

ESTTA Tracking number: **ESTTA521404**

Filing date: **02/13/2013**

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	Insperity, Inc.
Granted to Date of previous extension	02/13/2013
Address	19001 Crescent Springs Drive Kingwood, TX 77339 UNITED STATES
Attorney information	Shannon T. Vale Pirkey Barber PLLC 600 Congress Ave., Suite 2120 Austin, TX 78701 UNITED STATES svale@pirkeybarber.com, bbarber@pirkeybarber.com, afrey@pirkeybarber.com, eolson@pirkeybarber.com, tmcentral@pirkeybarber.com Phone:512.322.5200

Applicant Information

Application No	85475742	Publication date	10/16/2012
Opposition Filing Date	02/13/2013	Opposition Period Ends	02/13/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	Asperity Employee Benefits Limited 90 Westbourne Grove London W2 5RT, UNITED KINGDOM		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Computers; computer software for use in database management, use as a spreadsheet, and in word processing; computer programs for use in database management, use as a spreadsheet, and in word processing; computer software for use in the provision, communication and administration of benefits schemes; computer software for use in creating and administration of employees benefits schemes; computer software for use in pensions management, business management and management of reward schemes; downloadable computer software via an on-line global computer network for use in database management, as a spreadsheet, in word processing, in the provision, communication and administration of benefits schemes, for use in creating and administration of employees benefits schemes, for use in pensions management, business management and management of reward schemes</p>
<p>Class 035. All goods and services in the class are opposed, namely: Advertising services; business management; Business administration; Providing office functions; Business consultancy services in relation to employee benefit schemes; Personnel consultancy, namely, evaluation of personnel</p>

requirements; Advertising and promotional services, namely, organization, operation, management and supervision of sales and of promotional voucher schemes in relation to employee benefit packages, incentive schemes, benefits and perks schemes, loyalty schemes, employees benefits packages, staff motivation and performance schemes, and promotional programs and promotional services in relation to employee benefit packages; Advertising and promotional services, namely, organization, operation, management and supervision of sales and of promotional voucher schemes in relation to employee benefit packages, incentive schemes, benefits and perks schemes, loyalty schemes, employees' benefits' packages, staff motivation and performance schemes, and promotional programs and promotional services; providing information, advisory and consultancy services in the fields of human resources, personnel management, and personnel recruitment

Class 036.

All goods and services in the class are opposed, namely: Administration of employee benefit plans concerning insurance and finance, administration of employee welfare benefit plans concerning insurance and finance, administration of employee pension plans; consulting services in the field of state and federal employee benefit plans concerning insurance and finance, namely, consultancy relating to compulsory social security and benefit entitlements, Contributory benefit scheme services, namely, providing information in the field of employee financial benefit plans, providing counseling and consulting in the field of healthcare benefits

Class 041.

All goods and services in the class are opposed, namely: Training services in the fields of human resources, employee recruitment, and personnel management; educational services, namely, providing classes, seminars, and workshops in the fields of human resources, employee recruitment, and personnel management; arranging, conducting and coordinating educational meetings, educational conferences, and seminars in the fields of human resources, employee recruitment, and personnel management, and training sessions and courses in the fields of human resources, employee recruitment, and personnel management; arranging and conducting educational conferences and seminars and provision of training in the fields of recruitment, employment, personnel management and human resources

Class 042.

All goods and services in the class are opposed, namely: Providing on-line non-downloadable software via a global computer network for use in database management, use as a spreadsheet, and in word processing; providing on-line non-downloadable software via a global computer network for use in the provision, communication and administration of benefits schemes; providing on-line non-downloadable software via a global computer network for use in creating and administration of employees benefits schemes; Providing on-line non-downloadable software via a global computer network for use in pensions management, business management and management of reward schemes

Applicant Information

Application No	85475752	Publication date	10/16/2012
Opposition Filing Date	02/13/2013	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	Asperity Employee Benefits Limited 90 Westbourne Grove London W2 5RT, UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Computers; computer software for use in database management, use as a spreadsheet, and in word processing; computer programs for use in database management, use as a spreadsheet, and in word processing; computer software for use in the provision, communication and administration of benefits schemes; computer software for use in creating and administration of employees benefits schemes; computer software for use in pensions

management, business management and management of reward schemes; downloadable computer software via an on-line global computer network for use in database management, as a spreadsheet, in word processing, in the provision, communication and administration of benefits schemes, for use in creating and administration of employees benefits schemes, for use in pensions management, business management and management of reward schemes

Class 035.

All goods and services in the class are opposed, namely: Advertising services; business management; Business administration; Providing office functions; Business consultancy services in relation to employee benefit schemes; Personnel consultancy, namely, evaluation of personnel requirements; Advertising and promotional services, namely, organization, operation, management and supervision of sales and of promotional voucher schemes in relation to employee benefit packages, incentive schemes, benefits and perks schemes, loyalty schemes, employees benefits packages, staff motivation and performance schemes, and promotional programs and promotional services in relation to employee benefit packages; Advertising and promotional services, namely, organization, operation, management and supervision of sales and of promotional voucher schemes in relation to employee benefit packages, incentive schemes, benefits and perks schemes, loyalty schemes, employees' benefits' packages, staff motivation and performance schemes, and promotional programs and promotional services; providing information, advisory and consultancy services in the fields of human resources, personnel management, and personnel recruitment

Class 036.

All goods and services in the class are opposed, namely: Administration of employee benefit plans concerning insurance and finance, administration of employee welfare benefit plans concerning insurance and finance, administration of employee pension plans; consulting services in the field of state and federal employee benefit plans concerning insurance and finance, namely, consultancy relating to compulsory social security and benefit entitlements, Contributory benefit scheme services, namely, providing information in the field of employee financial benefit plans, providing counseling and consulting in the field of healthcare benefits

Class 041.

All goods and services in the class are opposed, namely: Training services in the fields of human resources, employee recruitment, and personnel management; educational services, namely, providing classes, seminars, and workshops in the fields of human resources, employee recruitment, and personnel management; arranging, conducting and coordinating educational meetings, educational conferences, and seminars in the fields of human resources, employee recruitment, and personnel management, and training sessions and courses in the fields of human resources, employee recruitment, and personnel management; arranging and conducting educational conferences and seminars and provision of training in the fields of recruitment, employment, personnel management and human resources

Class 042.


All goods and services in the class are opposed, namely: Providing on-line non-downloadable software via a global computer network for use in database management, use as a spreadsheet, and in word processing; providing on-line non-downloadable software via a global computer network for use in the provision, communication and administration of benefits schemes; providing on-line non-downloadable software via a global computer network for use in creating and administration of employees benefits schemes; Providing on-line non-downloadable software via a global computer network for use in pensions management, business management and management of reward schemes

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.	4251667	Application Date	05/20/2010
Registration Date	11/27/2012	Foreign Priority Date	NONE
Word Mark	INSPERITY		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Computer software for use in the field of human resources and employee management for customized job descriptions, customized performance evaluations, recruiting and applicant tracking, time and attendance management, and learning management, and instructional materials provided therewith, namely, printed instructional materials packaged with the software and downloadable electronic instructional materials; computer software for small business accounting applications, employee and contractor expense management, and payroll, and instructional materials provided therewith, namely, printed instructional materials packaged with the software and downloadable electronic instructional materials; computer software for database management in the field of human resources and employee management and instructional materials sold therewith, namely, printed instructional materials packaged with the software and downloadable electronic instructional materials</p> <p>Class 016. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Pre-printed business human resources forms</p> <p>Class 035. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Serving as an outsourced human resources department for others; serving as a human resources department for others, namely, providing to client companies detailed deduction reports, timesheets, and invoices for payroll reports, providing human resources forms, and providing answers to frequently asked personnel questions; human resources consulting and management; employee and contractor expense management services; providing a place on a web site for a client company to post job openings; providing a resume database of prospective employees to clients; promoting the goods and services of others by providing a web site at which users can link to the web sites of others; promoting the goods and services of others, namely, providing information regarding discounts, coupons, rebates, vouchers, and special offers for the goods and services of others for use by employers and employees of a company; medical referral services, namely, providing information about medical benefit providers to a given employee; providing information directly and via the internet in the field of employment administration; providing information in the field of human resources; providing information in the fields of employee administration, personnel management, employment records, wage claims and audits, payroll preparation, processing, and management, human resources consulting and management, employment hiring, recruiting, placement, staffing and career networking, and personnel relocation, employment verification, testing to determine job competency and compatibility, employee performance management, employee selection using psychological and skill testing, employee retention, and employee termination; providing information in the field of business via the internet; providing information and analysis in the field of business; business advice and information; business consulting services; providing an on-line computer database in the field of business advice and</p>

information; providing an on-line computer database in the field of human resources; consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers; business investigations; testing to determine job competency and compatibility, namely, employee and pre-employment skill and behavioral assessment services; business succession planning; disaster recovery services, namely, business planning and business continuity consulting; business organization consulting; commercial information agency services for businesses in the areas of credit information and pre-employment screening; providing record-keeping for employment retirement plans; professional employer organization services, namely, serving as an outsourced human resources department for others, serving as a human resources department for others, namely, providing to client companies detailed deduction reports, timesheets, and invoices for payroll reports, providing human resources forms, and providing answers to frequently asked personnel questions, human resources consulting and management, employee and contractor expense management services, providing a place on a web site for a client company to post job openings, providing a resume database of prospective employees to clients, promoting the goods and services of others by providing a web site at which users can link to the web sites of others, promoting the goods and services of others, namely, providing information regarding discounts, coupons, rebates, vouchers, and special offers for the goods and services of others for use by employers and employees of a company, medical referral services, namely, providing information about medical benefit providers to a given employee, providing information directly and via the internet in the field of employment administration, providing information in the field of human resources, providing information in the fields of employee administration, personnel management, employment records, wage claims and audits, payroll preparation, processing, and management, human resources consulting and management, employment hiring, recruiting, placement, staffing and career networking, and personnel relocation, employment verification, testing to determine job competency and compatibility, employee performance management, employee selection using psychological and skill testing, employee retention, and employee termination, providing information in the field of business via the internet, providing information and analysis in the field of business, business advice and information, business consulting services, providing an on-line computer database in the field of business advice and information, providing an on-line computer database in the field of human resources, consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers, business investigations, testing to determine job competency and compatibility, namely, employee and pre-employment skill and behavioral assessment services, business succession planning, disaster recovery services, namely, business planning and business continuity consulting, business organization consulting, commercial information agency services for businesses in the areas of credit information and pre-employment screening, providing record-keeping for employment retirement plans

Class 036. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03

Administration of employee benefits plans concerning insurance and finance and administration of employee retirement plans; providing information relating to health and disability insurance plans and medical benefits providers; providing information in the fields of employee benefits for group healthcare, business insurance, adoption assistance, education finance assistance, and employee retirement plans offered to employees, in addition to standard benefits such as medical, dental, life insurance, including short term disability, long term disability, cancer insurance, accidental death and dismemberment, directly and via the internet; providing employer liability insurance; providing workers compensation and indemnity insurance; providing claim administration in the

field of workers' compensation; providing information about employer liability insurance, workers' compensation, and indemnity insurance; consulting services in the field of retirement plan administration and fiduciary compliance; insurance agency and brokerage; advice relating to investments; Professional employer organization services, namely, administration of employee benefits plans concerning insurance and finance and administration of employee retirement plans, providing information relating to health and disability insurance matters and medical benefits providers, providing information in the fields of employee benefits for group healthcare, business insurance, adoption assistance, education finance assistance, and employee retirement plans offered to employees, in addition to standard benefits such as medical, dental, life insurance, including short term disability, long term disability, cancer insurance, accidental death and dismemberment, directly and via the internet, providing employer liability insurance, providing workers compensation and indemnity insurance, providing claim administration in the field of workers' compensation, providing information about employer liability insurance, workers' compensation, and indemnity insurance, consulting services in the field of retirement plan administration and fiduciary compliance, insurance agency and brokerage and advice relating to investments

Class 041. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03

Conducting training in the fields of employee training and development and workplace safety requirements, directly and via the internet; providing information in the fields of employee training and development, workplace safety requirements training, directly and via the internet; providing online non-downloadable newsletters in the fields of finance and business; entertainment services in the nature of golf tournaments; learning management services, namely, developing training systems and learning methodologies for others; career counseling; business education and training services, namely, providing executive coaching services; Professional employer organization services, namely, conducting training in the fields of employee training and development and workplace safety requirements, directly and via the internet, providing information in the fields of employee training and development, workplace safety requirements training, directly and via the internet, providing online non-downloadable newsletters in the fields of finance and business, entertainment services in the nature of golf tournaments, learning management services, namely, developing training systems and learning methodologies for others, career counseling, business education and training services, namely, providing executive coaching services

Class 042. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03

Providing a website featuring temporary use of online non-downloadable software in the field of human resources and employee management for use in performance management; providing a website featuring temporary use of online non-downloadable software that enables recruiters and hiring managers to manage the entire candidate attraction and selection process, including administration of background checks, assessments and skills tests, as well as compiling data that facilitates the continuous improvement of the process; providing a website featuring temporary use of online non-downloadable software in the field of employee and contractor expense management, and payroll; providing on-line non-downloadable software for database management in the field of human resources and employee management and instructional materials provided therewith; Professional employer organization services, namely, providing a website featuring temporary use of online non-downloadable software in the field of human resources and employee management for use in performance management, providing a website featuring temporary use of online non-downloadable software that enables recruiters and hiring managers to manage the entire candidate attraction and selection process, including administration of background checks, assessments and skills tests, as well as compiling data that facilitates the continuous improvement of the process, providing a website featuring temporary use of online non-

	<p>downloadable software in the field of employee and contractor expense management and payroll, providing on-line non-downloadable software for database management in the field of human resources and employee management and instructional materials provided therewith</p> <p>Class 044. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Employee drug testing for substance abuse; providing information in the field of behavioral and psychological testing and assessment of employees</p> <p>Class 045. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Current employee and pre-employment background screening for others; providing information in the field of workplace safety requirements; providing information and consulting services directly and via the internet regarding government regulatory and reporting requirements for employment; employment verification services, namely, providing a service to employers to verify an employee's right to work status in the United States, and provision of reports relating to same</p>
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U.S. Registration No.	4184429	Application Date	07/28/2010
Registration Date	07/31/2012	Foreign Priority Date	NONE

Word Mark	INSPERITY
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Design Mark	
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Description of Mark	The mark consists of a compass design comprised of three concentric circles, divided horizontally and vertically, to the left of the wording "INSPERITY".
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Goods/Services	<p>Class 009. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Computer software for use in the field of human resources and employee management for customized job descriptions, customized performance evaluations, recruiting and applicant tracking, time and attendance management, and learning management, and instructional materials provided therewith, namely, printed instructional materials packaged with the software and downloadable electronic instructional materials; computer software for small business accounting applications, employee and contractor expense management, and payroll, and instructional materials provided therewith, namely, printed instructional materials packaged with the software and downloadable electronic instructional materials; computer software for database management in the field of human resources and employee management and instructional materials sold therewith, namely, printed instructional materials packaged with the software and downloadable electronic instructional materials</p> <p>Class 016. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Pre-printed business human resources forms</p> <p>Class 035. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Serving as an outsourced human resources department for others; serving as a human resources department for others, namely, providing to client companies detailed deduction reports, timesheets, and invoices for payroll reports,</p>
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	<p>providing human resources forms, and providing answers to frequently asked personnel questions; human resources consulting and management; employee and contractor expense management services; providing a place on a web site for a client company to post job openings; providing a resume database of prospective employees to clients; promoting the goods and services of others by providing a web site at which users can link to the web sites of others; promoting the goods and services of others, namely, providing information regarding discounts, coupons, rebates, vouchers, and special offers for the goods and services of others for use by employers and employees of a company; medical referral services, namely, providing information about medical benefit providers to a given employee; providing information directly and via the internet in the field of employment administration; providing information in the field of human resources; providing information in the fields of employee administration, personnel management, employment records, wage claims and audits, payroll preparation, processing, and management, human resources consulting and management, employment hiring, recruiting, placement, staffing and career networking, and personnel relocation, employment verification, testing to determine job competency and compatibility, employee performance management, employee selection using psychological and skill testing, employee retention, and employee termination; providing information in the field of business via the internet; providing information and analysis in the field of business; business advice and information; business consulting services; providing an on-line computer database in the field of business advice and information; providing an on-line computer database in the field of human resources; consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers; business investigations; testing to determine job competency and compatibility namely, employee and pre-employment skill and behavioral assessment services; business succession planning; disaster recovery services, namely, business planning and business continuity consulting; business organization consulting; commercial information agency services for businesses in the areas of credit information and pre-employment screening; providing record-keeping for employment retirement plans; professional employer organization services, namely, serving as an outsourced human resources department for others, serving as a human resources department for others, namely, providing to client companies detailed deduction reports, timesheets, and invoices for payroll reports, providing human resources forms, and providing answers to frequently asked personnel questions, human resources consulting and management, employee and contractor expense management services, providing a place on a web site for a client company to post job openings; providing a resume database of prospective employees to clients, promoting the goods and services of others by providing a web site at which users can link to the web sites of others, promoting the goods and services of others, namely, providing information regarding discounts, coupons, rebates, vouchers, and special offers for the goods and services of others for use by employers and employees of a company, medical referral services, namely, providing information about medical benefit providers to a given employee, providing information directly and via the internet in the field of employment administration, providing information in the field of human resources, providing information in the fields of employee administration, personnel management, employment records, wage claims and audits, payroll preparation, processing, and management, human resources consulting and management, employment hiring, recruiting, placement, staffing and career networking, and personnel relocation, employment verification, testing to determine job competency and compatibility, employee performance management, employee selection using psychological and skill testing, employee retention, and employee termination, providing information in the field of business via the internet, providing information and analysis in the field of business, business advice and information, business consulting services, providing an on-line computer database in the field of business advice and</p>
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information, providing an on-line computer database in the field of human resources, consulting services in the field of human resources development, namely, utilizing technology for the promotion of employee retention, career growth and increased productivity for employees and employers, business investigations, testing to determine job competency and compatibility namely, employee and pre-employment skill and behavioral assessment services, business succession planning, disaster recovery services, namely, business planning and business continuity consulting, business organization consulting; commercial information agency services for businesses in the areas of credit information and pre-employment screening, providing record-keeping for employment retirement plans

Class 036. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03

Administration of employee benefits plans concerning insurance and finance and administration of employee retirement plans; providing information relating to health and disability insurance plans and medical benefits providers; providing information in the fields of employee benefits for group healthcare, business insurance, adoption assistance, education finance assistance, and employee retirement plans offered to employees, in addition to standard benefits such as medical, dental, life insurance, including short term disability, long term disability, cancer insurance, accidental death and dismemberment, directly and via the internet; providing employer liability insurance; providing workers compensation and indemnity insurance; providing claim administration in the field of workers' compensation; providing information about employer liability insurance, workers' compensation, and indemnity insurance; consulting services in the field of retirement plan administration and fiduciary compliance; insurance agency and brokerage; advice relating to investments; Professional employer organization services, namely, administration of employee benefits plans concerning insurance and finance and administration of employee retirement plans, providing information relating to health and disability insurance matters and medical benefits providers, providing information in the fields of employee benefits for group healthcare, business insurance, adoption assistance, education finance assistance, and employee retirement plans offered to employees, in addition to standard benefits such as medical, dental, life insurance, including short term disability, long term disability, cancer insurance, accidental death and dismemberment, directly and via the internet, providing employer liability insurance, providing workers compensation and indemnity insurance, providing claim administration in the field of workers' compensation, providing information about employer liability insurance, workers' compensation, and indemnity insurance, consulting services in the field of retirement plan administration and fiduciary compliance, insurance agency and brokerage, advice relating to investments

Class 041. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03

Conducting training in the fields of employee training and development and workplace safety requirements, directly and via the internet; providing information in the fields of employee training and development, workplace safety requirements training, directly and via the internet; providing online non-downloadable newsletters in the fields of finance and business; entertainment services in the nature of golf tournaments; learning management services, namely, developing training systems and learning methodologies for others; career counseling; business education and training services, namely, providing executive coaching services; professional employer organization services, namely, conducting training in the fields of employee training and development and workplace safety requirements, directly and via the internet, providing information in the fields of employee training and development, workplace safety requirements training, directly and via the internet, providing online non-downloadable newsletters in the fields of finance and business, entertainment services in the nature of golf tournaments, learning management services, namely, developing training systems and learning methodologies for others, career counseling, business education and training services, namely, providing

	<p>executive coaching services</p> <p>Class 042. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Providing a website featuring temporary use of online non-downloadable software in the field of human resources and employee management for use in performance management; providing a website featuring temporary use of online non-downloadable software that enables recruiters and hiring managers to manage the entire candidate attraction and selection process, including administration of background checks, assessments and skills tests, as well as compiling data that facilitates the continuous improvement of the process; providing a website featuring temporary use of online non-downloadable software in the field of employee and contractor expense management, and payroll; providing on-line non-downloadable software for database management in the field of human resources and employee management and instructional materials provided therewith; professional employer organization services, namely, providing a website featuring temporary use of online non-downloadable software in the field of human resources and employee management for use in performance management, providing a website featuring temporary use of online non-downloadable software that enables recruiters and hiring managers to manage the entire candidate attraction and selection process, including administration of background checks, assessments and skills tests, as well as compiling data that facilitates the continuous improvement of the process, providing a website featuring temporary use of online non-downloadable software in the field of employee and contractor expense management, and payroll, providing on-line non-downloadable software for database management in the field of human resources and employee management and instructional materials provided therewith</p> <p>Class 044. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Employee drug testing for substance abuse; providing information in the field of behavioral and psychological testing and assessment of employees</p> <p>Class 045. First use: First Use: 2011/03/03 First Use In Commerce: 2011/03/03 Current employee and pre-employment background screening for others; providing information in the field of workplace safety requirements; providing information and consulting services directly and via the internet regarding government regulatory and reporting requirements for employment; employment verification services, namely, providing a service to employers to verify an employee's right to work status in the United States, and provision of reports relating to same</p>
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Attachments	85977200#TMSN.jpeg (1 page)(bytes) 85976830#TMSN.jpeg (1 page)(bytes) Consolidated Notice of Opposition re ASPERITY Marks.pdf (5 pages)(37492 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	/STV/
Name	Shannon T. Vale
Date	02/13/2013

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

In Re Serial Nos. 85/475,742 and 85/475,752	§	
Filed: November 17, 2011	§	
Marks: ASPERITY and ASPERITY (Stylized)	§	
Published: October 16, 2012	§	
	§	
	§	
Insperity, Inc.,	§	
	§	Opposition No. _____
Opposer,	§	
	§	
v.	§	
	§	
Asperity Employee Benefits Limited,	§	
	§	
Applicant.	§	

CONSOLIDATED NOTICE OF OPPOSITION

Insperity, Inc. (“Opposer”), a corporation organized and existing under the laws of the State of Delaware, having its principal place of business at 19001 Crescent Springs Drive, Kingwood, Texas 77339, believes that it will be damaged by registration of the marks identified above, and hereby opposes same under the provisions of 15 U.S.C. § 1063. As grounds for opposition, Opposer asserts that:

1. Opposer is a leading professional employer organization offering a vast array of services and software products in the field of human resources, employee benefits, and general business administration and support. Since prior to the filing date of the marks identified above, Opposer has offered such products and services under the coined mark INSPERITY, as well as other marks incorporating the INSPERITY mark (collectively, the “INSPERITY Marks”).

2. As a result of Opposer’s extensive use and promotion of its INSPERITY Marks, the marks have become distinctive and are widely recognized by consumers. Opposer has invested

significant effort and resources in advertising and promoting its INSPERITY Marks and the products and services offered under those marks, with the result that the purchasing public has come to know, rely on, and recognize the goods and services of Opposer by those marks. Opposer has established significant goodwill in its INSPERITY Marks.

3. In addition to its extensive common law rights, Opposer owns a number of United States trademark registrations and applications covering the INSPERITY Marks, including the following:

Mark	U.S. Reg. No.	Filing Date
INSPERITY	4,251,667	May 20, 2010
INSPERITY (stylized)	4,184,429	July 28, 2010

Both registrations listed in the chart above are valid and subsisting.

4. Applicant Asperity Employee Benefits Limited (“Applicant”) is a private limited company with a principal place of business at 90 Westbourne Grove, London, W2 5RT, United Kingdom. Asperity filed U.S. Serial No. 85/475,742 and U.S. Serial No. 85/475,752 (the “Applications”) on November 17, 2011 for the marks ASPERITY and ASPERITY (Stylized) (collectively, the “ASPERITY Marks”), based on an alleged (a) intent to use those marks and (b) foreign filings dated August 2, 2011. The Applications cover the following products and services:

Class 9: Computers; computer software for use in database management, use as a spreadsheet, and in word processing; computer programs for use in database management, use as a spreadsheet, and in word processing; computer software for use in the provision, communication and administration of benefits schemes; computer software for use in creating and administration of employees benefits schemes; computer software for use in pensions management, business management and management of reward schemes; downloadable computer software via an on-line global computer network for use in database management, as a spreadsheet, in word processing, in the provision, communication and administration of benefits schemes, for use in creating and administration of employees benefits schemes, for use in pensions management, business management and management of reward schemes.

Class 35: Advertising services; business management; Business administration; Providing office functions; Business consultancy services in relation to employee benefit schemes; Personnel consultancy, namely, evaluation of personnel requirements; Advertising and promotional services, namely, organization, operation, management and supervision of sales and of promotional voucher schemes in relation to employee benefit packages, incentive schemes, benefits and perks schemes, loyalty schemes, employees benefits packages, staff motivation and performance schemes, and promotional programs and promotional services in relation to employee benefit packages; Advertising and promotional services, namely, organization, operation, management and supervision of sales and of promotional voucher schemes in relation to employee benefit packages, incentive schemes, benefits and perks schemes, loyalty schemes, employees' benefits' packages, staff motivation and performance schemes, and promotional programs and promotional services; providing information, advisory and consultancy services in the fields of human resources, personnel management, and personnel recruitment.

Class 36: Administration of employee benefit plans concerning insurance and finance, administration of employee welfare benefit plans concerning insurance and finance, administration of employee pension plans; consulting services in the field of state and federal employee benefit plans concerning insurance and finance, namely, consultancy relating to compulsory social security and benefit entitlements, Contributory benefit scheme services, namely, providing information in the field of employee financial benefit plans, providing counseling and consulting in the field of healthcare benefits.

Class 41: Training services in the fields of human resources, employee recruitment, and personnel management; educational services, namely, providing classes, seminars, and workshops in the fields of human resources, employee recruitment, and personnel management; arranging, conducting and coordinating educational meetings, educational conferences, and seminars in the fields of human resources, employee recruitment, and personnel management, and training sessions and courses in the fields of human resources, employee recruitment, and personnel management; arranging and conducting educational conferences and seminars and provision of training in the fields of recruitment, employment, personnel management and human resources.

Class 42: Providing on-line non-downloadable software via a global computer network for use in database management, use as a spreadsheet, and in word processing; providing on-line non-downloadable software via a global computer network for use in the provision, communication and administration of benefits schemes; providing on-line non-downloadable software via a global computer network for use in creating and administration of employees benefits schemes; Providing on-line non-downloadable software via a global computer network for use in pensions management, business management and management of reward schemes.

5. Opposer has priority based on its prior use of and application to register the INSPERITY Marks in the United States.

6. Applicant's ASPERITY Marks so resemble Opposer's INSPERITY Marks as to be likely, when used in connection with Applicant's goods and services, to cause confusion, or to cause mistake, or to deceive. Many of Applicant's products and services are, in fact, identical or nearly identical to those offered under Opposer's INSPERITY Marks. Purchasers and prospective purchasers are likely to believe that the products and services offered under Applicant's ASPERITY Marks are sponsored, endorsed, or approved by Insperity, or are in some way affiliated, connected, or associated with Opposer or its goods and services. Registration should therefore be refused under 15 U.S.C. § 1052(d).

7. Applicant's goods and services will, upon information and belief, be purchased and used by the same or similar types of consumers who purchase and use Opposer's goods and services.

8. Opposer has not given Applicant permission or approval to use or register the ASPERITY Marks.

9. Registration of Applicant's ASPERITY Marks would damage Opposer because purchasers are likely to attribute the source or sponsorship of Applicant's goods and services offered under that mark to Opposer.

10. In addition, registration of Applicant's ASPERITY Marks would damage Opposer because it would confer upon Applicant statutory presumptions to which it is not entitled in view of Opposer's prior use of and application to register the INSPERITY Marks.

WHEREFORE, Opposer prays that U.S. Serial No. 85/475,742 and U.S. Serial No. 85/475,752 be rejected, and that registration of the marks therein be refused.

This Notice of Opposition is being filed electronically, along with the filing fee required by 37 C.F.R. § 2.6(a)(17). The Commissioner is authorized to draw on the Deposit Account of Pirkey Barber PLLC, Account No. 50-3924/ATFF:252/WGB, if there is any problem with the processing of the electronically submitted fee.

Respectfully submitted,

Date: February 13, 2013

/s/ Shannon T. Vale
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Shannon T. Vale
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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing CONSOLIDATED NOTICE OF OPPOSITION was served via first-class mail, postage prepaid, on February 13, 2013 on Applicant's attorney:

Philip R. Zender
Squire Sanders (US) LLP
275 Battery Street, Suite 2600
San Francisco, CA 94111-3356

/s/ Shannon T. Vale