

ESTTA Tracking number: **ESTTA417868**

Filing date: **07/05/2011**

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	Specialty Enterprises Ltd.
Granted to Date of previous extension	07/03/2011
Address	Suite 155 288 georgia street east. Vancouver, BC v6a4h8 CANADA

Attorney information	Ralph H. Cathcart Ladas & Parry LLP 1040 Avenue of the Americas New York, NY 10018-3738 UNITED STATES rcathcart@ladas.com, bbakshani@ladas.com, masbell@ladas.com Phone:212.708.1920
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**Applicant Information**

Application No	77817926	Publication date	01/04/2011
Opposition Filing Date	07/05/2011	Opposition Period Ends	07/03/2011
Applicant	YouPlus Media, LLC 3721 Potomac Dallas, TX 75205 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 038. All goods and services in the class are opposed, namely: Communication via radio, mobile telephone and television transmissions; audio broadcasting; broadcasting of television programs; broadcasting programs via global computer network; providing on-line communications links which transfer the web site user to other local and global web pages; providing voice communication services via the Internet; communications services, namely, transmitting streamed sound and audiovisual recordings via the Internet
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**Applicant Information**

Application No	77817914	Publication date	01/04/2011
Opposition Filing Date	07/05/2011	Opposition Period Ends	
Applicant	YouPlus Media, LLC 3721 Potomac Dallas, TX 75205 UNITED STATES		

## Goods/Services Affected by Opposition

Class 038.


All goods and services in the class are opposed, namely: Communication via radio, mobile telephone and television transmissions; audio broadcasting; broadcasting of television programs; broadcasting programs via global computer network; providing on-line communications links which transfer the web site user to other local and global web pages; providing voice communication services via the Internet; communications services, namely transmitting streamed sound and audiovisual recordings via the Internet

## Grounds for Opposition

Priority and likelihood of confusion

Trademark Act section 2(d)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77139782	Application Date	03/26/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YOUMEDIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: (Based on 44(d) Priority Application) (Based on Intent to Use) Audio recording and production; Desktop publishing services for others; Digital imaging services; Editing services, namely, cinematographic, film, videotape, music and sound editing; Motion picture film production services; Production of audio recordings, records, video discs, videotapes, music, and radio and television programs; Videotaping services; Distribution of news analysis and features, radio programs for others, television programs for others, and motion pictures; Movie theatres; Publishing services, namely, book publishing, magazine publishing, music publishing, and newspaper publishing; Studios, namely, Cinema studios, Dance studios, movie studios, and recording studios; Photography services; Entertainment, namely, experience design in the nature of retail design, storefront design, communication design, software design, computer site design, branding, communications and multimedia, and printing show broadcast over television, audio, and video media; (Based on Intent to Use) On-line journals, namely, blogs featuring business, technology, entertainment, publishing, film, video technology, music, marketing, website design, human computer interface design, art, design, product design, graphic design, 3d design, architectural design, audio design, sound design, user interaction design in the nature of retail design, storefront design, communication design, software design, brand design, experience design in the nature of retail design, storefront design,		

	communication design, software design, computer site design, branding, communications and multimedia, and printing
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Attachments	77139782#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition 07-05-2011.pdf ( 5 pages )(177278 bytes )
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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	/MA/
Name	Matthew D. Asbell
Date	07/05/2011



Application Nos. 77/817,914 and 77/817,926 and hereby opposes registration of said applications on the following grounds:

1. Opposer is the owner of the YOUMEDIA trademark, including *inter alia*, YOUMEDIA Application No. 77/139,782 for various services including, *inter alia*, “Production of audio recordings, records, video discs, videotapes, music, and radio and television programs;” . . . “Distribution of news analysis and features, radio programs for others, television programs for others, and motion pictures” . . . “On-line journals, namely, blogs featuring business, technology, entertainment, publishing, film,” . . . “communications and multimedia” . . . “Audio recording and production” (the “YOUMEDIA Mark”).

2. Opposer has adopted and filed its intent to use application for YOUMEDIA covering, *inter alia*, “Production of audio recordings, records, video discs, videotapes, music, and radio and television programs;” . . . “Distribution of news analysis and features, radio programs for others, television programs for others, and motion pictures” . . . “On-line journals, namely, blogs featuring business, technology, entertainment, publishing, film,” . . . “communications and multimedia” . . . “Audio recording and production” in the United States since prior to the filing date, claimed priority date or date of first use for Applicant’s YOU+MEDIA and Design and YOU PLUS MEDIA and Design Application Nos. 77/817,914 and 77/817,926, respectively (collectively the “YOU+MEDIA Marks”).

3. Opposer's YOUMEDIA Mark has been featured online, including on various websites, including, *inter alia*, [www.youmedia.com](http://www.youmedia.com) and [youmedia.co/blog](http://youmedia.co/blog) and Opposer has advertised, promoted and marketed its YOUMEDIA Mark for various goods and services including, *inter alia*, broadcast and publicity services, blogs, website design, web site hosting,

media and advertising in the United States so as to identify goods and services which originate with or are authorized by Opposer.

4. Applicant's use or intended use of the YOU+MEDIA Marks for “[C]ommunication via radio, mobile telephone and television transmissions; audio broadcasting; broadcasting of television programs; broadcasting programs via global computer network; providing on-line communications links which transfer the web site user to other local and global web pages; providing voice communication services via the Internet; communications services, namely transmitting streamed sound and audiovisual recordings via the Internet” constitutes use of a mark that is confusingly similar to Opposer's YOUMEDIA Mark. The YOU+MEDIA Mark is virtually identical to Opposer's YOUMEDIA Mark in sound, spelling and appearance, lest for a “+” sign or the word “plus” between the two words, “YOU” and “MEDIA”, and Applicant's YOU+MEDIA Marks completely subsume Opposer's YOUMEDIA Mark. Moreover, the services covered by Applicant's YOU+MEDIA Mark are identical and/or related to those covered in Applicant's YOUMEDIA Application No. 77/139,782. The average purchaser is likely to be confused and/or deceived into believing that Applicant's goods and services marketed and sold under the YOU+MEDIA Marks also originate with or are authorized, affiliated, sponsored or endorsed by Opposer.

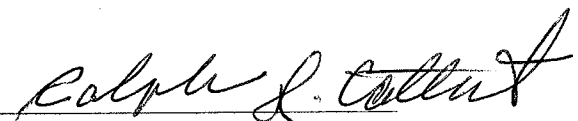
WHEREFORE, Opposer hereby requests that Application Nos. 77/817,914 and 77/817,926 for the marks YOU+MEDIA and Design and YOU PLUS MEDIA and Design be refused registration and that Opposer's Opposition be sustained in its entirety.

Respectfully submitted,

LADAS & PARRY LLP  
Attorneys for Opposer,  
SPECIALTY ENTERPRISES LTD

Dated: July 1, 2011

By: \_\_\_\_\_



Ralph H. Cathcart  
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**CERTIFICATE OF TRANSMISSION**

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **CONSOLIDATED NOTICE OF OPPOSITION** has been electronically transmitted to the United States Patent and Trademark Office on the date indicated:

Dated: July 5, 2011

  
Aline Asbell

**CERTIFICATE OF SERVICE**

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **CONSOLIDATED NOTICE OF OPPOSITION** was served by first-class mail, postage prepaid, to the following persons:

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Dated: July 5, 2011

  
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