

ESTTA Tracking number: **ESTTA373493**

Filing date: **10/15/2010**

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	Corr Wireless Communications, LLC
Granted to Date of previous extension	10/16/2010
Address	600 Third Avenue, East Oneonta, AL 35121 UNITED STATES

Attorney information	Karen E. Howell Brunini, Grantham, Grower & Hewes, PLLC 190 East Capitol Street, Suite 100 Jackson, MS 39201 UNITED STATES khowell@brunini.com Phone:6019738750
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Applicant Information

Application No	85001365	Publication date	08/17/2010
Opposition Filing Date	10/15/2010	Opposition Period Ends	10/16/2010
Applicant	Switch Communications Group LLC 7135 S. Decatur Blvd Las Vegas, NV 89118 UNITED STATES		

Goods/Services Affected by Opposition

Class 038. All goods and services in the class are opposed, namely: Providing telecommunications connections to the Internet; providing telecommunications services, namely, electronic, digital and wireless transmission of video, voice and data; voice over Internet protocol (VoIP) telephone services; local and long distance telephone services
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Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	2616576	Application Date	06/29/2000
Registration Date	09/10/2002	Foreign Priority	NONE


		Date	
Word Mark	CORR WIRELESS		
Design Mark	CORR WIRELESS		
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2000/03/28 First Use In Commerce: 2000/03/28 Telephone services; namely, wireless communication services in the nature of cellular and PCS service		

U.S. Registration No.	2638463	Application Date	12/06/2000
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	CORRWIRELESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2000/03/00 First Use In Commerce: 2000/03/00 Telephone services; namely, wireless communications services in the nature of cellular and PCS service		


U.S. Registration No.	2886282	Application Date	01/07/2003
Registration Date	09/21/2004	Foreign Priority Date	NONE
Word Mark	CORR WIRELESS HOW PEOPLE CONNECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2001/05/30 First Use In Commerce: 2001/05/30 Telephone services, namely, wireless telephone and personal communication services		

U.S. Registration No.	3592586	Application Date	12/27/2007
Registration Date	03/17/2009	Foreign Priority Date	NONE

Word Mark	CORR-UP
Design Mark	
Description of Mark	The mark consists of the letters "CORR" followed by a dash followed by the letter "U" with a shading around the letter "U" followed by the letter "P".
Goods/Services	Class 038. First use: First Use: 2008/02/18 First Use In Commerce: 2008/02/18 Telephone services, namely, pre-paid wireless telephone and personal communication services


U.S. Registration No.	3592585	Application Date	12/27/2007
Registration Date	03/17/2009	Foreign Priority Date	NONE
Word Mark	CORR-UP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2008/02/18 First Use In Commerce: 2008/02/18 Telephone services, namely, pre-paid wireless telephone and personal communication services		

U.S. Registration No.	3356936	Application Date	12/04/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	CORR AS U GO BY CORRWIRELESS		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Telephone services, namely, in the nature of pre-paid wireless telephone and personal communication services		


U.S. Registration No.	3360289	Application Date	12/04/2006
Registration Date	12/25/2007	Foreign Priority Date	NONE

Word Mark	CORR AS U GO
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Telephone services, namely, in the nature of pre-paid wireless telephone and personal communication services		

U.S. Registration No.	3395460	Application Date	11/30/2006
Registration Date	03/11/2008	Foreign Priority Date	NONE

Word Mark	CORR ASUGO
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Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2007/01/01 First Use In Commerce: 2007/01/01 Telephone services, namely, in the nature of pre-paid wireless telephone and		

	personal communication services
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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	/Karen E. Howell/
Name	Karen E. Howell
Date	10/15/2010

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

In the matter of trademark application Serial No. 85/001,365
Filed: March 29, 2010
For the mark CORE
Class: 038
Published in the Official Gazette on August 17, 2010 at page TM 838

CORR WIRELESS)	
COMMUNICATIONS, LLC)	
)	Opposition No. _____
Opposer,)	
)	
v.)	
)	
SWITCH COMMUNICATIONS)	
GROUP, LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

1. CORR WIRELESS COMMUNICATIONS, LLC, an Alabama limited liability company having its principal place of business at 600 Third Avenue East, Oneonta, Alabama 35121 (“Opposer”), believes that it will be damaged by registration of the mark CORE that is the subject of U.S. Trademark Application Serial No. 85/001,365 (“Application”), for telecommunications services, filed by Switch Communications Group LLC, a California limited liability company having its principal place of business at 7135 S. Decatur Blvd., Las Vegas, Nevada 89118 (“Applicant”). The Application was filed on March 29, 2010 and published in the Official Gazette on August 17, 2010 at page TM 838. Opposer opposes registration of the Application.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns numerous registrations for CORR- prefix marks. Registration No. 2,616,576, for CORR WIRELESS, and Registration No. 2,638,463, for CORRWIRELESS, are

registered as service marks under Class 038 for “[t]elephone services; namely, wireless communication services in the nature of cellular and PCS service.” Registration No. 2,886,282, for CORR WIRELESS HOW PEOPLE CONNECT, is registered as a service mark under Class 038 for “[t]elephone services; namely, wireless telephone and personal communication services.” Registration No. 3,592,586, for CORR-UP, and Registration No. 3,592,585, for CORR-UP, are registered as service marks under Class 038 for “[t]elephone services, namely, pre-paid wireless telephone and personal communication services.” Registration No. 3,356,936, for CORR AS U GO BY CORR WIRELESS, Registration No. 3,360,289, for CORR AS U GO, and Registration No. 3,395,460, for CORR ASUGO, are registered as service marks under Class 038 for “[t]elephone services, namely, in the nature of pre-paid wireless telephone and personal communication services.”

3. Applicant’s mark CORE so resembles Opposer’s registered CORR WIRELESS, CORR WIRELESS, CORR WIRELESS HOW PEOPLE CONNECT, CORR-UP, CORR AS U GO BY CORR WIRELESS, CORR AS U GO, and CORR ASUGO marks as to be likely, when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and not abandoned the marks CORR WIRELESS, CORR WIRELESS, CORR WIRELESS HOW PEOPLE CONNECT, CORR-UP, CORR AS U GO BY CORR WIRELESS, CORR AS U GO, and CORR ASUGO as service marks for telecommunications services, including wireless communication services in the nature of cellular and PCS service.

5. Applicant's mark CORE so resembles Opposer's previously used marks CORR WIRELESS, CORRWIRELESS, CORR WIRELESS HOW PEOPLE CONNECT, CORR-UP, CORR AS U GO BY CORRWIRELESS, CORR AS U GO, and CORR ASUGO as to be likely when used on or in connection with the goods or services of the Applicant, to cause confusion, mistake or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

6. Opposer's marks CORR WIRELESS, CORRWIRELESS, CORR WIRELESS HOW PEOPLE CONNECT, CORR-UP, CORR AS U GO BY CORRWIRELESS, CORR AS U GO, and CORR ASUGO, prior to Applicant's filing date or any date of first use upon which Applicant can rely, have become distinctive and famous within the meaning of Section 43(c) of the Lanham Act [15 U.S.C. Section 1125(c)].

7. Applicant's use and registration of the mark CORE will cause dilution of the distinctive quality of Opposer's marks.

Opposer prays that this opposition is sustained and that registration to the Applicant is refused.

Respectfully submitted,

BRUNINI, GRANTHAM, GROWER &
HEWES, PLLC

/Karen E. Howell/
Karen E. Howell, Attorney for Opposer

OF COUNSEL:
KAREN E. HOWELL, MSB# 102243
BRUNINI GRANTHAM GROWER & HEWES, PLLC
Post Office Drawer 119
Jackson, Mississippi 39205
Telephone: (601) 948-3101
Facsimile (601) 960-6902
khowell@brunini.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant on October 15, 2010, by forwarding said copy via first class mail to Applicant at the following address:

Thomas Morton
Switch Communications Group LLC
7135 S Decatur Blvd
Las Vegas, Nevada 89118
Phone: (702) 267-6739
Fax: (866) 794-4461
tmorton@switchnap.com

This the 15th day of October, 2010.

/Karen E. Howell/
Karen E. Howell