

ESTTA Tracking number: **ESTTA433644**

Filing date: **10/03/2011**

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	ProQuest LLC
Granted to Date of previous extension	10/02/2011
Address	789 E. Eisenhower Parkway Ann Arbor, MI 48106 UNITED STATES

Correspondence information	Tsan Abrahamson Cobalt LLP 918 Parker Street Building A21 Berkeley, CA 94710 UNITED STATES trademarks@cobaltlaw.com Phone:510-841-9800
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Applicant Information

Application No	85136540	Publication date	04/05/2011
Opposition Filing Date	10/03/2011	Opposition Period Ends	10/02/2011
Applicant	Process Query Systems, LLC 16 Cavendish Court, Suite 211 Lebanon, NH 03766 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer network monitoring software for network security and analysis; computer network traffic forensics software for network security and analysis; computer network security management software for network security and analysis

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1656697	Application Date	04/02/1990
Registration Date	09/10/1991	Foreign Priority Date	NONE
Word Mark	PROQUEST		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1990/07/15 First Use In Commerce: 1990/07/15 information retrieval systems; namely, [computer hardware and] * computer * software for the retrieval of textual and graphic materials, from newspapers, periodicals, dissertations, and other publications, and bibliographic citations and abstracts relating thereto

U.S. Registration No.	2751655	Application Date	05/23/2000
Registration Date	08/19/2003	Foreign Priority Date	NONE

Word Mark	PROQUEST
Design Mark	PROQUEST

Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 1990/07/00 First Use In Commerce: 1990/07/00 Computer services, namely electronic storage of textual and graphic materials from newspapers, periodicals, journals, dissertations and other publications Class 041. First use: First Use: 1999/12/00 First Use In Commerce: 2000/01/00 Online services, namely, providing educational, instructional, teaching, and general reference materials for use by teachers and students at the high school, college, and graduate educational levels and by librarians, in wide variety of fields such as science, history, business, literature, and humanities

U.S. Registration No.	2468946	Application Date	08/24/1999
Registration Date	07/17/2001	Foreign Priority Date	NONE

Word Mark	PROQUEST
Design Mark	PROQUEST

Description of	NONE
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Mark	
Goods/Services	Class 042. First use: First Use: 1995/09/00 First Use In Commerce: 1995/09/00 Computer assisted research services; providing a wide range of news and research information featuring articles, publications, academic materials, and dissertations via a global computer network; online services, namely, providing computer databases containing textual and graphic materials from newspapers, periodicals, dissertations and other publications and bibliographic citations and abstracts relating thereto; consultation services in the field of computer assisted research; and support services rendered to others in the field of computer assisted research

Attachments	76063560#TMSN.gif (1 page)(bytes) 75783585#TMSN.gif (1 page)(bytes) PROQUESYS opposition.pdf (4 pages)(157043 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	/Tsan Abrahamson/
Name	Tsan Abrahamson
Date	10/03/2011

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

In the matter of Trademark Application

Serial No.: 85136540
Filed: September 23, 2010
By: Process Query Systems, LLC
Published: April 5, 2011
For the Trademark: PROQUESYS
International Class: 009

ProQuest LLC,

Opposer,

v.

Process Query Systems, LLC
Applicant.

Opposition No.

NOTICE OF OPPOSITION

ProQuest LLC, a Delaware limited liability company, with its principle place of business at 789 E. Eisenhower Parkway, P.O. Box 1346, Ann Arbor, Michigan, 48106-1346, United States (“ProQuest” or “Opposer”), believes that it will be damaged by the issuance of a registration for the mark PROQUESYS, as set forth in United States Patent and Trademark Office (“USPTO”) Application Serial No. 85136540, filed by Process Query Systems, LLC (“PQS” or “Applicant”) on September 23, 2010 and published in the *Official Gazette* on April 5, 2011. ProQuest hereby opposes Applicant’s application and requests that registration to Applicant be refused.

As grounds for opposition, it is alleged that:

1. Applicant is seeking to register the mark PROQUESYS for “computer network monitoring software for network security and analysis; computer network traffic

- forensics software for network security and analysis; computer network security management software for network security and analysis.”
2. Opposer is owner of Registration No. 1656697 for PROQUEST for “information retrieval systems; namely, computer software for the retrieval of textual and graphic materials, from newspapers, periodicals, dissertations, and other publications, and bibliographic citations and abstracts relating thereto” and said registration is incontestable.
 3. Opposer is owner of Registration No. 2751655 for PROQUEST for “computer services, namely electronic storage of textual and graphic materials from newspapers, periodicals, journals, dissertations and other publications” and “online services, namely, providing educational, instructional, teaching, and general reference materials for use by teachers and students at the high school, college, and graduate educational levels and by librarians, in wide variety of fields such as science, history, business, literature, and humanities” and said registration is incontestable.
 4. Opposer is owner of Registration No. 2468946 for PROQUEST for “computer assisted research services; providing a wide range of news and research information featuring articles, publications, academic materials, and dissertations via a global computer network; online services, namely, providing computer databases containing textual and graphic materials from newspapers, periodicals, dissertations and other publications and bibliographic citations and abstracts relating thereto; consultation services in the field of computer assisted research; and support services rendered to others in the field of computer assisted research” and said registration is incontestable.
 5. Applicant’s mark PROQUESYS is substantially similar to Opposer’s mark PROQUEST in sound and appearance.
 6. Applicant’s goods are commercially related to Opposer’s goods and services.
 7. Opposer has priority.


8. The goods are likely to travel in the same channels of trade, and/or be sold in the same retail outlets, and/or be purchased by the same class of consumers and/or be found in the same overlapping market environments.
9. In view of the substantial similarity between the respective marks and the commercial relationship between the goods, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 85136540 and respectfully requests that registration be refused and this opposition be sustained.

Please deduct the opposition fee in the sum of \$300.00, pursuant to 37 C.F.R. §2.6(a)(17) from the Cobalt LLP deposit account, No. 503214.

Date: October 3, 2011

COBALT LLP
Counsel for ProQuest LLC

By: 
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Katherine C. Spelman

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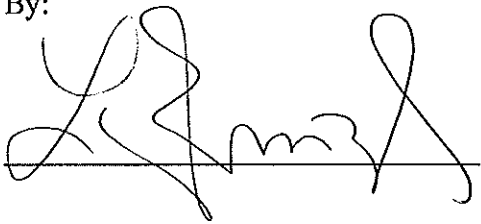
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of October, 2011, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant by U.S.

First Class Mail in an envelope, postage pre-paid, addressed as follows:

Thomas P. Manson
Cook, Little, Rosenblatt & Manson, PLLC
1000 Elm Street
Manchester, NH 03101-1730

By:

A handwritten signature in black ink, appearing to read 'T. P. Manson', is written over a horizontal line. The signature is stylized and cursive.