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ESTTA Tracking number: **ESTTA541740**

Filing date: **06/05/2013**

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	Sprint Communications Company L.P.
Granted to Date of previous extension	06/05/2013
Address	6200 Sprint Overland Park, KS 66251 UNITED STATES

Attorney information	Clinton G. Newton Shook, Hardy & Bacon L.L.P. 2555 Grand Blvd. Kansas City, MO 64108 UNITED STATES cnewton@shb.com, bhoward@shb.com, tdunkin@shb.com, adobrien@shb.com

Applicant Information

Application No	76346755	Publication date	02/05/2013
Opposition Filing Date	06/05/2013	Opposition Period Ends	06/05/2013
Applicant	Elbit Vflash, Inc. 250 West 57th Street New York, NY 10019 UNITED STATES		

Goods/Services Affected by Opposition

Class 035.
All goods and services in the class are opposed, namely: Promoting the goods and services of others through the dissemination of advertising via email, text messaging through cell telephones and telephone messaging systems prompted by consumer requests for information

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4133450	Application Date	03/03/2000
Registration Date	05/01/2012	Foreign Priority Date	NONE
Word Mark	NOW		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1995/09/08 First Use In Commerce: 1995/09/08 Software for browsing, searching, retrieving, managing and graphically displaying information across a global communications network in the field of electronic directories of personal information, namely, names, addresses, and telephone numbers Class 038. First use: First Use: 1995/09/08 First Use In Commerce: 1995/09/08 Telecommunications services, namely, providing access to telecommunications networks for the purpose of transmitting voice, data, images, audio, video, and information via telephone and global communication networks; personal communications services, pager services and two-way radio services, electronic mail services; voice and text messaging services; providing multiple-user access to a global communications network; broadcasting audio and video programming by means of wireless networks; long distance telephone communication services via global computer network, voice over internet protocol services; providing long distance and wireless mobile telephone calling plans

U.S. Registration No.	4116550	Application Date	03/10/2000
Registration Date	03/27/2012	Foreign Priority Date	NONE
Word Mark	NOW NETWORK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1995/09/08 First Use In Commerce: 1995/09/08 TELEVISION BROADCASTING AND WEBCASTING AUDIO-VISUAL PROGRAMMING, 3D COMPUTER GRAPHICS AND ANIMATION, VRML AND VIRTUAL REALITY PROGRAMMING VIA A GLOBAL COMPUTER NETWORK; TELECOMMUNICATION SERVICES, NAMELY, PROVIDING TELECOMMUNICATIONS CONNECTIONS TO A GLOBAL COMPUTER NETWORK AND PERSONAL COMMUNICATION SERVICES		

U.S. Application No.	77720810	Application Date	04/23/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NOW NETWORK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2008/03/17 First Use In Commerce: 2008/03/17 Telecommunication services, namely, transmission of voice, data, graphics, images, audio and video by means of wireless communication networks		

U.S. Application No.	78005432	Application Date	04/24/2000
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NOW.COM		
Design Mark			

Description of Mark	The mark consists of Corporate Identifier for Now.com and Now-Dotcom.com business units and websites within the Now Corporation and the Now Group of Companies..
Goods/Services	Class 035. First use: First Use: 1995/09/08 First Use In Commerce: 1995/09/08 Advertising services, namely promoting the goods an services of others, via the insertion of commercials and advertisements in Television and Radio Web casts, and preparing and placing banners, search engine listings, classified and directory listing on multiple web sites and preparing and placing advertisements in an electronic magazines accessed through an intranet or the Internet; business services, namely computerized on-line ordering services featuring full service shopping; franchising and affiliate services the establishment and operation of full service electronic business and e-commerce services via a global computer network Class 038. First use: First Use: 1995/09/08 First Use In Commerce: 1995/09/08 Radio broadcasting; Television broadcasting, broadcasting programs via the Internet and intranet telecommunication services, namely, personal communication services and electronic transmission of voice and data, including audio-visual imaging and streaming Class 041. First use: First Use: 1995/09/08 First Use In Commerce: 1995/09/08 Entertainment services; namely, the production and distribution of news and entertainment radio shows through intranet or the Internet; entertainment services namely the production and distribution of news and entertainment television shows thought and Intranet or Internet-- entertainment services, namely the production of news and entertainment Internet shows Intranet or the Internet; entertainment services, namely the production and distribution of news and entertainment telecommunications shows through an Intranet or the Internet

Attachments	MISSOURI-#5679139-v1-Notice_of_Opposition_-_76346755_-_#NOW.pdf(133335 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	/Andrew D. O'Brien/
Name	Andrew D. O'Brien
Date	06/05/2013

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

In the matter of trademark application Serial No. 76-346755
Application filing date: 2001-12-06
For the mark: #NOW
Published in the Office Gazette: 2013-02-05

SPRINT COMMUNICATIONS COMPANY L.P.	)
Opposer,	)
	)
vs.	)
	)
ELBIT VFLASH, INC	)
Applicant.	)
	)

NOTICE OF OPPOSITION

Sprint Communications Company L.P., a Delaware limited partnership, whose sole general partner is US Telecom, Inc., a Kansas corporation, located at 6200 Sprint Parkway, Overland Park, Kansas ("Opposer"), files this Notice of Opposition pursuant to 15 U.S.C. 1063, 37 C.F.R. 2.101 and 2.104(a) and TBMP Section 215. Opposer states that it will be damaged by the registration of Applicant Elbit Vflash, Inc.'s mark #NOW, as shown in Serial No. 76-346755, for the following Class 35 goods:

> Promoting the goods and services of others through the dissemination of advertising via email, text messaging through cell telephones and telephone messaging systems prompted by consumer requests for information

and thus opposes this application.

This Notice of Opposition is submitted electronically. A courtesy copy has been sent to Applicant at the address of record.

As grounds, Opposer states as follows:

1. On 06 December 2001, Applicant, Elbit Vflash, Inc., filed an application for registration of the mark #NOW, Serial No. 76-346755, based on Applicant's intent to use the mark in commerce under Section 1(b) of the Trademark Act.

2. Opposer is owner of all rights, title, and interest in at least the following trademarks:

Serial No.	***Mark***	***Int'l Classes***	***Filing Date***	***First Use Date***
75-950935	**NOW**	Cl 009 Cl 038	03 March 2000	08 Sept 1995
75-955972	**NOW NETWORK**	Cl 038	10 March 2000	08 Sept 1995
77-720810	**NOW NETWORK**	Cl 038	23 April 2009	17 March 2008
78-005432	**NOW.COM**	Cl 035 Cl 038 Cl 041	24 April 2000	08 Sept 1995

3. On 01 March 2013 Opposer timely filed a 30-Day Request for Extension of Time to Oppose application Serial No. 76-346755. On 29 March 2013 Opposer timely filed a 60-Day Request for Extension of Time to Oppose application Serial No. 76-346755.

4. Opposer states that Applicant's #NOW mark, applied to its respective services as stated in the application, so resembles Opposer's NOW and NOW-variant marks, as applied to the respective goods and/or services, as to create a likelihood of confusion with Opposer's marks as stated in their respective Certificates of Registration.

6. Such likelihood of confusion will harm Opposer and call into question Opposer's rights in its NOW and NOW-variant marks, thereby damaging and injuring Opposer.

7. By reason of Opposer's prior use of its NOW and NOW-variant marks, Opposer is entitled to the sole and exclusive use of its marks for use on and in connection with the goods and services covered in its above-identified applications.

WHEREFORE, Opposer prays that the Applicant's (Elbit Vflash Inc.'s) mark, Serial No. 76-346755, for #NOW be refused registration on the U.S. Registry. The required fee of $300 has been electronically submitted concurrently herewith.

Please direct all correspondence in conjunction with this matter to the attorney for Opposer at the address given below.

Respectfully submitted,

June 5, 2013

/ANDREW D. O'BRIEN/

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ATTORNEY FOR OPPOSER SPRINT COMMUNICATIONS COMPANY L.P.

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the present **Notice of Opposition** was filed electronically with the Trademark Trial and Appeal Board on June 5, 2013.

/ANDREW D. O'BRIEN/
Andrew D. O'Brien

CERTIFICATE OF SERVICE

I hereby certify that a copy of the present **Notice of Opposition** was served by first class mail to the following addresses on June 5, 2013, such being the correspondence addresses listed as of this date in the TSDR system for Applicant:

KARL M ZIELAZNICKI
JENKENS & GILCHRIST PARKER CHAPIN
THE CHRYSLER BLDG
405 LEXINGTON AVE
NEW YORK, NEW YORK 10174
UNITED STATES

/ANDREW D. O'BRIEN/
Andrew D. O'Brien