

ESTTA Tracking number: **ESTTA702982**

Filing date: **10/19/2015**

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                                  | Nant Holdings IP, LLC  |
| Granted to Date of previous extension | 10/18/2015   |
| Address                               | 9920 Jefferson Boulevard<br>Culver City, CA 90232<br>UNITED STATES   |
| Attorney information                  | Michael J. McCue<br>Lewis Roca Rothgerber LLP<br>3993 Howard Hughes Parkway<br>Las Vegas, NV 89169<br>UNITED STATES<br>TRADEMARK-LASVEGAS@LRRLAW.COM |

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 86456293  | Publication date       | 04/21/2015 |
| Opposition Filing Date | 10/19/2015  | Opposition Period Ends | 10/18/2015 |
| Applicant              | Identillect Technologies, Inc.<br>Suite 120<br>San Juan Capistrano, CA 92675<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

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|--|
| Class 009. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Computer programs for data communications applications, and for the encryption and authentication of electronic information |
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**Grounds for Opposition**

|                                      |                            |
|--------------------------------------|----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
|--------------------------------------|----------------------------|

**Marks Cited by Opposer as Basis for Opposition**

|                      |            |                       |            |
|----------------------|------------|-----------------------|------------|
| U.S. Application No. | 86071447   | Application Date      | 09/23/2013 |
| Registration Date    | NONE       | Foreign Priority Date | NONE       |
| Word Mark            | ID BROWSER |                       |            |

|                     |  |
|---------------------|--|
| Design Mark         | <b>ID BROWSER</b>  |
| Description of Mark | NONE   |
| Goods/Services      | Class 009. First use: First Use: 0 First Use In Commerce: 0<br>Downloadable computer software recognition programs that enable electronic device engagement with content in response to digital recognition of images, objects, sounds, faces and text entry, and which recognizes objects and content over a computer or mobile electronic device; downloadable computer software to enable visual, audio, RFID, contactless, GPS and other means of geolocation, whether indoor or outdoor, and provides recognition of objects and content over a computer or mobile electronic device; downloadable computer software for managing and delivering mobile content via mobile electronic devices; downloadable computer software for enabling end users to discover, manage, access, acquire, download, stream and purchase mobile content, ringtones, ringback tones, full song tracks, videos, photos, films, shopping coupons, special offers, marketing content, rewards, points, mobile applications, publications, and virtual and hard goods, news, and entertainment; downloadable computer software to facilitate direct response, payments, and e-commerce transactions over a computer or mobile electronic device; downloadable computer software for facilitating social sharing, sharing social contents and sharing user generated content including but not limited to reviews, comments, responses to polls, custom content associated with an image, object, sound, face or text entry |

|                      |  |                       |            |
|----------------------|--|-----------------------|------------|
| U.S. Application No. | 86071448   | Application Date      | 09/23/2013 |
| Registration Date    | NONE   | Foreign Priority Date | NONE       |
| Word Mark            | ID BROWSER   |                       |            |
| Design Mark          | <b>ID BROWSER</b>  |                       |            |
| Description of Mark  | NONE   |                       |            |
| Goods/Services       | Class 042. First use: First Use: 0 First Use In Commerce: 0<br>Non-downloadable computer software for enabling end users to discover, manage, access, acquire, download, stream and purchase mobile content, ringtones, ringback tones, full song tracks, videos, photos, films, shopping coupons, |                       |            |

|  |   |
|--|---|
|  | <p>special offers, marketing content, rewards, points, mobile applications, publications, and virtual and hard goods, news, and entertainment; non-downloadable computer software to facilitate direct response, payment, and e-commerce transactions over a computer and mobile electronic device; non-downloadable computer software for facilitating social sharing, sharing social content and sharing user generated content including but not limited to reviews, comments, responses to polls, custom content associated with an image, object, sound, face or text entry; providing a website featuring online non-downloadable software tools for enabling end users to discover, manage, access, acquire, download, stream and purchase mobile content, ringtones, ringback tones, full songtracks, videos, photos, films, shopping coupons, special offers, marketing content, rewards, points, mobile applications, publications, and virtual and hard goods, news, and entertainment; providing a website featuring online non-downloadable software tools to facilitate direct response, payment, and e-commerce transactions over a computer or mobile electronic device; providing a website featuring online non-downloadable software tools for facilitating social sharing, sharing social content and sharing user generated content including but not limited to reviews, comments, responses to polls, custom content associated with an image, object, sound, face or text entry</p> |
|--|---|

|             |   |
|-------------|---|
| Attachments | <p>86071447#TMSN.png( bytes )<br/> 86071448#TMSN.png( bytes )<br/> identillectOPPO.pdf(7890 bytes )</p> |
|-------------|---|

### 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 | /Michael J. McCue/ |
| Name      | Michael J. McCue   |
| Date      | 10/19/2015         |

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

**NANT HOLDINGS IP, LLC,**  
a Delaware limited liability company,

Opposer,

vs.

**IDENTILLECT TECHNOLOGIES, INC.,**  
an Nevada corporation,

Applicant.

Mark: ID

Serial No. 86/456,293

Published: April 21, 2015

**NOTICE OF OPPOSITION**

Opposer Nant Holdings IP, LLC, a Delaware limited liability company, hereby opposes registration of the ID design mark that is the subject of pending application Serial No. 86/456,293 (the “293 Application”) filed by Applicant Identillect Technologies, Inc., a Nevada corporation, and published in the *Official Gazette* on April 21, 2015. Opposer believes it will be damaged by the registration of Applicant’s mark and requests that registration be refused. As grounds for its opposition, Opposer alleges as follows:

1. Opposer has continuously used a family of ID and ID-formative marks (the “ID Marks”) in commerce in connection with a broad variety of goods and services and various advertising and marketing activities to promote such goods and services.

2. Opposer also owns two pending applications for ID BROWSER (Serial Nos. 86/071,447 and 86/071,448), which were filed on September 23, 2013, for software in International Classes 9 and 42.

3. On November 17, 2014, Applicant filed the '293 Application on an intent to use basis for "computer programs for data communications applications, and for the encryption and authentication of electronic information."

4. Opposer's use of the ID Marks began long before Applicant filed the '293 Application.

5. The filing dates for Opposer's applications for registration of ID BROWSER predate the filing date of the '293 Application.

6. Applicant's ID design mark is confusingly similar to Opposer's ID Marks and ID BROWSER. The marks share and emphasize the distinctive initials "ID". The services listed in the '293 Application are identical or highly similar to the goods offered by Opposer under the ID Marks and listed in the applications for ID BROWSER. Specifically, Applicant seeks to register its mark for computer programs for data communications applications, which is within the scope of Opposer's prior filed federal trademark applications for ID BROWSER.

7. Registration of Applicant's ID design mark is likely to cause confusion, to cause mistake, or to deceive consumers within the meaning of section 2(d) of the Trademark Act.

8. Opposer will suffer damages, including irreparable injury to its reputation and goodwill, if Applicant is permitted to register the ID design mark in the United States.

WHEREFORE, Opposer requests that the opposition be sustained and that registration of the ID design mark be refused.

Pursuant to 37 C.F.R. § 2.6(a)(17), please deduct the opposition fee in the sum of \$300.00 from the Lewis Roca Rothgerber LLP Deposit Account No. 502847.

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Dated this 19th day of October , 2015.

Respectfully submitted,

LEWIS ROCA ROTHGERBER LLP

**/S/ Michael J. McCue**

Michael J. McCue

Zachary T. Gordon

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

MMcCue@LRRLaw.com

(702) 949-8200 (phone)

(702) 949-8363 (fax)

Counsel for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that, on this 19th day of October 2015, a true and complete copy of the foregoing Notice of Opposition was served by United States mail, first class postage prepaid, on the following counsel of record for Applicant:

Robert Hart  
Magnolia Law Group Ltd.  
410 N Michigan Ave., Ste 1200-1  
Chicago, IL 60611-4255

/s/ **Tammy L. Bunch**  
An employee of Lewis Roca Rothgerber LLP