

ESTTA Tracking number: **ESTTA739694**

Filing date: **04/13/2016**

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	LinkedIn Corporation
Granted to Date of previous extension	04/13/2016
Address	2029 Stierlin Court Mountain View, CA 94043 UNITED STATES
Correspondence information	Judd D. Lauter Cooley LLP 1299 Pennsylvania Ave. NW, Suite 700 Washington, DC 20004 UNITED STATES jlauter@cooley.com, jcullum@cooley.com, aanderson@cooley.com, trademarks@cooley.com Phone:202-728-7052

Applicant Information

Application No	86699163	Publication date	12/15/2015
Opposition Filing Date	04/13/2016	Opposition Period Ends	04/13/2016
Applicant	Hunn, Timothy 538 Shipley Road Linthicum Heights, MD 21090 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: Computer application software for mobile phones and tablets, namely, software for social networking and connecting tattoo artists, tattoo shop owners and tattoo enthusiasts

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution by blurring	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3971642	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE

Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface		
U.S. Registration No.	4023511	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	IN		

Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface		
U.S. Registration No.	4023512	Application Date	07/16/2009
Registration Date	09/06/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmark-		

	ing, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface
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U.S. Registration No.	4023513	Application Date	07/16/2009
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Registration Date	09/06/2011	Foreign Priority Date	NONE
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Word Mark	IN
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Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.
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Goods/Services	Class 009. First use: First Use: 2007/04/00 First Use In Commerce: 2007/04/00 Computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development; computer software development tools for business and social networking; computer software that provides web-based access to applications and services through a web-operating system or portal interface
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U.S. Registration No.	3959413	Application Date	07/16/2009
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Registration Date	05/10/2011	Foreign Priority Date	NONE
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Word Mark	LINKEDIN
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Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	<p>Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking</p>

U.S. Registration No.	3959419	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		

Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing online career networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking
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U.S. Registration No.	3959420	Application Date	07/16/2009
Registration Date	05/10/2011	Foreign Priority Date	NONE

Word Mark	IN
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Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.
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Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchable database featuring employment and career opportunities and business, employment and professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public
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	awareness about community service; providing onlinecareer networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking
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U.S. Registration No.	3963244	Application Date	07/16/2009
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Registration Date	05/17/2011	Foreign Priority Date	NONE
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Word Mark	LINKEDIN
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Advertising and marketing services, namely, promoting goods and services for businesses; providing an online searchabledatabase featuring employment and career opportunities and business, employmentand professional queries and answers; job placement services, human resources consulting services; business research and survey services; promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; charitable services, namely, promoting public awareness about community service; providing onlinecareer networking services and information in the fields of employment, recruitment, job resources, and job listings; personnel recruitment and placement services; electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking
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U.S. Registration No.	4067996	Application Date	07/16/2009
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Registration Date	12/06/2011	Foreign Priority Date	NONE
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Word Mark	LINKEDIN
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Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region

U.S. Registration No.	4158263	Application Date	07/16/2009
Registration Date	06/12/2012	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 providing information all relating to consumer products, services, events and activities in a particular geographic region; organizing and conducting job fairs; providing online interactive employment counseling		

U.S. Registration No.	3074241	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		
U.S. Registration No.	3074242	Application Date	05/05/2003
Registration Date	03/28/2006	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/05/05 First Use In Commerce: 2003/05/05 Online business networking services		

U.S. Registration No.	3704030	Application Date	12/11/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "in" shown inside a square with shaded background.		
Goods/Services	Class 035. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 Online business networking services		

U.S. Registration No.	3704031	Application Date	12/11/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.		
Goods/Services	Class 035. First use: First Use: 2003/10/23 First Use In Commerce: 2003/10/23 Online business networking services		

U.S. Registration No.	3971643	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		
Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services, namely, conducting seminars, workshops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featur-		

	ing information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest
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U.S. Registration No.	4016684	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	IN		
Design Mark			
Description of Mark	The mark consists of the word "in" shown inside a square with a shaded background.		
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services, namely, conducting seminars, workshops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest		

U.S. Registration No.	4016685	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark	<h1>LINKEDIN</h1>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services,namely, conducting seminars, work-shops,conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educationalservices, namely, conducting discussiongroups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest

U.S. Registration No.	4016687	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE

Word Mark	IN
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Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.
Goods/Services	Class 041. First use: First Use: 2007/09/00 First Use In Commerce: 2007/09/00 Entertainment and educational services,namely, conducting seminars, work-

	shops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest
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U.S. Registration No.	3967561	Application Date	07/16/2009
Registration Date	05/24/2011	Foreign Priority Date	NONE

Word Mark	LINKEDIN
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, audio and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest
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U.S. Registration No.	3979174	Application Date	07/16/2009
Registration Date	06/14/2011	Foreign Priority Date	NONE

Word Mark	LINKEDIN
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Design Mark	
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".
Goods/Services	<p>Class 042. First use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest</p>

U.S. Registration No.	3971641	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	IN		

Design Mark			
Description of Mark	The mark consists of the word "IN" shown inside a square with a shaded background.		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest</p>		
U.S. Registration No.	3971640	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	IN		

Design Mark			
Description of Mark	The mark consists of the word "IN" shown in white letters inside a blue square.		
Goods/Services	<p>Class 042. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00</p> <p>Computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and images; scientific and industrial research in the fields of business and online social networking; providing a web site featuring temporary use of non-downloadable software allowing web site users to post and display online videos and photos for sharing with others for entertainment purposes; computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio and video content on general topics of social interest</p>		
U.S. Registration No.	3971644	Application Date	07/16/2009
Registration Date	05/31/2011	Foreign Priority Date	NONE
Word Mark	LINKEDIN		

Design Mark			
Description of Mark	The mark consists of the word "LINKED" next to a square with a shaded background containing the word "IN".		
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property		

U.S. Registration No.	4007079	Application Date	07/16/2009
Registration Date	08/02/2011	Foreign Priority Date	NONE

Word Mark	LINKEDIN
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Design Mark			
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Description of Mark	NONE		
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Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property		
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U.S. Registration No.	4016686	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE

Word Mark	IN
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Design Mark	
Description of Mark	The mark consists of the word "in" shown inside a square with a shaded background.
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property

U.S. Registration No.	4016688	Application Date	07/16/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE

Word Mark	IN
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Design Mark	
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Description of Mark	The mark consists of the word "in" shown in white letters inside a blue square.
Goods/Services	Class 045. First use: First Use: 2003/05/00 First Use In Commerce: 2003/05/00 Social introduction and social networking services; licensing of computer software and intellectual property

Attachments	77981734#TMSN.png(bytes) 77982133#TMSN.png(bytes) 77982139#TMSN.png(bytes) 77982142#TMSN.png(bytes) 77981556#TMSN.png(bytes) 77981607#TMSN.png(bytes) 77981608#TMSN.png(bytes) 77981606#TMSN.png(bytes) 77982578#TMSN.png(bytes) 77982924#TMSN.png(bytes) 78245639#TMSN.png(bytes) 78245676#TMSN.png(bytes) 77349546#TMSN.png(bytes) 77349553#TMSN.png(bytes) 77981735#TMSN.png(bytes) 77982134#TMSN.png(bytes) 77982140#TMSN.png(bytes) 77982144#TMSN.png(bytes) 77981731#TMSN.png(bytes) 77981780#TMSN.png(bytes) 77981733#TMSN.png(bytes) 77981732#TMSN.png(bytes) 77981736#TMSN.png(bytes) 77982132#TMSN.png(bytes) 77982141#TMSN.png(bytes) 77982145#TMSN.png(bytes) Notice of Opposition re INKED IN by Timothy Hunn.pdf(115286 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	/Judd D. Lauter/
Name	Judd D. Lauter
Date	04/13/2016

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

In the matter of application Serial No. 86/699,163
For the Trademark INKED IN
Published in the *Official Gazette*
on December 15, 2015

LINKEDIN CORPORATION,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
TIMOTHY HUNN,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer LinkedIn Corporation (“LinkedIn”), a Delaware corporation having its principal place of business at 2029 Stierlin Court, Mountain View, California 94043, believes that it will be damaged by the issuance of a registration for the mark INKED IN in Application Serial No. 86/699,163 filed July 21, 2015 (the “Application”) by Timothy Hunn, an individual with a place of business at 538 Shipley Road, Linthicum Heights, Maryland 21090-2829 (the “Applicant”). LinkedIn hereby opposes the Application pursuant to Section 13 of the United States Trademark Act, as amended, 15 U.S.C. §1063.

As grounds for opposition, LinkedIn alleges that:

1. LinkedIn operates the world’s largest professional network on the internet with more than 400 million members in over 200 countries and territories. LinkedIn’s members

include a wide range of professions and companies from Fortune 500 enterprises to small businesses. LinkedIn's networking software and services facilitate the ability of members to identify and pursue business connections, engage in business and community networking, identify career opportunities, and exchange information and resources across a broad spectrum of topics. LinkedIn users include many professional tattoo artists and tattoo businesses. LinkedIn users also have the ability to form and join groups, each of which is centered on a particular subject. Groups offer members a more focused network within which to promote their businesses services, develop personal and professional connections, identify business opportunities and share resources. LinkedIn has many groups focused on tattoo artists and businesses offering a wide variety of information relevant to the tattoo market (see e.g. <https://www.linkedin.com/topic/tattoo-artists>). Members also use LinkedIn's software and services to grow their businesses through a variety of advanced marketing solutions (the "LinkedIn Marketing Solutions"). LinkedIn's offerings in the marketing field are directed to facilitating the ability of its members to reach targeted audiences.

2. Since its launch in 2003, LinkedIn has continuously used the marks LINKEDIN, LINKEDIN & Design, and IN & Design (collectively the "LINKEDIN Marks") in interstate commerce in the United States in connection with its marketing and networking software and services.

3. LinkedIn is the owner of numerous U.S. registrations for the LINKEDIN Marks on the Principal Register including without limitation: U.S. Registration No. 3,971,642 issued on May 31, 2011 and Registration Nos. 4,023,511, 4,023,512, and 4,023,513 issued on September 6, respectively, and covering, *inter alia*, "...computer software for the collection, editing,

organizing, modifying, bookmarking, transmission, storage and sharing of data and information in the fields of business and social networking, employment, careers and recruiting; downloadable electronic publications in the nature of newsletters, research reports, articles and white papers on topics of professional interest, all in the fields of business and social networking, recruiting and employment, and personal and career development...” in Class 9; U.S. Registration Nos. 3,959,413, 3,959,419, and 3,959,420 issued on May 10, 2011, and U.S. Registration No. 3,963,244 issued on May 17, 2011, and covering, *inter alia*, “advertising and marketing services, namely, promoting goods and services for businesses; ...promoting the goods and services of others via a global computer network; advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; ...electronic commerce services, namely, providing information about products and services via telecommunication networks for advertising and sales purposes; providing networking opportunities for individuals seeking employment; on-line professional networking opportunities; providing online computer databases and online searchable databases in the fields of business and professional networking” in Class 35; U.S. Registration Nos. 4,067,996 and 4,158,263 issued on December 6, 2011 and June 12, 2012, respectively, and covering, *inter alia*, “...organizing and conducting job fairs; providing online interactive employment counseling” in Class 35; U.S. Registration Nos. 3,074,241 and 3,074,242 issued on March 28, 2006 and U.S. Registration Nos. 3,704,030 and 3,704,031 issued on November 3, 2009 and covering “[o]nline business networking services” in Class 35; U.S. Registration No. 3,971,643 issued on May 31, 2011, and U.S. Registration Nos. 4,016,684, 4,016,685, and 4,016,687 issued on August 23, 2011 covering “entertainment and

educational services, namely, conducting seminars, workshops, conferences and exhibitions featuring instructional presentations in the fields of personal development, career development, relationship building and social networking; entertainment and educational services, namely, conducting discussion groups in the fields of personal development, career development, relationship building and social networking; on-line journals, namely, blogs featuring information about personal development and career development; online electronic publishing services, namely, publication of text and graphic works of others featuring information regarding topics of professional interest” in Class 41; U.S. Registration Nos. 3,967,561 and 3,979,174 issued on May 24, 2011 and June 14, 2011, respectively, and U.S. Registration Nos. 3,971,641 and 3,971,640 issued May 31, 2011 and covering, *inter alia*, “computer services, namely, hosting electronic facilities for others for organizing and conducting meetings, events and interactive discussions via the Internet; computer services, namely, creating an on-line community for registered users to organize groups, events, participate in discussions, share information and resources, and engage in social, business and community networking; providing temporary use of on-line non-downloadable software for allowing web site users to communicate information of general interest for purposes of social, business and community networking, marketing, recruitment and employment; providing a website featuring temporary use of non-downloadable software enabling users to search, locate and communicate with others via electronic communications networks to network, conduct surveys, track online reference to job opportunities and business topics; ...computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking featuring social media including photos, audio

and video content on general topics of social interest” in Class 42; and U.S. Registration Nos. 3,971,644 and 4,007,079 issued on May 31, 2011 and August 2, 2011, respectively, and U.S. Registration Nos. 4,016,686 and 4,016,688 issued on August 23, 2011, and covering, *inter alia*, “social introduction and social networking services...” in Class 45.

4. LinkedIn also owns common law rights in the LINKEDIN Marks arising from its continual use of these marks in connection with its software and services offerings since 2003.

5. LinkedIn has expended considerable effort and expense in promoting the LINKEDIN Marks and the software and services offered in connection with these marks, both in the United States and internationally, and the LINKEDIN Marks embody the substantial and valuable reputation and goodwill that LinkedIn has earned in the marketplace for its high quality networking software and services.

6. In addition to its own advertising efforts, LinkedIn has been the subject of thousands of unsolicited stories in the media, highlighting LinkedIn’s innovative and successful online networking software and services. LinkedIn has also received awards and recognitions for its innovative offerings.

7. As a result of LinkedIn’s widespread use of the LINKEDIN Marks worldwide, extensive advertising and promotion and continuous and unsolicited media coverage, as well as the high degree of consumer recognition of the LINKEDIN Marks, the strong and loyal base of customers that LinkedIn enjoys for its software and services, and LinkedIn’s trademark registrations, among other factors, the LINKEDIN Marks are famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. §1125(c).

APPLICANT AND ITS PENDING APPLICATION

8. Applicant seeks to register the mark INKED IN (the “Applicant’s Mark”) in connection with “computer application software for mobile phones and tablets, namely, software for social networking and connecting tattoo artists, tattoo shop owners and tattoo enthusiasts” in Class 9.

9. The Application was published in the *Official Gazette* of the PTO on December 15, 2015. LinkedIn filed a Request for Extension of Time to Oppose on January 14, 2016, which was granted, extending the time to oppose to April 13, 2016. This Opposition is timely filed.

10. Applicant’s Mark is substantially similar to the LINKEDIN Marks in sight, sound, and overall commercial impression. Applicant’s Mark features the term “INKED” in the past tense along with the formative “IN,” thus closely imitating the LINKEDIN Marks. Indeed, Applicant’s Mark differs from the mark LINKEDIN by only one letter. Given this close similarity between the LINKEDIN Marks and Applicant’s Mark, it is highly likely that Applicant’s use of the INKED IN mark will give rise to confusion among consumers. Furthermore, because Applicant proposes to offer a mobile app, Applicant’s Mark will necessarily be displayed on small mobile phone screens, thereby aggravating the risk of confusion.

11. In addition, Applicant’s Mark is proposed for use in connection with software which is virtually identical to the social networking software offered by LinkedIn under the LINKEDIN Marks. LinkedIn’s software is used, like Applicant’s proposed software, for connecting persons engaged in a particular sector of business—in Applicant’s case, tattoo artists,

shop owners and enthusiasts. Applicant's offering is therefore directly overlapping with LinkedIn's offering.

12. Due to the similarities in commercial impression with the LINKEDIN Marks and the direct overlap in offerings, Applicant's Mark is likely to create consumer confusion.

13. Upon information and belief, Applicant selected Applicant's Mark with knowledge of the LINKEDIN Marks.

14. LinkedIn is not affiliated or connected with Applicant or its software; nor has LinkedIn endorsed or sponsored Applicant or its software.

15. There is no issue as to priority of use. LinkedIn began using its LINKEDIN Marks, and enjoys priority as a result of the filing dates of its trademark registrations, well prior to the filing date of the Application.

**FIRST GROUND FOR OPPOSITION
LIKELIHOOD OF CONFUSION**

16. LinkedIn incorporates by reference paragraphs 1 through 15, inclusive, as if fully set forth here.

17. Applicant's Mark is highly similar to the LINKEDIN Marks in appearance, sound, and commercial impression because it features the term "INKED" in the past tense together with the formative "IN." Applicant's Mark also differs from the LINKEDIN mark by only one letter. Applicant's Mark thereby creates a commercial impression highly similar to the overall commercial impression of the LINKEDIN Marks.

18. The software and services offered by each party are closely related. According to the identification of goods in the Application, Applicant intends to use the mark in connection with "computer application software for mobile phones and tablets, namely, software for social

networking and connecting tattoo artists, tattoo shop owners and tattoo enthusiasts.” As set forth above, this software offering is related to and overlapping with LinkedIn’s software and services.

19. LinkedIn is not affiliated or connected with Applicant or its software; nor has LinkedIn endorsed or sponsored Applicant or its software.

20. Registration of Applicant’s Mark will injure LinkedIn by causing the public to be confused or mistaken into believing that the software provided by Applicant are endorsed or sponsored by LinkedIn. LinkedIn has no control over the nature and quality of the software offered by Applicant under Applicant’s Mark, and LinkedIn’s reputation and goodwill will be damaged and the value of the LINKEDIN Marks jeopardized, all to LinkedIn’s detriment.

21. Accordingly, registration of Applicant’s Mark herein opposed will damage LinkedIn because Applicant’s Mark is likely, when used on or in connection with the software described in the Application, to cause confusion, or to cause mistake or to deceive. Thus, Applicant’s Mark is unregistrable under Sections 2(d) and 3 of the United States Trademark Act, as amended, 15 U.S.C. §§1052 and 1053, and should be refused registration.

**SECOND GROUND FOR OPPOSITION
DILUTION OF A FAMOUS MARK**

22. LinkedIn incorporates by reference paragraphs 1 through 21, inclusive, as if fully set forth here.

23. The LINKEDIN Marks are highly distinctive of LinkedIn’s software and services.

24. LinkedIn has used the LINKEDIN Marks since at least 2003 for its marketing and networking software and services, as alleged.

25. LinkedIn has extensively advertised and promoted the LINKEDIN Marks. LinkedIn and the LINKEDIN Marks have also enjoyed extensive media attention.

26. As a result of the considerable publicity afforded the LINKEDIN Marks, and the strong and loyal base of customers that LinkedIn enjoys for its software and services, the LINKEDIN Marks have a high degree of consumer recognition.

27. LinkedIn is the owner of U.S. registrations for the LINKEDIN Marks.

28. Apart from unauthorized infringing uses of such marks, LinkedIn is not aware of any material use of any highly similar mark by others.

29. Accordingly, when the public encounters the term LINKEDIN, it immediately associates the term with LinkedIn, and thus the LINKEDIN Marks are famous.

30. The LINKEDIN Marks became famous before Applicant filed its application for Applicant's Mark on July 21, 2015.

31. Applicant's Mark is similar to the LINKEDIN Marks, and it is likely to cause dilution of the famous LINKEDIN Marks, including dilution by blurring, all to LinkedIn's damage.

32. Registration of the Applicant's Mark herein opposed is likely to dilute LinkedIn's famous LINKEDIN Marks by creating an association between the marks that impairs the distinctiveness of the LINKEDIN Marks. Thus, Applicant's Mark is unregistrable pursuant to Sections 2(a)(d), 3, 13, and 43(c) of the United States Trademark Act.

33. Wherefore, LinkedIn prays that this Opposition be sustained, and that Application Serial No. 86/699,163 be refused.

Please recognize the following as attorneys for LinkedIn in this proceeding: Janet L. Cullum, Anne H. Peck, Peter J. Willsey, and Judd D. Lauter (members of the Bar of the States of

New York, California, or Virginia), and the firm of Cooley LLP, 1114 Avenue of the Americas, New York, New York 10036-7798.

Please address all communications to Janet L. Cullum at the address below.

In accordance with 37 C.F.R. §§ 2.101 and 2.6(a)(17), the fees for one International Class for the opposed application are submitted herewith.

Respectfully submitted,
COOLEY LLP
Janet L. Cullum

Date: April 13, 2016

By: /Janet L Cullum/
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CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2016, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by mailing said copy via First Class Mail, postage prepaid to Applicant at the following address:

Timothy Hunn
538 Shipley Road
Linthicum Heights, Maryland 21090-2829

Date: April 13, 2016

/Judd D. Lauter /
Judd D. Lauter