

ESTTA Tracking number: **ESTTA750466**

Filing date: **06/06/2016**

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	Equifax Inc.
Granted to Date of previous extension	06/05/2016
Address	1550 Peachtree St. NW Atlanta, GA 30309 UNITED STATES

Attorney information	Elizabeth Lester Equifax Inc. 1550 Peachtree St. NW Atlanta, GA 30309 UNITED STATES elizabeth.lester@equifax.com, anthony.saffioti@equifax.com
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Applicant Information

Application No	86327828	Publication date	12/08/2015
Opposition Filing Date	06/06/2016	Opposition Period Ends	06/05/2016
Applicant	International Business Machines Corporation New Orchard Road Armonk, NY 10504 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Printed materials, namely, books, brochures, informational sheets, instructional manuals, written presentations, instructional and teaching materials, all in the field of computers, computer services, computer software, information technology and electronic business transactions via a global computer network
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Business management consulting services and business consulting services; business development services; market research; data processing services; arranging and conducting trade show exhibitions; all of the foregoing in the field of computers, computer software, computer services, information technology and electronic business transactions via a global computer network
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Educational services, namely, conducting conferences, exhibitions, symposiums, presentations, technical demonstrations and training seminars, all in the field of information technology and computer products and services

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3088044	Application Date	01/07/2004
Registration Date	05/02/2006	Foreign Priority Date	NONE
Word Mark	INTERCONNECT		
Design Mark	INTERCONNECT		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Credit inquiry; evaluation of credit bureau data; risk management Class 042. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Application service provider (ASP) featuring software in the field of credit application processing, risk analysis, identify verification, consumer, non-regulated, and commercial reporting-agency data analysis, credit risk modeling and analytics, credit letter generation, creditscore and hypothetical credit score decisioning and analysis, and credit fraud protection		

Attachments	76569819#TMSN.png(bytes) Equifax_IBM_Notice_of_Opposition_86327828_INTERCONNECT.pdf(97928 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	/Elizabeth Lester/
Name	Elizabeth Lester
Date	06/06/2016

2. In addition to its common law rights, Opposer is the owner of the INTERCONNECT mark (“Opposer’s Mark”), U.S. Trademark Registration Number 3,088,044 in International Classes 036 and 042, in connection with the following goods and services:

IC 036. Credit inquiry; evaluation of credit bureau data; risk management

IC 042. Application service provider (ASP) featuring software in the field of credit application processing, risk analysis, identify verification, consumer, non-regulated, and commercial reporting-agency data analysis, credit risk modeling and analytics, credit letter generation, credit score and hypothetical credit score decisioning and analysis, and credit fraud protection

3. Opposer has continually used the INTERCONNECT Mark in United States commerce since at least as early as 2004, and continues such use today, in connection with a range of goods and services relating to credit reporting, risk management, and analysis, including (i) materials (e.g., brochures, informational sheets, instructional materials, written presentations, instructional and teaching materials in any medium) and educational services (e.g., presentations, technical demonstrations, and training seminars) provided to support Equifax’s products and services; (ii) decision management technology that empowers users to define and execute decision policies, turning consumer and commercial data into actionable insights that optimize business strategy, reduce risk, and fuel more accurate and profitable prospecting, account acquisition, portfolio review, and account management; and (iii) identity verification, fraud detection, debt management.

4. Opposer’s use of the INTERCONNECT Mark has not been abandoned and has been valid and continuous to the present day.

5. Opposer’s INTERCONNECT Mark is a distinctive indicator of origin that, by virtue of continuous and extensive use, advertising, and promotion by Opposer, has acquired a high degree of recognition and has acquired significant goodwill. The public and the trade are familiar with and identify the INTERCONNECT Mark with Opposer and, by reason of this

identification, goods and services associated with the INTERCONNECT Mark are understood by the public and trade to be marketed and provided by Opposer or under Opposer's authority.

6. Notwithstanding Opposer's prior rights, International Business Machines Corporation ("Applicant"), a corporation organized and existing under the laws of the State of New York, having place of business at New Orchard Road, Armonk, NY, filed on July 3, 2014 a trademark application for the Pending Mark, in connection with the following services in International Classes 016, 035 and 041:

IC 016. Printed materials, namely, books, brochures, informational sheets, instructional manuals, written presentations, instructional and teaching materials, all in the field of computers, computer services, computer software, information technology and electronic business transactions via a global computer network

IC 035. Business management consulting services and business consulting services; business development services; market research; data processing services; arranging and conducting trade show exhibitions; all of the foregoing in the field of computers, computer software, computer services, information technology and electronic business transactions via a global computer network

IC 041. Educational services, namely, conducting conferences, exhibitions, symposiums, presentations, technical demonstrations and training seminars, all in the field of information technology and computer products and services

7. Applicant's Application was published for opposition on December 8, 2015. On January 5, 2016, Opposer secured a 90-day extension of time to oppose, through and including April 6, 2016. On April 5, 2016, Opposer secured, with consent, an additional 60-day extension of time to oppose, through and including June 5, 2016. June 5, 2016 falls on a Sunday. Accordingly, Opposer is timely filing this Notice of Opposition on June 6, 2016, the next business day on which the USPTO is open.

8. Opposer's January 7, 2004 priority filing date and its May 2004 first use in commerce date are well prior to the July 3, 2014 filing date of Applicant's intent-to-use application.

LIKELIHOOD OF CONFUSION

9. The relatedness of Opposer's and Applicant's goods and services, as well as the similarity between the marks themselves, is likely to cause marketplace confusion.

10. Applicant has not claimed any use of the Pending Mark, as evidenced in its application filed on an intent to use basis on July 3, 2014. Upon information and belief, since a time beginning after July 3, 2014, Applicant has made use of the Pending Mark in connection with some, but not all, of the applied-for goods and services.

11. As such, any use by Applicant is subsequent to Opposer's aforesaid use and filing date for its registration of its Mark and its common law trademark usage.

12. As a result of the aforesaid prior and extensive usage of Opposer's Mark, it has become associated with Opposer's goods and services in the marketplace and has become symbolic of extensive goodwill and purchaser recognition, built up through substantial amounts of time and effort expended in the promotion of Opposer's business and marks.

13. In view of the similarity of the respective marks of the parties hereto, and the related nature of the goods and services of the respective parties, Applicant's Pending Mark so resembles Opposer's Mark as to be likely to cause confusion, or to cause mistake or to deceive.

DILUTION

11. Opposer has sold its services to many customers, and engaged in extensive and substantial advertising, sales and marketing of its Mark and associated goods and services. As a result of these substantial efforts and this investment, Opposer's Mark is famous and well known to purchasers and the general public who recognize the Mark as indicating the source of the goods and services as Opposer.

12. Because of the high degree of distinctiveness of Opposer's Mark, the length of time and extent to which Opposer has used its Mark, the extensive advertising and publicity

Opposer's Mark has received, the nationwide trading area in which Opposer's Mark is used, and the high degree of customer recognition of Opposer's Mark, the INTERCONNECT Mark is considered a famous trademark pursuant to 15 U.S.C. § 1125(c)(1).

13. Registration of the Pending Mark would lessen the capacity of Opposer's famous Mark to identify and distinguish Opposer's goods and services sold thereunder and, as such, would cause dilution of the Mark in violation of 15 U.S.C. § 1125(c) and 1127.

14. For the reasons set forth herein, the use and/or registration of Applicant's Pending Mark is likely to cause dilution of Opposer's famous Mark, thereby damaging Opposer's goodwill in its Mark, diluting the value thereof, and resulting in irreparable harm to Opposer's business and reputation, all to the detriment of Opposer who has extended considerable sums and effort in promoting its Mark, and to the detriment of the consuming public.

CONCLUSION

15. Based upon the foregoing, including Opposer's prior use and registration of its Mark, Opposer has been and will continue to be harmed and damaged if the aforesaid registration of Applicant's Pending Mark is granted. Such registration would be a source of damage and injury to Opposer and the consuming public.

16. Applicant herewith submits the payment of the appropriate filing fees in the amount of \$300 in connection with the instant Notice of Opposition. Such Notice of Opposition is timely filed.

17. Based upon the foregoing, Applicant's application for the Pending Mark should be denied registration as requested by Opposer herein

WHEREFORE, Opposer respectfully prays that the Notice of Opposition be sustained in favor of Opposer and that Application Serial Number 86/327,828 be denied registration.

Dated: June 6, 2016

Respectfully submitted,

/Elizabeth Lester/
Elizabeth Lester
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Equifax Inc.

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

In the Matter of Application Serial No. **86/327,828**
For the mark: INTERCONNECT
Filed: July 3, 2014
Published: December 8, 2015

Equifax Inc.)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
International Business Machines Corporation)	
)	
Applicant.)	

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF OPPOSITION has been served on Applicant by depositing said copy with the United States Postal Service as First-Class Mail, postage prepaid, in an envelope addressed to:

LEONORA HOICKA
INTERNATIONAL BUSINESS MACHINES CORP
N CASTLE DR INTELLECTUAL PROPERTY
ARMONK, NY 10504

Dated: June 6, 2016

/Elizabeth Lester/
Elizabeth Lester

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