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

Proceeding	91229488
Party	Defendant Golestan Parast, Simon
Correspondence Address	KATHRYN JOHNSON BERENBAUM 73143 AJO LANE PALM DESERT, CA 92260  trademarks@lovitziplaw.com
Submission	Answer
Filer's Name	Michael L. Lovitz
Filer's e-mail	trademarks@lovitziplaw.com
Signature	/michael l lovitz/
Date	10/20/2016
Attachments	Answer to Opposition.pdf(83607 bytes )

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

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LINKEDIN CORPORATION	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91229488
	:	
SIMON GOLESTAN PARAST	:	
Applicant.	:	Attorney Docket No. G1009-9001

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**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant, Simon Gloestan Parast, a California resident having a business address of 427 Sunridge Street, Playa del Rey, CA 90293 (“Applicant”), hereby responds to the Notice of Opposition filed by LinkedIn Corporation (“Opposer”) with respect to application Serial No. 86/915,392 (the “Application”):

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
3. Admitted in part; denied in part. Applicant admits that the USPTO’s TSDR database indicates that the specific U.S. trademark registrations listed by Opposer in this paragraph 3 were issued on the dates specified, identify Opposer as the owner, and contain the descriptions of goods and/or services indicated. Applicant is without knowledge or information sufficient to form a belief as to the remaining allegations of this paragraph, and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

8. Admitted.

9. Admitted.

10. Denied. Applicant denies that its “CLIQUE IN” mark “is similar in appearance, pronunciation and commercial impression when compared to Opposer’s LINKEDIN Marks.” Applicant further denies that its closely imitates “the overall commercial impression of the LINKIND Marks.”

11. Admitted in part; denied in part. Although the mark of the instant Application involves software in the nature of “downloadable mobile applications for social networking in the field of social media that allows users to share their locations and multimedia”, Applicant denies that its products are “directly overlapping with LinkedIn’s offering.”

12. Denied.

13. Denied.

14. Admitted in part, denied in part. Applicant admits that Applicant is not affiliated or connected with Opposer, and that Opposer has not endorsed or sponsored Applicant. Applicant denies that the Application includes or references the provision of services.

15. Admitted in part, denied in part. Applicant admits that Opposer began use of the LINKEDIN Marks prior to the filing date of the Application. Applicant denies that the Application includes or references the provision of advertising services. Applicant is without knowledge or information sufficient to form a belief as to the remaining allegations of this paragraph, and therefore denies the same.

16. Applicant incorporates by reference its response to the allegations of paragraphs 1 through 15, inclusive, as if fully set forth herein.

17. Admitted in part, denied in part. Applicant admits the mark of the instant Application combines the term “CLIQUE” with the word “IN”. Applicant denies the remaining allegations of this paragraph 17.

18. Admitted in part, denied in part. Applicant admits that it intends to use the mark in connection with the goods identified in the Application, namely “downloadable mobile applications for social networking in the field of social media that allows users to share their locations and multimedia”. Applicant denies the remaining allegations of this paragraph 18.

19. Admitted.

20. Admitted in part, denied in part. Applicant admits that Opposer has no control over the nature and quality of Applicant’s products offered under the mark of the instant Application. Applicant denies the remaining allegations of this paragraph 17.

21. Denied.

22. Applicant incorporates by reference its response to the allegations of paragraphs 1 through 21, inclusive, as if fully set forth herein

23. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

24. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

25. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

26. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

27. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

28. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

29. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

30. Applicant is without knowledge or information sufficient to form a belief as to the allegations of this paragraph, and therefore denies the same.

31. Denied.

32. Denied.

33. Paragraph 33 contains a prayer for relief rather than an allegation, and Applicant therefore is incapable of admitting or denying the same.

#### **AFFIRMATIVE DEFENSES**

A. Opposer has failed to state a claim upon which relief may be granted. Specifically, Opposer has failed to sufficiently allege that the element “IN” is famous for software.

B. The word “In” is an extremely common word, and is commonly used in connection with social media applications, including as part of the commonly used phrase “check in” that is connected to self-reported positioning when sharing locations with friends and family.

C. Applicant’s mark differs substantially from the marks relied upon by Opposer in look, spelling, appearance, pronunciation, sound, meaning and connotation, making consumer confusion impossible and dilution highly unlikely.

D. The purpose for which Applicant’s intended goods are to be used, namely providing users with real-time updates on the locations and social activities of friends, differs substantially

from that of Opposer's business and professional networking products and services sold or offered under the LINKEDIN Marks, making consumer confusion highly unlikely.

E. Opposer cannot demonstrate injury to any rights Opposer may establish during the opposition proceeding.

WHEREFORE, Applicant prays that this Opposition be dismissed, with prejudice, and that application Serial No. 86/915,392 be permitted to proceed to allowance.

Respectfully submitted,

Dated: October 20, 2016

By: /michael l lovitz/  
Michael L. Lovitz, Esq.  
LOVITZ IP LAW PC  
8335 W Sunset Blvd., Ste. 314  
West Hollywood, CA 90069  
(323) 337-9088

Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I, Michael L. Lovitz, hereby certify on this 20<sup>th</sup> day of October, 2016, that a true and correct copy of the foregoing **Applicant's Answer to Notice of Opposition** was served upon counsel of record via e-mail at the following address:

Judd D. Lauter, Esq.  
Cooley LLP  
1114 Avenue of the Americas  
New York, NY 10036-7798  
jlauter@cooley.com, jcullum@cooley.com, trademarks@cooley.com

/michael l lovitz/  
Michael L. Lovitz, Esq.