.com>
Subject: RE: URGENT : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY

Hi David and Sylvia,

As you will have seen, our client has opposed your HARMONY GIRL and HARMONY GUY applications given that we did not receive a response to our request for a consented extension of time. Will you consent to a 60 day extension of time for the HARMONY METHOD application so that we can discuss settlement? If not, our client is prepared to oppose that application as well.

Best regards,
Kathy

BEITCHMAN | ZEKIAN

A PROFESSIONAL LAW CORPORATION

From: Kathy Tsai
Sent: Thursday, October 01, 2015 4:35 PM
To: Lisa Greenwald-Swire; David P. Beitchman; Sylvia Depelyan
Cc: Christine Chin; Margaret Trevino; APS Outgoing
Subject: RE: URGENT : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY

Hi David and Sylvia,

As you will have seen, our client has opposed your HARMONY GIRL and HARMONY GUY applications given that we did not receive a response to our request for a consented extension of time. Will you consent to a 60 day extension of time for the HARMONY METHOD application so that we can discuss settlement? If not, our client is prepared to oppose that application as well.

Best regards,
Kathy

From: Kathy Tsai
Sent: Monday, September 28, 2015 2:29 PM
To: Lisa Greenwald-Swire; 'David P. Beitchman'; 'Sylvia Depelyan'
Cc: Christine Chin; Margaret Trevino; APS Outgoing
Subject: RE: URGENT : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY
Importance: High

Hi David and Sylvia,

Checking in again, as I know it is almost close of business on the East Coast.

Best regards,
Kathy

From: Kathy Tsai
Sent: Monday, September 28, 2015 10:19 AM
To: Lisa Greenwald-Swire; 'David P. Beitchman'; 'Sylvia Depelyan'
Cc: Christine Chin; Margaret Trevino; APS Outgoing
Subject: URGENT : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY
Importance: High

Hi David,

Per my conversation with Sylvia a few moments ago, would you consent a 60 day extension of time to oppose the applications so that we can discuss settlement of this matter? The opposition deadline is currently set for September 30, 2015 for two of the three applications and we would prefer to resolve this matter amicably.

Best regards,
Kathy

From: Kathy Tsai
Sent: Thursday, September 24, 2015 3:00 PM
To: Lisa Greenwald-Swire; David P. Beitchman; Sylvia Depelyan
Cc: Christine Chin; Margaret Trevino; APS Outgoing
Subject: RE: Urgent : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY
Importance: High

Hi David and Sylvia,

Following up on my voicemail of earlier today, do you consent to a 60 day extension of time to oppose the applications so that we can discuss settlement further?

Best regards,
Kathy

From: Lisa Greenwald-Swire
Sent: Monday, September 21, 2015 1:13 PM
To: David P. Beitchman; Sylvia Depelyan
Cc: Kathy Tsai; Christine Chin; Margaret Trevino
Subject: Urgent : 24237-0981PP1/2/3 | eHarmony, Inc. | re Trademark Applications for HARMONY METHOD, HARMONY GIRL and HARMONY GUY
Importance: High

Dear David and Sylvia,

Unfortunately, it looks like today may not work for you after all, though please do call me if your schedule clears up.

As I will be out of the office on September 23 and 25, and there is a deadline next week, I write to ask for your *consent to a further extension of the opposition deadlines.* This would allow the parties time to discuss the matter in more detail, but we need your consent to file a further extension. We appreciate your input by Thursday, September 24, or we will need to preserve our client's rights.

We look forward to hearing from you.

Truly,
Lisa

Lisa Greenwald-Swire :: Fish & Richardson P.C.
650 839 5198 direct :: lgs@fr.com

From: Lisa Greenwald-Swire
Sent: Monday, September 21, 2015 10:48 AM

EXHIBIT C

FISH.
FISH & RICHARDSON

Fish & Richardson P.C.
500 Arguello Street
Suite 500
Redwood City, CA 94063-1526

650 839 5070 main
650 839 5071 fax

Lisa Greenwald-Swire
Principal
Greenwald-Swire@fr.com
650 839 5198 direct

VIA EMAIL
dbeitchman@bzlegal.com

February 24, 2015

David P. Beitchman
Beitchman & Zekian, PC
16130 Ventura Boulevard
Suite 570
Encino, CA 91436

Re: Infringement of EHARMONY Marks
U.S. Trademark Applications for
HARMONY METHOD, App. Ser. No. 86/497,251
HARMONY GIRL, App. Ser. No. 86/497,265
HARMONY GUY, App. Ser. No. 86/497,271

Ref: 24237-0981PP1/-0981PP2/-0981PP3

Dear Mr. Beitchman,

REDACTED

BEITCHMAN | ZEKIAN
A PROFESSIONAL LAW CORPORATION

Harry S. Zekian
(1973-2003)

March 20, 2015

VIA CERTIFIED U.S. MAIL
Lisa Greenwald-Swire
Fish & Richardson P.C.
500 Arguello Street
Suite 500
Redwood City, CA 94063-1526

Re: Your Client: "eHarmony"
Our Client: "HARMONY GIRL," "HARMONY METHOD," "HARMONY GUY"

Dear Ms. Greenwald-Swire:

REDACTED

16130 Ventura Boulevard, Suite 570 | Encino, California 91436
Tel. (818) 986-9100 | Fax (818) 986-9119 | www.bzlegal.com