

ESTTA Tracking number: **ESTTA132196**

Filing date: **03/27/2007**

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	TeleOne, Inc.		
Entity	Corporation	Citizenship	Missouri
Address	141 Chesterfield Industrial Blvd. St. Louis, MO 63005 UNITED STATES		

Attorney information	J. Joseph Muller Polster, Lieder, Woodruff & Lucchesi 12412 Powerscourt Drive Suite 200 St. Louis, MO 63131 UNITED STATES jmuller@patpro.com, mhobbs@patpro.com Phone:314-238-2400		
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### Applicant Information

Application No	78931491	Publication date	03/20/2007
Opposition Filing Date	03/27/2007	Opposition Period Ends	04/19/2007
Applicant	Teleone Corp. 19451 Stonebrook Street Weston, FL 33332 UNITED STATES		

### Goods/Services Affected by Opposition

Class 038. All goods and services in the class are opposed, namely: Voice over IP services; telecommunication services, namely, telecommunication access services
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Related Proceedings	tracking number ESTTA132186
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Attachments	2- Opposition for mark registered 3-20-07.pdf ( 3 pages )(75434 bytes ) 2- Exhibit 1.pdf ( 1 page )(54565 bytes )
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Signature	/J. Joseph Muller/
Name	J. Joseph Muller
Date	03/27/2007

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

**In the Matter of Serial No. 78/931,491  
For the Mark: TELONE  
Applicant: Teleone Corp.  
Published in the Official Gazette on March 20, 2007**

TeleOne, Inc.	)	
	)	<b>Notice of Opposition</b>
<b>Opposer,</b>	)	
	)	<b>Opposition No.</b> _____
v.	)	
	)	
Teleone Corp.	)	
<b>Applicant.</b>	)	

Commissioner of Trademarks  
Attn: Trademark Trial & Appeal Board

**NOTICE OF OPPOSITION**

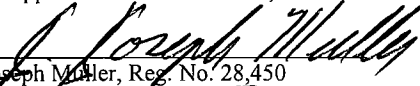
TeleOne, Inc. a corporation organized and existing under the laws of the State of Missouri, located and doing business at 141 Chesterfield Industrial Blvd., St. Louis, MO 63005, believes that it will be damaged by registration of the mark shown in Serial No. 78/931,491 in Class 38, and hereby opposes same.

Applicant's mark was published March 20, 2007 (a copy of the Official Gazette Notice is attached). The time for filing the Notice of Opposition is currently set to expire April 19, 2007.

As grounds of opposition it is alleged that:

1. Opposer is now and, for many years prior to Applicant's filing date, July 18, 2006, has been the owner of the trademark TELEONE as applied to voice over IP services and telecommunication access services.

I hereby certify that this correspondence is being electronically submitted to the Commissioner for Trademarks, Trademark Trial And Appeal Board on March 27, 2007.

  
\_\_\_\_\_  
J. Joseph Muller, Reg. No. 28,450  
3-27-07  
Date of Signature

2. Opposer's trademark TELEONE is and, since long prior to Applicant's filing date, has been favorably known to the trade as indicating Opposer as the source of services with which the mark is used, and Opposer's trademark and goodwill associated therewith constitutes valuable property of Opposer.

3. The dominant wording of the composite mark sought to be registered by Applicant and the mark of Opposer are so similar, and their concurrent use on the services set forth in application Serial No. 78/931,491 and services of Opposer is likely to cause confusion, or to cause mistake, or to deceive the purchasing public, to the damage of Opposer.


4. The granting of a registration to Applicant of the mark sought to be registered as applied to the services set out in the application will give Applicant rights adverse to those of Opposer, to the damage of Opposer.

**WHEREFORE**, Opposer Teleone Inc., prays that application Serial No. 78/931,491 be rejected and that registration of the mark therein shown for the services therein specified be refused and denied.

A duplicate copy of this Notice of Opposition and fee required in §2.61(1) are enclosed herewith.

Dated: St. Louis, Missouri  
March 27, 2007

Respectfully Submitted,

  
J. Joseph Miller Esq.  
Polster, Lieder, Woodruff & Lucchesi, LC  
12412 Powerscourt Dr.  
St. Louis, Missouri 63131  
(314) 238-2400  
(341) 238-2401 facsimile  
ATTORNEYS FOR OPPOSER

Certificate of Service

The undersigned certifies that on this 27<sup>th</sup> day of March, 2007, a true and complete copy of the foregoing was deposited with the U.S. Postal Service as first class mail and addressed to the following:

Jeffrey M. Furr  
253 N. Main St.  
Johnstown, Ohio 43031

ATTORNEY FOR TELEONE CORP.

/Marisa P. Hobbs/

**CLASS 38—(Continued).**

SN 78-866,979. BORSCHEL, SUSAN J, SPRINGFIELD, VA. FILED 4-21-2006.

**GGMB**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING GYMNASTICS (U.S. CLS. 100, 101 AND 104).

MATTHEW PAPPAS, EXAMINING ATTORNEY

**CLASS 38—(Continued).**

SN 78-923,287. VIRGIN MOBILE USA, LLC, WARREN, NJ. FILED 7-6-2006.

**STGG**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR TELECOMMUNICATIONS SERVICES, NAMELY, MOBILE TELEPHONE SERVICES (U.S. CLS. 100, 101 AND 104).

INGA ERVIN, EXAMINING ATTORNEY

SN 78-906,390. AMAZON TECHNOLOGIES, INC., RENO, NV. FILED 6-12-2006.

**AMAZON UNSPUN**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS IN THE FIELD OF GENERAL INTEREST INFORMATION (U.S. CLS. 100, 101 AND 104).

AISHA CLARKE, EXAMINING ATTORNEY

SN 78-923,377. JUST COMMUNICATIONS, INC, DBA DIGITAL DIRECTION, CHICAGO, IL. FILED 7-6-2006.

**Your Telecom Advocate**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TELECOM", APART FROM THE MARK AS SHOWN. FOR TELECOMMUNICATIONS CONSULTATION (U.S. CLS. 100, 101 AND 104).

FIRST USE 6-26-2006; IN COMMERCE 6-26-2006. JILL C. ALT, EXAMINING ATTORNEY

SN 78-907,063. LABN CONSULTING, L.L.C., N. BETHESDA, MD. FILED 6-13-2006.

**LabN**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

FOR DATA TRANSMISSION AND RECEPTION SERVICES VIA TELECOMMUNICATION MEANS; ELECTRONIC EXCHANGE OF DATA STORED IN DATABASES ACCESSIBLE VIA TELECOMMUNICATION NETWORKS; TELECOMMUNICATIONS CONSULTATION; TELECOMMUNICATIONS ROUTING AND JUNCTION SERVICES; TRANSMISSION OF INFORMATION ON OPTICAL TELECOMMUNICATION NETWORKS (U.S. CLS. 100, 101 AND 104).

FIRST USE 9-1-1999; IN COMMERCE 11-18-1999. NANCY CLARKE, EXAMINING ATTORNEY

SN 78-931,491. TELEONE CORP., WESTON, FL. FILED 7-18-2006.



THE COLOR(S) BLUE IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE ENTIRE MARK IS BLUE AGAINST A TRANSPARENT BACKGROUND.

FOR VOICE OVER IP SERVICES; TELECOMMUNICATION SERVICES, NAMELY, TELECOMMUNICATION ACCESS SERVICES (U.S. CLS. 100, 101 AND 104).

MORGAN WYNNE, EXAMINING ATTORNEY