

ESTTA Tracking number: **ESTTA724862**

Filing date: **02/04/2016**

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	District Home Buzz LLC
Granted to Date of previous extension	02/24/2016
Address	1405 Park Road NW Washington, DC 20010 UNITED STATES

Attorney information	Andrew N. Spivak Mosaic Legal Group, PLLC 5185 MacArthur Boulevard, NW, Suite 350 Washington, DC 20016-3341 UNITED STATES aspivak@mosaiclegalgroup.com Phone:(202) 600-2270
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Applicant Information

Application No	86645967	Publication date	10/27/2015
Opposition Filing Date	02/04/2016	Opposition Period Ends	02/24/2016
Applicant	Kristian Peter 830 Kuhn Drive #210065 Chula Vista, CA 91914 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Downloadable mobile applications for searching and reviewing real estate and facilitating real estate transactions
Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for searching and reviewing real estate and facilitating real estate transactions

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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DC HOME BUZZ		

Goods/Services	real estate agency and brokerage services
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Attachments	HOMEBUZZ - Notice of Opposition.pdf(158065 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 N. Spivak/
Name	Andrew N. Spivak
Date	02/04/2016

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

District Home Buzz LLC,)	
)	
Opposer,)	Opposition No. _____
vs.)	
)	
HomeBuzz Inc.,)	Mark: HOMEBUZZ
)	Serial No.: 86/645,967
Applicant.)	Publication Date: October 7, 2015
)	
_____)	

NOTICE OF OPPOSITION

District Home Buzz LLC, a limited liability company of Washington, D.C., having a principal place of business at 1405 Park Road, NW, Washington, D.C. 20010 (hereinafter “Opposer”), believes that it will be damaged by the Registration on the Principal Register of the above-referenced HOMEBUZZ mark claimed by HomeBuzz Inc., a Delaware corporation (hereinafter “Applicant”), and hereby opposes the same upon the following grounds:

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

Applicant is seeking to obtain Registration on the Principal Register of the following trademark and service mark based on its intent to use the mark in connection with the following goods and services:

Serial Number	Word Mark	Goods/Services
86/645,967	HOMEBUZZ	IC 009: Downloadable mobile applications for searching and reviewing real estate and facilitating real estate transactions.

IC 042: Software as a service (SAAS) services featuring software for searching and reviewing real estate and facilitating real estate transactions.

1. Opposer is the owner of the service mark DC HOME BUZZSM for use on and in connection with real estate brokerage services (the “Services”).
2. Opposer has used its DC HOME BUZZ mark in the United States on and in connection with the Services since at least as early as 2009.
3. Opposer has expended substantial monies in marketing, advertising and promoting its DC HOME BUZZ mark in connection with the Services in interstate commerce in the United States.
4. Opposer has enjoyed substantial revenue derived from the sale of the Services in connection with its DC HOME BUZZ mark in the United States.
5. By reason of the extensive marketing, advertising and promotion of the Services in connection with its DC HOME BUZZ mark and the high quality of the Services, the mark DC HOME BUZZ has become distinctive and represents an extremely valuable goodwill associated with Opposer.
6. On information and belief, Applicant’s predecessor-in-interest, Mr. Kristian Peter, filed a Section 1(b) application for the word mark HOMEBUZZ, U.S. Trademark Application Serial No. 86/645,967, for use in connection with “Downloadable mobile applications for searching and reviewing real estate and facilitating real estate transactions,” in International Class 9, and “Software as a service (SAAS) services featuring software for searching and reviewing real estate and facilitating real estate transactions,” in International Class 42.

7. On information and belief, Applicant's aforementioned application was filed after Opposer's DC HOME BUZZ mark had developed substantial good will and consumer recognition.

8. On information and belief, the earliest date of constructive or actual use of the HOMEBUZZ mark by Applicant or its predecessor-in-interest upon which Applicant can rely is no earlier than May 29, 2015, the filing date of its intent-to-use based application.

9. Applicant's earliest date of first use or constructive first use of its HOMEBUZZ mark is after Opposer began using its DC HOME BUZZ mark in interstate commerce in the United States.

10. Applicant's constructive use and application of the HOMEBUZZ mark is without the consent or permission of Opposer.

COUNT I - LIKELIHOOD OF CONFUSION

11. Opposer hereby incorporates the allegations contained in Paragraph Nos. 1-10 by reference herein.

12. On information and belief, the goods and services for which Applicant is seeking registration of the HOMEBUZZ mark are substantially similar to the Services in connection with which Opposer uses its DC HOME BUZZ mark.

13. On information and belief, the goods and services for which Applicant is seeking registration of the HOMEBUZZ mark are reasonably related to the Services in connection with which Opposer uses its DC HOME BUZZ mark.

14. On information and belief, the goods and services for which Applicant is seeking registration of the HOMEBUZZ mark are a reasonable expansion of the Services in connection with which Opposer uses its DC HOME BUZZ mark.

15. On information and belief, the goods and services for which Applicant is seeking registration of the HOMEBUZZ mark are reasonable accessories of the Services in connection with which Opposer uses its DC HOME BUZZ mark.

16. On information and belief, the goods and services for which Applicant is seeking registration of the HOMEBUZZ mark are offered to the same type of customers that Opposer offers its Services in connection with its DC HOME BUZZ mark.

17. On information and belief, the goods and services for which Applicant is seeking registration of the HOMEBUZZ mark are offered through the same channels of trade that Opposer offers its Services in connection with its DC HOME BUZZ mark.

18. The HOMEBUZZ mark for which Applicant is seeking registration is to be used in the real estate industry.

19. The DC HOME BUZZ mark that Opposer uses in commerce is used in the real estate industry.

20. The HOMEBUZZ mark for which Applicant is seeking registration is substantially similar to the DC HOME BUZZ mark which is used by Opposer.

21. The HOMEBUZZ mark for which Applicant is seeking registration is wholly encompassed by the DC HOME BUZZ mark which is used by Opposer.

22. Applicant's HOMEBUZZ mark is confusingly similar to Opposer's DC HOME BUZZ mark and use thereof by Applicant on the goods and services specified in Applicant's above-referenced HOMEBUZZ application are likely to cause confusion, mistake, or deception

that Applicant's goods and services are those of Opposer or are otherwise endorsed, sponsored or approved by Opposer, whereby Opposer will be damaged by the registration of Applicant's claimed HOMEBUZZ mark on the Principal Register of the U.S. Patent and Trademark Office.

23. If Applicant is granted registration of its claimed HOMEBUZZ mark as shown in Applicant's above-listed application, Applicant will thereby obtain the *prima facie* exclusive right to use such mark in the United States, and such registration will impair and diminish Opposer's goodwill and rights in its DC HOME BUZZ mark, thereby causing irreparable damage and injury to Opposer. Therefore, Opposer opposes registration of Applicant's claimed HOMEBUZZ mark pursuant to 15 U.S.C. §§1052 and 1063(a), as amended by the Trademark Act of 1999.

PRAYER FOR RELIEF

WHEREFORE, Opposer prays that Applicant's above-referenced application for the HOMEBUZZ mark be rejected, that Registration of the HOMEBUZZ mark for the goods and services specified therein be refused, and that Opposer be awarded such further relief as this Board deems just and proper.

Respectfully submitted,

February 4, 2016

By:

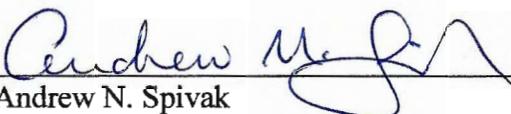

Andrew N. Spivak

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CERTIFICATE OF SERVICE

I, Andrew N. Spivak, one of the Attorneys for Opposer, hereby certify that on this 4th day of February, 2016, a true a correct copy of the foregoing NOTICE OF OPPOSITION was served via first class mail, postage prepaid upon:

Arthur P. Tan, Esq.
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9811 W Charleston Blvd Ste 2-778
Las Vegas, Nevada 89117-7528



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