

ESTTA Tracking number: **ESTTA702279**

Filing date: **10/14/2015**

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	Luggage Forward, Inc.
Granted to Date of previous extension	10/14/2015
Address	100 Franklin Street, Suite 201 Boston, MA 02110 UNITED STATES

Attorney information	Andrew H. DeVoogd Mintz Levin Cohn Ferris Glovsky & Popeo, P.C. One Financial Center Boston, MA 02111 UNITED STATES IPDocketingBOS@mintz.com, ahdevoogd@mintz.com, nwarnington@mintz.com Phone:(617) 348-1611
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**Applicant Information**

Application No	86515102	Publication date	06/16/2015
Opposition Filing Date	10/14/2015	Opposition Period Ends	10/14/2015
Applicant	SendMyBag (NI) Ltd 20 Hamilton Road Bangor, BT204LE UNITED KINGDOM		

**Goods/Services Affected by Opposition**

Class 039. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Correspondence delivery by post, messenger and/or courier; delivery and storage of goods; delivery of goods by air, road, rail and sea; delivery of luggage; distribution services, namely, delivery of luggage and personal effects; parcel delivery; parcel shipping services; pick up, delivery and storage of personal property; shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, and other freight for others by air, rail, ship or truck; transport and delivery services by air, road, rail and sea
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**Grounds for Opposition**

The mark is merely descriptive	Trademark Act section 2(e)(1)
Other	The mark has not acquired distinctiveness under Trademark Act Section 2(f)

Related Proceed-	Opposition to registration of the mark SENDMYBAG.COM, Application Serial
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Attachments	Notice of Opposition - SENDMYBAG.pdf(15096 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	/Andrew H. DeVoogd/
Name	Andrew H. DeVoogd
Date	10/14/2015

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

LUGGAGE FORWARD, INC.

Opposer,

v.

SENDMYBAG (NI) LTD.

Applicant.

Opposition No. [To be Assigned]

Application Serial No. 86515102

**NOTICE OF OPPOSITION**

In the matter of the trademark application of SendMyBag (NI) Ltd. (“Applicant”) for registration of SENDMYBAG for “Correspondence delivery by post, messenger and/or courier; delivery and storage of goods; delivery of goods by air, road, rail and sea; delivery of luggage; distribution services, namely, delivery of luggage and personal effects; parcel delivery; parcel shipping services; pick up, delivery and storage of personal property; shipping and delivery services, namely, pickup, transportation, and delivery of packages and letters by various modes of transportation; supply chain logistics and reverse logistics services, namely, storage, transportation and delivery of documents, packages, and other freight for others by air, rail, ship or truck; transport and delivery services by air, road, rail and sea” (“Applicant’s Goods and Services”), Application Serial No. 86515102, filed on January 27, 2015 and published in the *Official Gazette* on June 16, 2015 (the “Application”), Luggage Forward, Inc. (“Opposer”), a Delaware corporation, with an address at 100 Franklin St., Boston, MA 02110, believes it will be damaged by registration of SENDMYBAG for Applicant’s Goods and Services and hereby opposes same.

As grounds for the Opposition, Opposer alleges:

1. Opposer, Luggage Forward, Inc., is in the business of providing luggage and sports equipment delivery services and has continuously, for over a decade, advertised, marketed and provided door-to-door luggage and sports equipment delivery services to over two hundred countries and territories worldwide, including in the United States. Opposer was founded in, and operates to this day within, the United States.

2. Opposer has established a substantial reputation among travelers, sports enthusiasts and the general public as a leading provider of luggage and sports equipment delivery services.

3. Applicant is one of Opposer's foreign competitors in the luggage and sports equipment delivery industry.

4. Since its inception, Opposer has used the descriptive term "send my bag," and minor variations on this term, to describe, market and advertise its luggage and sports equipment delivery service.

5. Upon information and belief, companies other than Applicant and Opposer have recently used the term "send my bag" and minor variations on this term to describe, market or advertise luggage delivery services.

6. Registration of SENDMYBAG will damage and injure Opposer and other companies providing luggage and sports equipment delivery services by allowing Applicant to prevent Opposer and others from describing, marketing and advertising their luggage and sports equipment delivery services using the descriptive term "send my bag," and minor variations on that term.

7. Webster's Third New International Dictionary defines "send" as "to cause (something) to be conveyed or transmitted by an agent to a destination," and indicates that "SEND is a general term meaning to cause to . . . reach a given destination."

8. The word "my" is a possessive determiner defined by Webster's Third New International Dictionary as meaning "of or belonging to me or myself as possessor."

9. Webster's Third New International Dictionary further defines "bag" to include travelling bag, valise or suitcase and recognizes this term as an abbreviation for the word "baggage," which is defined as "a group of travelling bags, trunks, or both esp[ecially] when packed and in transit: personal belongings of travelers either carried by hand or checked with a carrier."

10. Upon information and belief, the term SENDMYBAG as applied to Applicant's Goods and Services, is merely descriptive of a function of the goods and services provided. As a result, consumers would immediately associate the mark with the goods and services provided.

11. Upon information and belief, the term SENDMYBAG has not acquired secondary meaning such that it is associated by the relevant public with Applicant exclusively with respect to Applicant's Goods and Services.

**FIRST COUNT – MARK IS MERELY DESCRIPTIVE**

12. Opposer repeats and realleges paragraphs 1 through 11 as if fully set forth herein.

13. SENDMYBAG, for Applicant's Goods and Services, is not entitled to registration on the Principle Register because it is merely descriptive under Section 2(e)(1) of the Lanham Act.

**SECOND COUNT – MARK HAS NOT ACQUIRED DISTINCTIVENESS**

14. Opposer repeats and realleges paragraphs 1 through 13 as if fully set forth herein.

15. The term SENDMYBAG has not acquired distinctiveness as a trademark for Applicant's Goods and Services, and is therefore not entitled to registration on the Principle Register under Section 2(f) of the Lanham Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of the claimed trademark in the Application and prays that such registration be denied. The required fee of \$300.00 is being submitted with this Notice of Opposition.

Respectfully submitted,

Dated: October 14, 2015

/Andrew H. DeVoogd/  
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*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on counsel for applicant at the addresses below, on October 14, 2015:

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/Andrew H. DeVogd/  
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