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LEE HANK.147M

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Go2 Systems, Inc.,

Opposer,

v.

Go2PharmSales, Inc.,

Applicant.

) Opposition No.  
) Mark: GO2PHARMSALES &  
) Design  
) Serial No.: 76/239,995

) I hereby certify that this correspondence and all marked  
) attachments are being deposited with the United States Postal  
) Service as first-class mail in an envelope addressed to:  
) Assistant Commissioner for Trademarks, 2900 Crystal Drive,  
) Arlington, VA 22202-3513, on

January 30, 2002

) Diana W. Prince  
) (Date)  
) Diana W. Prince

**NOTICE OF OPPOSITION**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

ATT: BOX TTAB FEE

Dear Sir:

Opposer, Go2 Systems, Inc. (hereinafter referred to as "Opposer"), located and doing business at 18400 Von Karman Avenue, 9th Floor, Irvine, CA 92612, believes that it will be damaged by registration of the mark shown in Serial No. 76/239,995 filed on April 13, 2001 by Go2PharmSales, Inc. (hereinafter referred to as "Applicant") and hereby opposes the same. A description of Applicant's application is as follows:

MARK: GO2PHARMSALES & Design  
SERIAL NO.: 76/239,995  
FILED: April 13, 2001 ¶ 02/06/2002 6THDMS2 00000213 76239995  
PUBLISHED: October 9, 2001 01 FC:377 300.00 OP  
INT'L CLASS: 35  
GOODS: Providing information via the global computer network, specifically, providing a website designed for job seekers and employers in the pharmaceutical sales industry

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As grounds for opposition it is alleged that:

1. Opposer operates a location-based directory and information service designed for the Internet and portable electronic devices, such as cell phones and vehicle navigation systems, called **Go2®**. The **Go2** system was conceived of and designed to facilitate real-world commerce and navigation by allowing users of the system to easily find locations nearest to them, select from alternative destinations, and obtain directions to such locations. The Internet is a key component of the **Go2** system. Opposer's Internet home page, from which its entire Internet-based **Go2** system can be accessed, is located at "[www.go2.com](http://www.go2.com)" and "[www.go2online.com](http://www.go2online.com)". The Internet-based component of the **Go2** system uses various "go2" Internet domain names, or addresses, in the format "go2\_\_\_\_.com." For example, if you type in the Internet address "go2coffee.com," the **Go2** system will provide you with the coffee shops closest to your present location, and will provide detailed maps to each location. To date, Go2 has reserved almost 5,000 domain names in the "go2\_\_\_\_.com" format as part of its **Go2** system. Go2 currently operates approximately 500 websites in the "go2\_\_\_\_.com" format.

2. Opposer is the owner of federal trademark Registration No. 2,364,791, registered July 4, 2000, for the mark **GO2** for the following goods and services: "Downloadable software database for containing and/or generating alpha-numeric location identifiers and addresses, and downloadable computer software providing a means for accessing manipulating and using the database for physical and electronic navigation, and digital maps containing alpha-numeric location identifiers, in International Class 9; Location identification services, namely creating a database of alpha-numeric location identifiers, assigning identifiers and maintaining and providing access to the database on a global computer network, and providing software, namely digital maps, on a global computer network, in International Class 42."

3. Opposer's Registration No. 2,364,791 is based on an application filed in the United States Patent and Trademark Office on September 1, 1995. As a result of issuance of Registration No. 2,364,791 to Opposer, Opposer is entitled to a nationwide right of priority for the mark **GO2** as of September 1, 1995, the filing date of its application, for the goods and services specified in the registration.

4. Go2 also owns rights in and pending applications for registration of the following related "GO2" marks for use in connection with its **Go2** system:

<b>Mark:</b>	<b>Serial Number:</b>	<b>Filing Date:</b>
GO2 and Design	75/600,074	12/04/98
GO THRU GO2	75/641,673	02/16/99
GO2 NETGATES	75/641,670	02/16/99
GO2ONLINE	75/746,089	07/08/99
GO2	75/941,566	03/10/00
GO2 and Design	76/048,317	05/15/00
GO2ONLINE.COM and Design	76/048,323	05/15/00
GO2RESTAURANTS.COM	78/009,803	05/24/00
GO2MOVIES.COM	78/009,794	05/24/00
GO2HOROSCOPES.COM	78/009,810	05/24/00
GO2	78/045,448	01/29/01
GOTO	75/548,658	09/04/98
GOTO.COM	75/548,665	09/04/98
GO2FINANCE	75/074,441	03/18/96
GO2HEALTH	75/073,925	03/18/96
GO2KIDS	75/073,875	03/18/96
GO2LASVEGAS	75/073,723	03/18/96
GO2NEWS	75/073,927	03/18/96
GO2POLITICS	75/073,877	03/18/96
GO2SCHOOL	75/074,433	03/18/96
GO2SEARCH	75/129,593	07/03/96
GO2SPORTS	75/074,427	03/18/96
GO2VISION	75/164,175	09/11/96
GO2DINNERANDMOVIE	76/219,881	03/05/01

5. Opposer relies upon its Registration No. 2,364,791 and its pending applications set forth in Paragraph 4 above, as well as any and all related common law trademark rights. In view of the similarity of Applicant's mark to Opposer's marks, Opposer alleges that Applicant's mark so resembles Opposer's GO2 mark and Opposer's other marks containing GO2 set forth

above, as to be likely to cause confusion or to cause mistake or to deceive.

WHEREFORE, Opposer prays that Application Serial No. 76/239,995 be rejected and stricken, that no registration be issued thereon to Applicant, and this Opposition be sustained in favor of Opposer.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the near future, or credit any overpayment to Account No. 11-1410. A duplicate copy of this Notice of Opposition is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 30, 2002

By: Diana W. Prince

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