

ESTTA Tracking number: **ESTTA483112**

Filing date: **07/12/2012**

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	inome, inc.		
Entity	Corporation	Citizenship	Delaware
Address	500 108th Avenue NE, 22nd Floor Bellevue, WA 98004 UNITED STATES		

Attorney information	Parna A. Mehrbani Lane Powell PC 601 SW 2nd Avenue, Suite 2100 Portland, OR 97204 UNITED STATES trademarks@lanepowell.com Phone:(503) 778-2127		
----------------------	---	--	--

Applicant Information

Application No	85471797	Publication date	06/12/2012
Opposition Filing Date	07/12/2012	Opposition Period Ends	07/12/2012
Applicant	ORC International, Inc. 625 Avenue of the Americas New York, NY 10011 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2011/09/01 First Use In Commerce: 2011/09/01
All goods and services in the class are opposed, namely: Market and business research services

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.	85375366	Application Date	07/19/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	POWER OF I		

Design Mark	<h1>POWER OF I</h1>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: Computer software for use in the field of background investigation services that verifies personal information by obtaining and analyzing personal and business data, including home and business addresses, telephone records, financial transactions, and other personal information; computer application software for mobile phones; computer software for e-mail, text messaging, social networking, web browsing, and exchanging data across a computer network and among users of the Internet; computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing, or otherwise providing electronic information or media via the Internet or other communication networks</p> <p>Class 035. First use: Collection, preparation, and provision of business information, data, statistics, and indices; business investigations, namely, intelligence data services, namely, collecting, evaluating, authenticating, and certifying names, addresses, telephone numbers, e-mail addresses, signatures, documents, assets, identity, and business information of individuals, businesses, and organizations; online directory services to help locate people, businesses, organizations, properties, assets, events, phone numbers, addresses, and e-mail addresses; employment verification; providing consumer and business information regarding individuals, businesses, organizations, properties, assets, events, phone numbers, addresses, and e-mail addresses; online service for connecting social network users with service providers for the purpose of facilitating purchases of investigation services</p> <p>Class 036. First use: Providing financial information in the nature of credit history reports, financial histories of businesses and individuals, and financial assets of businesses and individuals</p> <p>Class 038. First use: Providing online forums, chat rooms, and bulletin boards for social networking; providing online forums, chat rooms, and bulletin boards for transmission of messages concerning social networking or user-defined content; providing online forums, chat rooms, and bulletin boards for communications on topics of general interest; electronic transmission of instant messages and data; audio and video broadcasting services over the Internet or other communications networks, namely, uploading, downloading, accessing, posting, displaying, tagging, streaming, linking, sharing, and electronically transmitting information, audio, or video clips</p> <p>Class 042. First use: Computer services, namely, providing search engines for obtaining data for business and consumer purposes on the Internet; providing temporary use of non-downloadable computer software for search and retrieval of information</p>

	<p>relating to people, properties, businesses, events, and identity verification; computer services, namely, creating computer network-based indexes of information, sites, and other resources available on the Internet; data collection services using proprietary software to collect and analyze service data featuring names, addresses, telephone numbers, e-mail addresses, signatures, documents, assets, identity, and business information of individuals, businesses, and organizations for others; computer services, namely, creating an online community for registered users to participate in discussions, get feedback from their peers, and engage in social networking; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and information; providing a web site featuring technology enabling users to upload, tag, label, post, display, share, and view photographs, images, and digital content</p> <p>Class 045. First use:</p> <p>Identification verification services, namely, providing authentication of personal identification information; background investigation services, namely, providing vital records on birth, death, marriage, and divorce, records of civil and criminal court filings of businesses and individuals, motor vehicle and driving records, professional license verification, and education verification; pre-employment background investigation services; employment background screening, namely, background screening of current employees of others; background investigation and research services; verification of a person's educational credentials; resume verification services, namely, providing authentication of personal identification information, professional licenses, personal credentials, education, and employment history; personal investigation services, namely, authenticating and certifying names, addresses, telephone numbers, and email addresses of individuals; investigation of assets, credit reports, fiscal assessments, and collection reports for security or authentication purposes; public record investigation and research services; online social networking services; providing online searchable databases in the field of social networking</p>
--	--

Attachments	85375366#TMSN.jpeg (1 page)(bytes) Scan.PDF (7 pages)(301134 bytes)
-------------	---

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	/Parna Mehrbani/
Name	Parna A. Mehrbani
Date	07/12/2012

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

In the Matter of Trademark Application Serial No. 85/471,797
Filed November 14, 2011
For the Mark The Power of I²
Published in the Official Gazette (Trademarks) on June 12, 2012

inome, inc.,)
a Delaware corporation,)
)
 Opposer,)
)
 v.)
)
ORC International, Inc.,)
a Delaware corporation,)
)
 Applicant.)

Opposition No. _____

NOTICE OF OPPOSITION

inome, inc. (formerly Intelius Inc.), a Delaware corporation (“Opposer”), having a business address of 500 108th Avenue NE, 22nd Floor, Bellevue, Washington, 98004, believes that it will be damaged by the registration of the mark The Power of I², which is the subject of U.S. Trademark Application Serial No. 85/471,797, published for opposition in the Official Gazette on June 12, 2012. Opposer hereby opposes the registration of said mark and requests that registration to ORC International, Inc., a Delaware corporation (“Applicant”), be refused. As grounds in support of its opposition, Opposer states as follows:

1. Opposer is a leading information commerce company and provider of predictive intelligence products and services.
2. On July 19, 2011, Opposer filed an intent-to-use application to register the mark POWER OF I, which was assigned U.S. Trademark Application Serial No. 85/375,366, for use with “computer software for use in the field of background investigation services that verifies

personal information by obtaining and analyzing personal and business data, including home and business addresses, telephone records, financial transactions, and other personal information; computer application software for mobile phones; computer software for e-mail, text messaging, social networking, web browsing, and exchanging data across a computer network and among users of the Internet; computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing, or otherwise providing electronic information or media via the Internet or other communication networks” in International Class 9; “collection, preparation, and provision of business information, data, statistics, and indices; business investigations, namely, intelligence data services, namely, collecting, evaluating, authenticating, and certifying names, addresses, telephone numbers, e-mail addresses, signatures, documents, assets, identity, and business information of individuals, businesses, and organizations; online directory services to help locate people, businesses, organizations, properties, assets, events, phone numbers, addresses, and e-mail addresses; employment verification; providing consumer and business information regarding individuals, businesses, organizations, properties, assets, events, phone numbers, addresses, and e-mail addresses; online service for connecting social network users with service providers for the purpose of facilitating purchases of investigation services” in International Class 35; “providing financial information in the nature of credit history reports, financial histories of businesses and individuals, and financial assets of businesses and individuals” in International Class 36; “providing online forums, chat rooms, and bulletin boards for social networking; providing online forums, chat rooms, and bulletin boards for transmission of messages concerning social networking or user-defined content; providing online forums, chat rooms, and bulletin boards for communications on topics of general interest; electronic transmission of instant messages and data; audio and

video broadcasting services over the Internet or other communications networks, namely, uploading, downloading, accessing, posting, displaying, tagging, streaming, linking, sharing, and electronically transmitting information, audio, or video clips” in International Class 38; “computer services, namely, providing search engines for obtaining data for business and consumer purposes on the Internet; providing temporary use of non-downloadable computer software for search and retrieval of information relating to people, properties, businesses, events, and identity verification; computer services, namely, creating computer network-based indexes of information, sites, and other resources available on the Internet; data collection services using proprietary software to collect and analyze service data featuring names, addresses, telephone numbers, e-mail addresses, signatures, documents, assets, identity, and business information of individuals, businesses, and organizations for others; computer services, namely, creating an online community for registered users to participate in discussions, get feedback from their peers, and engage in social networking; computer services in the nature of customized web pages featuring user-defined information, personal profiles, and information; providing a web site featuring technology enabling users to upload, tag, label, post, display, share, and view photographs, images, and digital content” in International Class 42; and “identification verification services, namely, providing authentication of personal identification information; background investigation services, namely, providing vital records on birth, death, marriage, and divorce, records of civil and criminal court filings of businesses and individuals, motor vehicle and driving records, professional license verification, and education verification; pre-employment background investigation services; employment background screening, namely, background screening of current employees of others; background investigation and research services; verification of a person's educational credentials; resume verification services, namely,

providing authentication of personal identification information, professional licenses, personal credentials, education, and employment history; personal investigation services, namely, authenticating and certifying names, addresses, telephone numbers, and email addresses of individuals; investigation of assets, credit reports, fiscal assessments, and collection reports for security or authentication purposes; public record investigation and research services; online social networking services; providing online searchable databases in the field of social networking” in International Class 45.

3. A notice of allowance was issued for Opposer’s application on May 15, 2012.

4. On November 14, 2011, Applicant filed an application to register the mark The Power of I², which was assigned U.S. Trademark Application Serial No. 85/471,797, for use with “market and business research services” in International Class 35. The mark was published for opposition in the Official Gazette on June 12, 2012.

5. Opposer’s filing date for its application for the mark POWER OF I is earlier than Applicant’s filing date for its application for the mark The Power of I²; hence, Opposer’s application has priority over Applicant’s application.

6. Opposer’s filing date for its application for the mark POWER OF I is earlier than Applicant’s alleged first use date in commerce for the mark The Power of I²; hence, Opposer has priority over Applicant, provided Opposer’s application matures into a registration.

7. The services listed in Applicant’s application for the mark The Power of I² are identical to or closely related to the goods and services listed in Opposer’s application for the mark POWER OF I.

8. Applicant’s services are identical to or closely related to Opposer’s goods and services because, for example and without limitation, they are likely to be encountered by the

same persons under circumstances that would give rise to the mistaken belief that they originate from the same source.

9. Applicant's services appear to be fully encompassed by Opposer's goods and services. That is to say, Applicant's broadly identified services "market and business research services" can include any number of Opposer's goods and services, for example and without limitation, "collection, preparation, and provision of business information, data, statistics, and indices;" "business investigations, namely, intelligence data services, namely, collecting, evaluating, authenticating, and certifying names, addresses, telephone numbers, e-mail addresses, signatures, documents, assets, identity, and business information of individuals, businesses, and organizations;" "providing consumer and business information regarding individuals, businesses, organizations, properties, assets, events, phone numbers, addresses, and e-mail addresses;" "computer services, namely, providing search engines for obtaining data for business and consumer purposes on the Internet;" "data collection services using proprietary software to collect and analyze service data featuring names, addresses, telephone numbers, e-mail addresses, signatures, documents, assets, identity, and business information of individuals, businesses, and organizations for others;" "background investigation and research services;" "investigation of assets, credit reports, fiscal assessments, and collection reports for security or authentication purposes;" and/or "public record investigation and research services."

10. Due to Applicant's broadly identified services, consumers are likely to believe that Applicant's services are affiliated with, sponsored by, or somehow associated with Opposer's goods and services or that Applicant is a related branch or subsidiary of Opposer.

11. Applicant's mark The Power of I² is nearly identical in sound, appearance, and meaning to Opposer's mark POWER OF I.

12. Applicant's mark The Power of I² so resembles Opposer's mark POWER OF I as to be likely to cause confusion, mistake, or deception, when used in connection with related services, within the meaning of Section 2(d) of the Lanham Trademark Act.

13. Accordingly, Opposer will be damaged by the registration Applicant seeks because the registration will assist and support Applicant in the confusing and misleading use of the mark The Power of I² and will give color of exclusive statutory rights to Applicant in violation and derogation of Opposer's prior rights.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

DATED: July 12, 2012

Respectfully Submitted,

LANE POWELL PC

By 

Parna A. Mehrjani, USB No. 053235
Steven B. Winters, WSB No. 22393

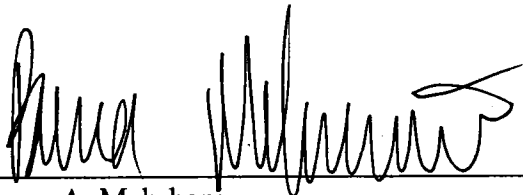
Attorneys for Opposer inome, inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **NOTICE OF OPPOSITION** was served upon Applicant:

Robert J. Levine
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, NY 10601

by mailing the same via first class mail on the 12th day of July, 2012.



Parna A. Mehrbani