

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

Masabi Ltd., )  
 )  
 Opposer / Petitioner, )  
 )  
 v. )  
 )  
 Ride Group, Inc., )  
 )  
 Applicant / Registrant )  
 )  
 \_\_\_\_\_ )

# 86101205

Opposition No. \_\_\_\_\_  
Application Serial No. 86101301,  
86101285, 86101291 and 86101269.

Cancellation No. \_\_\_\_\_  
Registration Nos. 4818518, 4818519,  
4818520, 4818521 and 4822734.

**COMBINED NOTICE OF OPPOSITION AND PETITION TO CANCEL**

Opposer, Masabi Ltd., a limited liability company formed in the United Kingdom at 37 Beviden Street, London, N1 6BH ("Opposer"), believes that it will be damaged by registration of the marks of Application Serial Nos. 86101301, 86101285 and 86101291 for JUST RIDE and 86101269 for JUST RIDE TO WORK for the services recited therein by Ride Group, Inc. ("Applicant"), and hereby opposes said applications pursuant to 15 U.S.C. § 1063(a). Opposer further believes it is now and will in the future be damaged by the continued registration of the marks of Registration Nos. 4818518 and 4822734 for JUST RIDE TO BASE, 4818519 and 4818520 for JUST RIDE TO CAMPUS, and 4818521 for JUST RIDE TO WORK for the services recited therein and hereby petitions to cancel same pursuant to 15 U.S.C. §1064. The above-mentioned applications and registrations should be refused registration or canceled on the grounds that the applications and registrations are, upon information and belief, void and that the marks of the applications and registrations are likely to cause confusion or mistake or are likely to deceive with respect to Opposer's prior adoption and use of the mark formed by or

~~04/22/2016 DJEFFCOA 00000007 180013 86101205~~

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04/25/2016 DJEFFCOA 00000002 180013 4818518

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\*04-20-2016\*

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#86101217

Opposition No. \_\_\_\_\_  
Application Serial No. 86101301,  
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04/25/2016 DJEFFCOA 00000003 180013 4818519

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#86101228

Opposition No. \_\_\_\_\_  
Application Serial No. 86101301,  
86101285, 86101291 and 86101269.

Cancellation No. \_\_\_\_\_  
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 04/25/2016 DJEFFCOA 00000004 180013 4818520  
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\*04-20-2016\*

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 Applicant / Registrant )  
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#86101234

Opposition No. \_\_\_\_\_  
Application Serial No. 86101301,  
86101285, 86101291 and 86101269.

Cancellation No. \_\_\_\_\_  
Registration Nos. 4818518, 4818519,  
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#86101214

Opposition No. \_\_\_\_\_  
Application Serial No. 86101301,  
86101285, 86101291 and 86101269.

Cancellation No. \_\_\_\_\_  
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\*04-20-2016\*

incorporating JUSTRIDE (“Opposer’s JUSTRIDE Mark”) and the applications/registrations therefor.

As grounds for the opposition and cancellation, Opposer states as follows:

1. Opposer is a global leader in the mobile ticketing and fare collection industry: its services allow users of public transportation to purchase fare via a mobile application and transit agencies to manage such fare (“Opposer’s Services”).

2. Opposer is not only a global leader, it is a pioneer in the transportation industry: in 2012, it launched the *first* mobile rail ticketing system in the United States by virtue of its partnership with the Massachusetts Bay Transportation Authority.

3. Articles touting the innovative nature of Opposer’s Services have been featured in national publications such as the *Financial Times* and *The Wall Street Journal*. Opposer and/or Opposer’s Services have likewise been featured on prominent technology-focused blogs such as *TechCrunch*, *Wired*, the *Gadget Show* and in well-known European publications, accessible throughout the United States via the internet, such as *The Sunday Times*, *The Guardian* and *The Telegraph*.

4. Due to the innovative nature of Opposer’s Services, Opposer has been nominated for and/or has won numerous awards from prestigious transport-related organizations, such as the Global Mobile Awards (2013), The Europas (2013), The Railway Industry Innovation Awards (2012), White Bull Summit (2012), Rail Business Awards (2012), London Transport Awards, Mobile Innovators (2012) and Effective Mobile Marketing Awards.

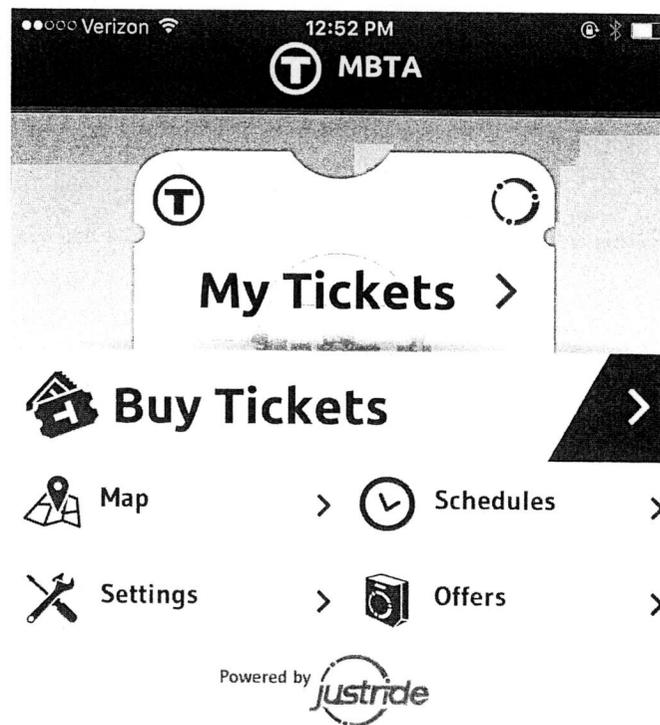
5. The success of Opposer’s Services in the United States is apparent: several of the country’s largest metropolitan transport systems utilize Opposer’s Services, including the

Massachusetts Bay Transport Authority, the New Orleans Regional Transportation Authority, and the New York Metropolitan Transportation Authority.

6. Over 5 million tickets are purchased via Opposer's Services every year in the United States, which demonstrates that Opposer's Services and JUSTRIDE mark are well-known to consumers of public transportation and those in the transportation industry.

7. In connection with Opposer's Services, Opposer has used the JUSTRIDE mark in commerce since at least as early as November 2012.

8. Opposer's Services are offered in connection with the JUSTRIDE mark as shown below:



9. As a result of the innovative quality of Opposer's Services and the widespread promotion thereof under Opposer's JUSTRIDE Mark, Opposer's Services have been met with substantial commercial success and customer recognition.

10. Opposer's JUSTRIDE Mark is a symbol of Opposer, its quality services and its goodwill.

11. Opposer's JUSTRIDE Mark is inherently distinctive.

12. In recognition of the valuable rights in and to Opposer's JUSTRIDE Mark, the Patent and Trademark Office granted Opposer U.S. Registration No. 4553845 for JUSTRIDE for "*Arranging tickets for train, bus and other forms of public transport; booking of tickets for train, bus and other forms of public transport; booking of tickets for travel; booking of travel tickets; information services relating to transport timetables; information services relating to travel; issuing of tickets for travel; on-line transportation reservation and travel ticket reservation services; providing an on-line searchable computer database featuring information on travel; providing travel information to travelers regarding fares, timetables and public transport; provision of computerised travel information; provision of information on matters relating to travel; provision of information relating to travel routes; provision of information relating to travel; provision of travel information; ticket booking services for travel; ticket reservation services for travel; ticketing services for travel; travel and transport information and advisory services; travel information services; travel ticket reservation service*" in Class 39 (hereafter, "Opposer's Registration"). This registration rests on the Principal Register and thus constitutes *prima facie* evidence of the validity of the registered mark, the registrations therefor, Opposer's ownership of the mark, and its exclusive right to use the mark in commerce.

13. Upon information and belief, Applicant, Ride Group, Inc., is a Delaware corporation with an address of 309 Cheery Street, Philadelphia, Pennsylvania 19106.

14. On October 25, 2013, Applicant filed the following applications for JUST RIDE formative marks, on an intent-to-use basis (collectively, “Applicant’s Applications and Registrations”):

- Application No. 86101301 for JUST RIDE for “*Business-to-business, institution-specific web based solution, namely, providing online non-downloadable software used to determine commuting options for individuals all commuting to a single location; and business-to-business, institution-specific web based solution, namely, providing online non-downloadable software used to determine user-specific commuting options for individuals all commuting to a single location area*” in class 42.
- Application No. 86101285 for JUST RIDE for “*Providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of commuting options for individuals all commuting to a single location; and providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of user-specific commuting options for individuals all commuting to a single location area*” in class 39.
- Application No. 86101291 for JUST RIDE for “*Providing a benefits program for the employees of others, namely, providing an interactive website featuring technology that generates institution-specific, dynamic optimization of commuting options for individuals all commuting to a single location; and providing a benefits program for the employees of others, namely, providing an interactive website featuring technology that generates institution-specific, dynamic*

*optimization of user-specific commuting options for individuals all commuting to a single location area” in class 42.*

- Application No. 86101269 for JUST RIDE TO WORK for “*Business-to-business, institution-specific web based solution, namely, providing online, non-downloadable software used to determine commuting options for individuals all commuting to a single location; and business-to-business, institution-specific web based solution, namely, providing online, non-downloadable software used to determine user-specific commuting options for individuals all commuting to a single location area” in class 42.*
- Application No. 86101205 (now U.S. Registration No. 4818518) for JUST RIDE TO BASE for “*Providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of commuting options for individuals all commuting to a single location; and providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of user-specific commuting options for individuals all commuting to a single location area” in class 39.*
- Application No. 86101217 (now U.S. Registration No. 4818519) for JUST RIDE TO CAMPUS for “*Providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of commuting options for individuals all commuting to a single location; and providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of user-*

*specific commuting options for individuals all commuting to a single location area” in class 39.*

- Application No. 86101228 (now U.S. Registration No. 4818520) for JUST RIDE TO CAMPUS for “*Business-to-business institution-specific and user-specific web based solution, namely, providing online nondownloadable software used to determine commuting options for individuals all commuting to a single location area” in class 42.*
- Application No. 86101234 (now U.S. Registration No. 4818521) for JUST RIDE TO WORK for “*Providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of commuting options for individuals all commuting to a single location; and providing transportation information for commuters, namely, providing an institution-specific, interactive website for the dynamic optimization of user-specific commuting options for individuals all commuting to a single location area” in class 39.*
- Application No. 86101214 (now U.S. Registration No. 4822734) for JUST RIDE TO BASE for “*Business-to-business institution-specific and user-specific web based solution, namely, providing online nondownloadable software used to determine commuting options for individuals all commuting to a single location area” in class 42.*

15. Prior to the filing date of Applicant’s Applications and Registrations, Opposer used Opposer’s JUSTRIDE Mark in commerce and the application that matured to U.S.

Registration No. 4553845 for JUSTRIDE was filed and registered. Opposer therefore has priority of trademark rights.

16. The marks that are the subject of Applicant's Applications and Registrations are identical to or nearly identical to Opposer's JUSTRIDE Mark.

17. The services covered by Applicant's Applications and Registrations are similar and/or related to Opposer's Services, and would be marketed and sold to the same class of purchasers and/or through the same channels of trade.

18. In view thereof, purchasers are likely to mistakenly assume that the services covered by Applicant's Applications and Registrations originate from, are sponsored by or are in some way associated with Opposer.

19. The marks that are the subject of Applicant's Applications and Registrations so resemble Opposer's JUSTRIDE Mark and Opposer's Registration as to be likely to cause confusion, or to cause mistake or to deceive.

20. Upon information and belief, Applicant's Applications and Registrations were assigned as intent-to-use applications from Vride, Inc., to Ride Holdings, Inc., to Ride Group Parent, Inc. and to Ride Group, Inc. in violation of 15 U.S.C. §1060(a)(1), rendering Applicant's Applications and Registrations void.

21. This combined notice of opposition and petition to cancel is proper because Opposer's claims against Applicant's Applications and Registrations involve common questions of law and/or fact.

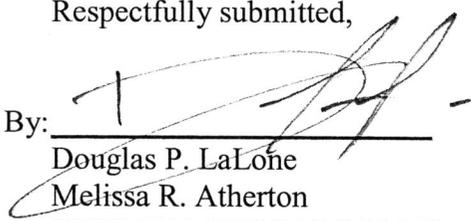
Accordingly, Opposer is now and will in the future be damaged by registration of the mark of Applicant's Applications and Registrations for the services recited therein.

WHEREFORE, Opposer prays that Application Serial Nos. 86101301, 86101285, 86101291 and 86101269 be refused registration and that no registration be issued to Applicant, that Registration Nos. 4818518, 4818519, 4818520, 4818521 and 4822734 be canceled, and that this combined notice of opposition and petition to cancel be granted in favor of Opposer.

A filing fee for the Combined Notice of Opposition and Petition to Cancel in the amount of \$2700 should be charged to Deposit Account No. 18-0013. Any additional fees required should be charged to the same account.

Respectfully submitted,

Dated: April 20, 2016

By: 

Douglas P. LaLohe

Melissa R. Atherton

FISHMAN STEWART PLLC

*Attorneys for Opposer / Petitioner*

39533 Woodward Avenue, Suite 140

Bloomfield Hills, Michigan 48304

Telephone: (248) 594-0600

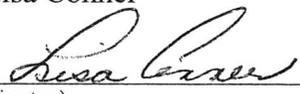
Facsimile: (248) 594-0610

### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Priority Express Mail® in an envelope addressed as follows on the date shown below:

ATTN: Trademark Trial and Appeal Board  
Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Lisa Conner

  
\_\_\_\_\_  
(Signature)

  
\_\_\_\_\_  
(Date)

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing *Combined Notice of Opposition and Petition to Cancel* upon Applicant/Registrant by causing a true and correct copy thereof to be sent by first class mail, postage prepaid to:

Amie Peele Carter  
Faegre Baker Daniels LLP  
300 N. Meridian St., Suite 2700  
Indianapolis, Indiana 46204-1750

Ride Group, Inc.  
309 Cheery Street,  
Philadelphia, Pennsylvania 19106

Date: April 20, 2016

  
\_\_\_\_\_  
Lisa Conner