

ESTTA Tracking number: **ESTTA741249**

Filing date: **04/20/2016**

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	BRAND IP LICENSING LIMITED
Granted to Date of previous extension	04/20/2016
Address	PO BOX 146, TRIDENT CHAMBERSROAD TOWN TORTOLA, VIRGIN ISLANDS, BRITISH
Attorney information	Gayle L. Strong Greenberg Traurig, LLP 1200 17th Street, Suite 2400 Denver, CO 80202 UNITED STATES gtipmail@gtlaw.com, strongg@gtlaw.com, dentonj@gtlaw.com Phone:303 572 6500

Applicant Information

Application No	86706944	Publication date	12/22/2015
Opposition Filing Date	04/20/2016	Opposition Period Ends	04/20/2016
Applicant	Boyle Stephen J, 80 depew ave.apt A nyack, NY 10960 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dating services provided via mobile phone
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2746809	Application Date	09/17/2002
Registration Date	08/05/2003	Foreign Priority Date	NONE
Word Mark	TOGETHER		

Design Mark	TOGETHER
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 1974/10/01 First Use In Commerce: 1976/08/12 DATING SERVICE BUSINESS

U.S. Registration No.	1887565	Application Date	07/30/1993
Registration Date	04/04/1995	Foreign Priority Date	NONE
Word Mark	TOGETHER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1993/01/01 First Use In Commerce: 1993/01/01 dating service		

Attachments	76450307#TMSN.png(bytes) 74419643#TMSN.png(bytes) 99068055_1.pdf(291705 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	/Gayle L. Strong/
Name	Gayle L. Strong

Date	04/20/2016
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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BRAND IP LICENSING LIMITED,

Opposer,

Serial No. 86/706944
Mark: APPY TOGETHER
Published: December 22, 2015

BOYLE, Stephen J.,

Applicant.
-----X

Opposition No. _____

BOX TTAB - FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-14513

NOTICE OF OPPOSITION

Opposer, Brand IP Licensing Limited, (“Opposer”), a company limited by shares duly organized and existing under the laws of the British Virgin Islands and having a registered address of P.O. Box 146, Trident Chambers Road Town, Tortola, British Virgin Islands, believes that it is or will be damaged by the registration of Application Serial No. 86/706944 for the mark APPY TOGETHER (hereafter referred to as “Applicant’s Mark”) and hereby opposes same pursuant to 15 U.S.C. §§ 1052 and 1063, alleging as grounds for its opposition:

1. On information and belief, Stephen J. Boyle (hereinafter, “Applicant”) is an individual with an address of record at 80 Depew Ave Apt A, Nyack, NY 10960-3829.
2. On July 28, 2015, Applicant filed Application Serial No. 86/706944 as an

intent to use application under 15. U.S.C. § 1051(b) to register the mark APPY TOGETHER for use on or in connection with “Dating services provided via mobile phone” in International Class 45.

3. Opposer is the owner of United States Trademark Registration No. 2,746,809 for its “TOGETHER” word mark for “Dating Service Business” in Class 45, registered on August 5, 2003 and United States Trademark Registration No. 1,887,565 for its “TOGETHER & Design” mark for “Dating Service” in Class 42, registered on April 4, 1995, as well as other “TOGETHER” marks outside of the United States (hereinafter referred to as “Opposer’s Marks” or the “Together Marks.”)

4. Opposer’s Together Marks are actively and extensively used in commerce in the United States and around the world by Opposer. Copies of Opposer’s United States Registrations are appended hereto as Exhibit A and are incorporated herein. A list of Opposer’s worldwide registrations is appended hereto as Exhibit B.

5. U.S. Registration Nos. 2,746,809 and 1,887,565 are incontestable as a matter of law under 15 U.S.C. § 1065.

6. Opposer, through itself and its licensees, its predecessors and their licensees, has continuously used and continues to use its TOGETHER marks in interstate commerce on or in connection with its services since at least as early as 1993.

7. Through its widespread and exclusive use in commerce and as a result of extensive marketing, promotion, advertising and sales activity, Opposer’s well-known and distinctive Together Marks have achieved substantial recognition among the trade and consuming public and have come to symbolize Opposer’s goodwill and good reputation.

8. The services identified in Applicant’s Application Serial No. 86/706944 are
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overlapping and highly related, if not virtually identical to the services offered by Opposer in connection with Opposer's Together Marks, and, upon information and belief, are offered or intended to be offered to the same, substantially similar, and/or overlapping classes of consumers as those to which Opposer caters and through the same, substantially similar, and/or overlapping channels of trade.

9. The mark identified in Applicant's Application Serial No. 86/706944 is so similar to Opposer's Together Marks, and the services identified in Applicant's application are identical or related to the services offered by Opposer that registration of Applicant's mark would result in a likelihood of confusion among relevant consumers. Consumers would likely believe that APPY TOGETHER is part of a family of TOGETHER formative marks used with online dating services and related goods and services, as shown in the Registrations for the Together Marks.

10. Opposer's use and registration of its TOGETHER Marks predates the July 28, 2015 filing date of Application Serial No. 86/706944. Opposer thus has priority of use over Applicant.

11. If Applicant is permitted to use and register the subject mark for its services specified in the application herein opposed, confusion in trade resulting in damage and injury to Opposer would result. Applicant's Mark is likely to cause confusion, mistake or deception in that consumers are likely to believe that Applicant's services are Opposer's services or the services of a company that is sponsored, authorized, or licensed by, or in some other way legitimately connected with, Opposer in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d).

12. Any such confusion in trade would inevitably result in loss of revenue and

goodwill to Opposer. Applicant's use of the Applicant's Mark is likely to interfere with Opposer's use of its Together Marks and Opposer's ability to avail itself of present and future commercial benefit resulting from its sustained financial investment in the development thereof.

WHEREFORE, Opposer prays that Opposer prays that this Notice of Opposition be sustained, Application Serial No. 86/706944 be rejected, and that Applicant be denied registration.

Date: April 20, 2016

Respectfully submitted,
Brand IP Licensing Limited

/Gayle L. Strong/
Gayle L. Strong, Attorney Reg. No. 36,842
GREENBERG TRAUIG, LLP
1200 17th Street, Suite 2400
Denver, Colorado 80202
Tel: (303) 572-6500
Fax: (303) 572-6540

Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certified that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on the correspondent address of record for Application Serial No. 86/706944 by mailing said copy on April 20, 2016, via U.S. First Class Mail, postage prepaid, to:

Stephen J. Boyle
80 Depew Ave. Apt A
Nyack, New York 10960

And further that a courtesy copy of the foregoing NOTICE OF OPPOSITION has been provided to the correspondent via e-mail transmission at the e-mail address of record sjbnewyork@gmail.com on April 20, 2016.

/Jolene Denton/
Jolene Denton

EXHIBIT A

Int. Cl.: 45

Prior U.S. Cls.: 100 and 101

Reg. No. 2,746,809

United States Patent and Trademark Office

Registered Aug. 5, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

TOGETHER

**TOGETHER MANAGEMENT GROUP, INC.
(TEXAS CORPORATION)
5026 DORSEY HALL DRIVE
SUITE 205
ELLICOTT CITY, MD 21042**

FIRST USE 10-1-1974; IN COMMERCE 8-12-1976.

OWNER OF U.S. REG. NO. 1,887,565.

SER. NO. 76-450,307, FILED 9-17-2002.

**FOR: DATING SERVICE BUSINESS, IN CLASS 45
(U.S. CLS. 100 AND 101).**

EUGENIA MARTIN, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cl.: 100

United States Patent and Trademark Office

Reg. No. 1,887,565

Registered Apr. 4, 1995

**SERVICE MARK
PRINCIPAL REGISTER**



TOGETHER

TOGETHER DEVELOPMENT CORPORATION
(CONNECTICUT CORPORATION)
161 WORCESTER ROAD
SECOND FLOOR
FRAMINGHAM, MA 01701

FIRST USE 1-1-1993; IN COMMERCE
1-1-1993.

OWNER OF U.S. REG. NO. 1,145,365.

SER. NO. 74-419,643, FILED 7-30-1993.

FOR: DATING SERVICE, IN CLASS 42 (U.S.
CL. 100).

ANNE L. CORNELIUS, EXAMINING ATTOR-
NEY

EXHIBIT B

Country	Mark	App. No.	Filing Date	Reg. No.	Reg. Date	Good/Services	Owner	Status
US	 TOGETHER (DESIGN)	74419643	7/30/1993	1887565	4/04/1995	Dating services, in Class 45	Brand IP Licensing Limited	Registered
US	TOGETHER	76450307	9/17/2002	2746809	8/05/2003	Dating services, in Class 45	Brand IP Licensing Limited	Registered
AU	TOGETHER	1600429	1/10/2014			Dating services, in Class 45	Brand IP Licensing Limited	Registered
GB	 Together.com Design and TOGETHER.COM	2449407	3/14/2007	2449407	4/11/2008	9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; computer software; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus. 16: Paper, cardboard and goods made from these materials; printed matter; bookbinding materials; photographs; stationery; adhesives for stationery or	Brand IP Licensing Limited	Registered

Country	Mark	App. No.	Filing Date	Reg. No.	Reg. Date	Good/Services	Owner	Status
						household purposes; artists' materials; paintbrushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks. 25: Clothing, footwear, headgear. 36: Financial and monetary affairs. 41: Education; providing of training; organisation of conferences, seminars, events and exhibitions. 42: Scientific, industrial and technological research; research in the field of climate change and in the reduction of carbon emissions; advisory and consultancy services relating to all the aforesaid.		