

ESTTA Tracking number: **ESTTA761847**

Filing date: **08/01/2016**

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	DHK Enterprises, Inc
Granted to Date of previous extension	07/31/2016
Address	2214 Rock Hill Rd, Ste 502 Herndon, VA 20170 UNITED STATES
Attorney information	M. Keith Blankenship Da Vinci's Notebook, LLC 10302 Bristow Center Drive No. 52 Bristow, VA 20136 UNITED STATES keith@dnotebook.com Phone:7035819562

**Applicant Information**

Application No	86692894	Publication date	02/02/2016
Opposition Filing Date	08/01/2016	Opposition Period Ends	07/31/2016
Applicant	HDHK LLC Ste B Cincinnati, OH 45249 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 software, namely, downloadable software for mobile devices for the purpose of providing personal relationship advice, tips, reminders and gift suggestions; computer software, namely, downloadable software for mobile devices that allows users to manage personal relationships
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing an interactive website featuring advice and information in the field of personal relationships

**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.	3411601	Application Date	08/07/2007
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Registration Date	04/15/2008	Foreign Priority Date	NONE
Word Mark	DHK		
Design Mark			
Description of Mark	The mark consists of The letters DHK in blue. On top of and below the letters are two thin black bars that run the length of the letters. The background of the mark is white. The letter D has a small hash in white on the vertical bar of the D. The white hash matches the vertical placement of the middle bar in the H.		
Goods/Services	Class 042. First use: First Use: 2005/05/09 First Use In Commerce: 2005/05/09 Design and development of networks; Information technology consultation; Integration of computer systems and networks		

U.S. Registration No.	4720292	Application Date	09/07/2014
Registration Date	04/14/2015	Foreign Priority Date	NONE
Word Mark	VISORVDI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2014/09/02 First Use In Commerce: 2014/09/02 Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; Computer services, namely, cloud hosting provider services; Computer services, namely, integration of private and public cloud computing environments; Hosting the software, websites and other computer applications of others on a virtual private server; Professional computer services, namely, network analysis, LAN/WAN design, wireless engineering, virtualization and computer project management; Providing virtual computer systems and virtual computer environments through cloud computing		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	DHK
Goods/Services	Managed Security, Voice over IP, IT Support, Private Cloud, Remote Data Security, Network Access Products, Data Storage Products, Network Functionality Products, Security Management Software, Intrusion Detection Devices and Services, Email Services, Domain Name Systems Services, Website Creation and Maintenance, Client Device/User Relationship Management, Interactive Monitoring of User Systems and Devices (including via DHK website), Virtual Servers, Virtual Desktop Imaging, and Downloadable Software for Information Technology Services and Analysis as well as goods/services of the Registrations of this action.

Attachments	77249392#TMSN.png( bytes ) 86387544#TMSN.png( bytes ) DNDHK-0007_Notice of Opposition_1.3.pdf(83197 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	/M. Keith Blankenship/
Name	M. Keith Blankenship
Date	08/01/2016

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

In the Matter of Application Serial No. 86/692,894  
Published in the Official Gazette (Trademarks) on February 2, 2016.

DHK ENTERPRISES, INC.,

Opposer

v.

HDHK LLC

Applicant

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Opposer, DHK Enterprises, Inc. (the “Opposer”) believes that it will be damaged by registration of the designation HDHK in International Classes 009 and 045 for its stated goods and services, and alleges on knowledge as to its own acts, and otherwise on information and belief, as grounds for opposition as follows:

1. The Opposer is a corporation organized and existing under the laws of Virginia doing business at 2214 Rock Hill Rd, Ste 502 Herndon, VA 20170.

2. Applicant, HDHK LLC (the “Applicant”), is a limited liability company, with a mailing address of 11013 Montgomery Rd., Suite B; Cincinnati, OHIO 45249.

3. On July 14, 2015 (“Filing Date”) Applicant filed trademark application serial no. 86/692,894 in International Classes 009 and 045 for HDHK presently claiming use for the following goods: Computer software, namely, downloadable software for mobile devices for the purpose of providing personal relationship advice, tips, reminders and gift suggestions; computer

software, namely, downloadable software for mobile devices that allows users to manage personal relationships (Class 009), and Providing an interactive website featuring advice and information in the field of personal relationships (Class 045) (“Applicant’s Services”).

4. Opposer is the owner of numerous trademarks for a wide range of computer and information technology products and services. Opposer’s Registered Marks include DHK (as stylized) and VISORVDI. Examples of Opposer’s registered trademarks are as follows:

#	Mark	Serial No.	Reg. No.	Reg. Date	Class/Goods
1	DHK	77249392	3411601	04/15/2008	42/ Design and development of networks; Information technology consultation; Integration of computer systems and networks.
2	VISORVDI	86387544	4720292	04/15/2015	42/ Computer security services, namely, enforcing, restricting and controlling access privileges of users of computing resources for cloud, mobile or network resources based on assigned credentials; Computer services, namely, cloud hosting provider services; Computer services, namely, integration of private and public cloud computing environments; Hosting the software, websites and other computer applications of others on a virtual private server; Professional computer services, namely, network

	analysis, LAN/WAN design, wireless engineering, virtualization and computer project management; Providing virtual computer systems and virtual computer environments through cloud computing
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5. Opposer is the owner of numerous common law trademarks for a wide range of computer and information technology products and services, including the wordmark DHK (all portrayals).

6. Opposer’s U.S. TM. Reg. No. 3,411,601; U.S. TM. Reg. No. 4,720,292; and ownership of common law trademark DHK (Opposer’s Marks) represent a wide variety of goods and services offered by Opposer, which include not only the goods and services of its U.S. TM. Registrations, but also: Managed Security, Voice over IP, IT Support, Private Cloud, Remote Data Security, Network Access Products, Data Storage Products, Network Functionality Products, Security Management Software, Intrusion Detection Devices and Services, Email Services, Domain Name Systems Services, Website Creation and Maintenance, Client Device/User Relationship Management, Interactive Monitoring of User Systems and Devices (including via DHK website), Virtual Servers, Virtual Desktop Imaging, and Downloadable Software for Information Technology Services and Analysis (“Opposer’s Goods”).

7. Opposer currently, prior to Applicant’s Filing Date, and prior to any date which may be claimed by Applicant, has utilized Opposer’s Marks to sell, offer to sell, publicize, and otherwise commercialize Opposer’s Goods.

8. Opposer's Goods are available on the Internet at [www.dhk.com](http://www.dhk.com).
9. Opposer's Goods have been widely advertised, offered for sale, and sold throughout the United States under Opposer's Marks.
10. Opposer is now and has been for many years trading as and known by Opposer's Marks, identifying Opposer as the source of high quality computer and information technology products. Opposer has been in existence since at least April 2003.
12. Applicant's Goods are the same or substantially similar to Opposer's Goods and/or are within Opposer's ever expanding natural progression of goods and channels of trade.
12. Opposer is now and has been, for many years prior to any date which may be claimed by Applicant, engaged in the use of Opposer's Marks for Opposer's Goods, including without limitation computer and information technology products and other related goods.
13. Opposer is now, and has been for many years prior to any date which may be claimed by Applicant, engaged in the sale of computer and information technology products and other related goods under Opposer's Mark in interstate commerce.
14. The use by Opposer of Opposer's Marks for Opposer's Goods alleged herein, is long prior to any date which may be lawfully claimed by Applicant, and Opposer has priority.
15. Opposer's Marks and Applicant's Mark are substantially identical and confusingly similar when applied to the goods of the parties.
16. Applicant's use, and intended use, of Applicant's Mark in connection with Applicant's Goods is without the consent or permission of Opposer.
17. Since Opposer owns Opposer's Marks by virtue of prior use, confusion, mistake or deception as to the source of the origin of computer and information technology products and other related goods will arise and will injure and damage the Opposer and its goodwill if

Applicant registers HDHK.

18. The registration of HDHK to Applicant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Applicant's Goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related, or associated with Opposer, all to Opposer's irreparable damage.

19. Opposer believes that it is, and will be, damaged by the registration of HDHK by Applicant.

**WHEREFORE**, Opposer prays that the application for registration of HDHK, Serial No. 86/692,894, filed on July 14, 2015 be denied and that this Opposition be sustained.

DATED: August 1, 2016

By: /M. Keith Blankenship/  
Attorney for Opposer  
M. Keith Blankenship, Esq.  
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Bristow, VA 20136  
Ph: (703) 646-1406  
[keith@dnotebook.com](mailto:keith@dnotebook.com)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing Notice of Opposition has been served on counsel for Applicant by mailing said copy via First Class Mail, postage prepaid to:

Otis W. Grigsby  
Taft Stettinius & Hollister LLP  
425 Walnut Street, Suite 1800  
Cincinnati, Ohio 45202-3957

this 1st day of August, 2016

By M. Keith Blankenship/  
M. Keith Blankenship