

ESTTA Tracking number: **ESTTA564052**

Filing date: **10/09/2013**

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 | Global Switch Limited |
| Granted to Date of previous extension | 10/09/2013 |
| Address | 4TH FLOOR MILLBANK TOWER21-24 MILLBANK London, SW1P 4QP UNITED KINGDOM |

| | |
|----------------------|--|
| Attorney information | Andrew J. Avsec BRINKS GILSON & LIONE P.O. Box 10395 Chicago, IL 60610 UNITED STATES officeactions@brinksgilson.com, aavsec@brinksgilson.com, cdolan@brinksgilson.com, rrios@brinksgilson.com Phone:3123214200 |
|----------------------|--|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 85793326 | Publication date | 06/11/2013 |
| Opposition Filing Date | 10/09/2013 | Opposition Period Ends | 10/09/2013 |
| Applicant | Switch Communications Group LLC 7135 South Decatur Blvd Las Vegas, NV 89118 UNITED STATES | | |

Goods/Services Affected by Opposition

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|--|
| Class 042. First Use: 2004/01/01 First Use In Commerce: 2004/01/01 All goods and services in the class are opposed, namely: Colocation facility development services, namely, designing secure, environmentally controlled facilities and technical monitoring of computers and telecommunication equipment of others; providing secure environmentally controlled facilities and technical monitoring of computer and telecommunications equipment for others for business continuity, disaster avoidance and computer recovery services |
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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. | 2982541 | Application Date | 12/10/2001 |
| Registration Date | 08/09/2005 | Foreign Priority Date | NONE |

| | |
|---------------------|--|
| Word Mark | GLOBAL SWITCH |
| Design Mark | |
| Description of Mark | NONE |
| Goods/Services | <p>Class 035. First use: Business management and administration services in respect of information technology; consultancy services in respect of business management and administration of information technology; facilities management, namely controlling building access and systems for security safety, electricity, gas, water, sanitation, telecommunications, internal transportation and environmental control</p> <p>Class 036. First use: Leasing of real estate; real estate brokerage; real estate management; electronic funds transfer; leasing of building space and operation facilities for telecommunications, multimedia and computing equipment and services; provision of information on any of the foregoing</p> <p>Class 037. First use: Maintenance and repair of buildings and building services; installation, maintenance and repair of electrical and electronic equipment, telecommunications equipment, multimedia equipment and computer equipment; provision of information on any of the foregoing</p> <p>Class 038. First use: Telecommunications and multimedia transmission services, namely, the provision and rental of telecommunications multimedia and computing equipment and links; telecommunications, namely providing landline fibre optic wireless and satellite communications services; advisory and consultancy services concerning telecommunications and multimedia, namely, specialist advise concerning location, installation, operation and repair of communication systems and data integration with local and worldwide telecommunications infrastructure; providing multiple-user access to a global computer information network</p> <p>Class 042. First use: Application Provider Services, namely, hosting computer software, telecommunication and multimedia applications of others; telecommunications security and monitoring services; consultancy and advisory services concerning multimedia equipment, computer hardware and computer software, computer multimedia systems and analysis services; computer programming services; rental of computer hardware and software; provision of building space and operation facilities for computers; operation of computer and multimedia equipment for others; providing of catering facilities</p> |

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|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3956756 | Application Date | 12/02/2009 |
| Registration Date | 05/10/2011 | Foreign Priority Date | NONE |
| Word Mark | GLOBAL SWITCH | | |
| Design Mark | | | |
| Description of Mark | The mark consists of the stylized wording "GLOBAL" above the stylized wording "SWITCH" with an incomplete circle and vertical line in the place of the "O" in "GLOBAL". | | |
| Goods/Services | <p>Class 009. First use: electronic equipment, namely, computers, computer servers, computer monitors and screens, televisions; telecommunications equipment, namely, telephones; structural parts other than switches for any of the foregoing; computer hardware;</p> | | |

computer software for use in database management and in the management and operation of information technology systems

Class 016. First use:

manuals and printed matter in the nature of brochures, magazines, catalogues, pamphlets relating to telecommunications, information technology, multimedia equipment and services, computers and computer services, facilities management, data management, data housing and tele-housing services

Class 035. First use:

database management; database services for business, namely, compiling of information into computer databases; business management and administration services; database management, namely, operation and management of electronic data centres; provision of information, consultancy and advice relating to the aforesaid

Class 036. First use:

leasing of office space; leasing of office space for use in relation to data processing apparatus; rental of building space for data centres; management of buildings; leasing of building space; provision of information, consultancy and advice relating to the aforesaid

Class 037. First use:

maintenance and repair of buildings; installation, maintenance and repair of telecommunications equipment, information technology equipment, multimedia equipment and computer equipment; provision of information on any of the foregoing

Class 038. First use:

Telecommunications and multimedia transmission services, namely, the rental of telecommunications multimedia equipment, telecommunications computing equipment and telecommunications lines; telecommunications, namely, providing landline, fibre optic, wireless, and satellite communications services; advisory and consultancy services concerning telecommunications and multimedia, namely, telecommunication consultation in the nature of technical consulting in the field of audio, text and data transmission and communication featuring specialist advice concerning location, installation and operation of communication systems and data integration with local and worldwide telecommunications infrastructure; providing multiple-user access to a global computer information network; telecommunications security and monitoring services, namely, providing private and secure real time electronic communication over a computer network; provision of access to telecommunications providers, namely, Internet access provider services; leasing access time to multimedia telecommunication equipment and providing access to computer databases; technical support, namely, providing back-up telecommunication facilities; provision of information, consultancy and advice relating to all the aforesaid

Class 042. First use:

Consultancy and advisory services concerning information technology networks, multimedia equipment technology, computer hardware and computer software, and computer, information technology and multimedia systems technology; computer systems analysis services relating to information technology networks, multimedia equipment, computer hardware and computer software, computer and multimedia systems; computer programming services; rental of computer multimedia equipment, computer hardware and software; leasing computer facilities for computers and computer databases and networks; technical support, namely, providing back-up computer facilities; technical advice relating to operation of computers and multimedia equipment; hosting and maintenance of back-end server computers, namely, computer co-location services, namely, providing facilities for the location of computer servers with the equipment of others; technical support services, namely, technical administration of servers

| | |
|--|--|
| | for others and troubleshooting in the nature of diagnosing server problems; electronic data storage; provision of information, consultancy and advice relating to the aforesaid Class 043. First use: rental of conference and meeting rooms |
|--|--|

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|---------------------|-----------------------|
| Related Proceedings | 91208895 and 91208897 |
|---------------------|-----------------------|

| | |
|-------------|---|
| Attachments | SWITCH and Design - Class 42 - Notice_of_Opposition .pdf(597403 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 J. Avsec/ |
| Name | Andrew J. Avsec |
| Date | 10/09/2013 |

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

| | |
|---|--|
| <p>Global Switch Limited,</p> <p style="text-align:center">Opposer,</p> <p style="text-align:center">v.</p> <p>Switch Communications Group LLC,</p> <p style="text-align:center">Applicant.</p> | <p>Opposition No.: _____</p> <p>U.S. Serial Nos.: 85/793,326</p> |
|---|--|

NOTICE OF OPPOSITION

Opposer Global Switch Limited (“Global Switch” or “Opposer”), a private limited company duly organized and existing under the laws of the United Kingdom, with an address at 4th Floor Millbank Tower, 21-24 Millbank, London, SW1P 4QP, United Kingdom, believes that it will be damaged by registration of the SWITCH and Design mark that is the subject of United States Service Mark Application Serial No. 85/793,326 (the “Opposed Mark”), filed in the name of Switch Communications Group LLC, a limited liability company organized and existing under the laws of the State of Nevada (“Applicant”), with an address of 7135 South Decatur Blvd., Las Vegas, NEVADA 89118 and therefore hereby opposes such registration pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states as follows:

1. Applicant is the owner of U.S. Trademark Application Serial No. 85/793,326 for the mark SWITCH and Design, filed on December 3, 2012, on a use basis and covering the following recitation of services: “Colocation facility development services, namely, designing secure, environmentally controlled facilities and technical monitoring of computers and telecommunication equipment of others; providing secure environmentally controlled facilities

and technical monitoring of computer and telecommunications equipment for others for business continuity, disaster avoidance and computer recovery services” in Class 42.

2. Opposer has been, and is now, extensively engaged in the business of marketing and selling various goods and services, including the provision of data centers and telecommunication services, in interstate commerce. In connection with the marketing and sale of such goods and services, Opposer has extensively used, and continues to use, the trademark and/or service mark GLOBAL SWITCH alone and in connection with other words and designs (the “GLOBAL SWITCH Marks”).

3. In addition to its common law rights in the GLOBAL SWITCH Marks, Opposer is the owner of the United States Trademark Registration Nos. 2,982,541 and 3,956,756 for the marks GLOBAL SWITCH and GLOBAL SWITCH (Stylized), respectively, for the goods and services referenced therein. These registrations are valid, subsisting and in full force and effect. The right of Opposer to use the GLOBAL SWITCH mark for the services referenced in Registration No. 2,982,541 is incontestable. See printouts, attached hereto as Exhibit A, from the USPTO’s TSDR database showing the current status and title of Trademark Registration Nos. 2,982,541 and 3,956,756. Opposer’s foregoing registered and unregistered rights are referred to hereinafter, collectively, as the GLOBAL SWITCH Marks.

4. Opposer’s GLOBAL SWITCH Marks are strong and distinctive. Opposer’s goods and services offered in association with the GLOBAL SWITCH Marks have been, and continue to be, marketed and sold in United States’ commerce. Further, Opposer has promoted its goods and services in association with the GLOBAL SWITCH Marks in the United States. By reason of such advertising, promotion and sale of Opposer’s goods and services under the

GLOBAL SWITCH Marks, Opposer has developed substantial goodwill in connection with the GLOBAL SWITCH Marks.

5. Notwithstanding Opposer's prior rights in and to the GLOBAL SWITCH Marks, Applicant filed, on December 3, 2012, an application to register the SWITCH and Design mark for the above-referenced services in Class 42. At the time it filed its application, Applicant had constructive knowledge of Opposer's rights in the GLOBAL SWITCH Marks. Further, Applicant may then have had actual knowledge of Opposer's rights in the GLOBAL SWITCH Marks prior to the filing of Application Serial No. 85/793,326.

6. Opposer's rights in the GLOBAL SWITCH Marks predate Applicant's rights in the Opposed Mark.

7. The Opposed Mark is confusingly similar, in appearance, sound, meaning and commercial impression, to Opposer's registered and unregistered GLOBAL SWITCH Marks. The registration and use of the Opposed Mark by Applicant in association with the claimed services is likely to cause confusion as to the source or origin of Applicant's services, and is likely to mislead consumers, all to Opposer's damage.

8. The goods and services that Opposer provides under the registered and unregistered GLOBAL SWITCH Marks, are, at a minimum, closely related or similar to the services listed in Application Serial No. 85/793,326, and the goods and services are offered to similar or overlapping classes of purchasers.

9. The Opposed Mark, when used in connection with Applicant's applied-for services, is likely to cause confusion, to cause mistake, and to deceive the trade and public, who, upon seeing the Opposed Mark in connection with Applicant's applied-for services, would believe that such services originate with, are approved, sponsored or endorsed by, or have some

connection or affiliation with Opposer. Accordingly, registration of the Opposed Mark would damage Opposer, and registration therefore should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 85/793,326 and therefore respectfully requests that such registration be refused.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to Deposit Account No. 23-1925.

Respectfully submitted,

Global Switch Limited

Dated: 10/09/2013

By: /Andrew J. Avsec/

Christopher M. Dolan
Andrew J. Avsec
BRINKS GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant at the following address by First Class U.S. mail, postage prepaid, on this 9th day of October 2013.

LAURI S. THOMPSON
GREENBERG TRAUIG, LLP
3773 HOWARD HUGHES PKWY STE 400N
LAS VEGAS, NEVADA 89169-5956

/Andrew J. Avsec/

EXHIBIT A

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Mark: GLOBAL SWITCH

GLOBAL SWITCH

US Serial Number: 76346331 Application Filing Date: Dec. 10, 2001
US Registration Number: 2982541 Registration Date: Aug. 09, 2005
Register: Principal
Mark Type: Service Mark
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.
Status Date: Jun. 10, 2011
Publication Date: May 17, 2005

Mark Information

Mark Literal Elements: GLOBAL SWITCH
Standard Character Claim: No
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)
Disclaimer: SWITCH

Foreign Information

Priority Claimed: Yes
Foreign Application Number: 2248060 Foreign Application Filing Date: Jun. 08, 2001
Foreign Registration Number: 2248060 Foreign Registration Date: Nov. 28, 2002
Foreign Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM) Foreign Expiration Date: Jun. 08, 2011

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Business management and administration services in respect of information technology; consultancy services in respect of business management and administration of information technology; facilities management, namely controlling building access and systems for security safety, electricity, gas, water, sanitation, telecommunications, internal transportation and environmental control

International Class(es): 035 - Primary Class **U.S Class(es):** 100, 101, 102
Class Status: ACTIVE
Basis: 44(e)

For: Leasing of real estate; real estate brokerage; real estate management; electronic funds transfer; leasing of building space and operation facilities for telecommunications, multimedia and computing equipment and services; provision of information on any of the foregoing

International Class(es): 036 - Primary Class **U.S Class(es):** 100, 101, 102
Class Status: ACTIVE
Basis: 44(e)

For: Maintenance and repair of buildings and building services; installation, maintenance and repair of electrical and electronic equipment, telecommunications equipment, multimedia equipment and computer equipment; provision of information on any of the foregoing

International Class(es): 037 - Primary Class **U.S Class(es):** 100, 103, 106
Class Status: ACTIVE
Basis: 44(e)

For: Telecommunications and multimedia transmission services, namely, the provision and rental of telecommunications multimedia and computing equipment and links; telecommunications, namely providing landline fibre optic wireless and satellite communications services; advisory and consultancy services concerning telecommunications and multimedia, namely, specialist advice concerning location, installation, operation and repair of communication systems and data integration with local and worldwide telecommunications infrastructure; providing multiple-user access to a global computer information network

International Class(es): 038 - Primary Class **U.S Class(es):** 100, 101, 104

Class Status: ACTIVE

Basis: 44(e)

For: Application Provider Services, namely, hosting computer software, telecommunication and multimedia applications of others; telecommunications security and monitoring services; consultancy and advisory services concerning multimedia equipment, computer hardware and computer software, computer multimedia systems and analysis services; computer programming services; rental of computer hardware and software; provision of building space and operation facilities for computers; operation of computer and multimedia equipment for others; providing of catering facilities

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: Yes

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: GLOBAL SWITCH LIMITED

Owner Address: 4TH FLOOR MILLBANK TOWER
21-24 MILLBANK
LONDON SW1P 4QP
UNITED KINGDOM

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jessie K. Reider, CA Bar No. 237,113

Docket Number: B6243-0017

Attorney Primary Email Address: trademark@buchalter.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jessie K. Reider, CA Bar No. 237,113
Buchalter Nemer, A Professional Corporation
1000 Wilshire Blvd., Suite 1500
Los Angeles, CALIFORNIA 90017
UNITED STATES

Phone: 2138915031

Fax: 2136305745

Correspondent e-mail: trademark@buchalter.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jessie K. Reider, CA Bar No. 237,113

Phone: 2138915031

Fax: 2136305745

Domestic Representative e-mail: trademark@buchalter.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|-------------------|
| Sep. 11, 2012 | ATTORNEY REVOKED AND/OR APPOINTED | |
| Sep. 11, 2012 | TEAS REVOKE/APPOINT ATTORNEY RECEIVED | |
| Jun. 10, 2011 | REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK. | 77315 |
| Jun. 10, 2011 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL | 77315 |
| May 10, 2011 | TEAS SECTION 8 & 15 RECEIVED | |
| Apr. 05, 2011 | ATTORNEY REVOKED AND/OR APPOINTED | |
| Apr. 05, 2011 | TEAS REVOKE/APPOINT ATTORNEY RECEIVED | |

| | | |
|---------------|--|-------|
| Mar. 16, 2011 | AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP | |
| May 03, 2006 | AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP | |
| Aug. 09, 2005 | REGISTERED-PRINCIPAL REGISTER | |
| May 17, 2005 | PUBLISHED FOR OPPOSITION | |
| Apr. 27, 2005 | NOTICE OF PUBLICATION | |
| Jan. 27, 2005 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 76984 |
| Jan. 13, 2005 | ASSIGNED TO LIE | 76984 |
| Jan. 05, 2005 | EXAMINERS AMENDMENT MAILED | |
| Jan. 05, 2005 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Jan. 05, 2005 | EXAMINERS AMENDMENT -WRITTEN | 73717 |
| Jan. 04, 2005 | AMENDMENT FROM APPLICANT ENTERED | 76984 |
| Dec. 15, 2004 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 76984 |
| Dec. 15, 2004 | PAPER RECEIVED | |
| Jun. 15, 2004 | NON-FINAL ACTION MAILED | |
| May 13, 2004 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| May 13, 2004 | PAPER RECEIVED | |
| Apr. 07, 2004 | CASE FILE IN TICRS | |
| Jan. 09, 2004 | LETTER OF SUSPENSION MAILED | |
| Dec. 12, 2003 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| Dec. 12, 2003 | PAPER RECEIVED | |
| Jun. 13, 2003 | INQUIRY AS TO SUSPENSION MAILED | |
| Dec. 04, 2002 | LETTER OF SUSPENSION MAILED | |
| Dec. 03, 2002 | PREVIOUS ACTION COUNT WITHDRAWN | |
| Oct. 30, 2002 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |
| Nov. 12, 2002 | ASSIGNED TO EXAMINER | 73717 |
| Oct. 30, 2002 | PAPER RECEIVED | |
| May 02, 2002 | NON-FINAL ACTION MAILED | |
| Apr. 17, 2002 | ASSIGNED TO EXAMINER | 78375 |
| Apr. 03, 2002 | ASSIGNED TO EXAMINER | 78301 |
| Feb. 21, 2002 | APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED | |
| Feb. 21, 2002 | CORRESPONDENCE RECEIVED IN LAW OFFICE | |

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 113

Date in Location: Jun. 10, 2011

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Global Switch Sarl

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3299/0378](#)

Pages: 4

Date Recorded: Apr. 28, 2006

Supporting Documents: [assignment-tm-3299-0378.pdf](#)

Assignor

Name: [GLOBAL SWITCH SARL](#) Execution Date: Feb. 27, 2004
 Legal Entity Type: CORPORATION State or Country Where Organized: LUXEMBOURG

Assignee

Name: [THE GLOBAL SWITCH LIMITED PARTNERSHIP](#)
 Legal Entity Type: LIMITED PARTNERSHIP State or Country Where Organized: UNITED KINGDOM
 Address: 67 BROOK STREET
 LONDON, UNITED KINGDOM W1K 4NJ

Correspondent

Correspondent Name: MARK B. HARRISON
 Correspondent Address: VENABLE, P.O. BOX 34385
 WASHINGTON, DC 20043

Domestic Representative - Not Found**Assignment 2 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST
 Reel/Frame: [4492/0330](#) Pages: 3
 Date Recorded: Mar. 08, 2011
 Supporting Documents: [assignment-tm-4492-0330.pdf](#)

Assignor

Name: [GLOBAL SWITCH LIMITED PARTNERSHIP](#) Execution Date: Jan. 20, 2011
 Legal Entity Type: LIMITED PARTNERSHIP State or Country Where Organized: UNITED KINGDOM

Assignee

Name: [GLOBAL SWITCH LIMITED](#)
 Legal Entity Type: PRIVATE LIMITED COMPANY State or Country Where Organized: UNITED KINGDOM
 Address: 4TH FLOOR MILLBANK TOWER
 21-24 MILLBANK
 LONDON, UNITED KINGDOM SW1P 4QP

Correspondent

Correspondent Name: KIMBERLY GAMBREL, DINSMORE & SHOHL LLP
 Correspondent Address: ONE SOUTH MAIN STREET
 FIFTH THIRD CENTER, SUITE 1300
 DAYTON, OH 45402-2023

Domestic Representative - Not Found**Proceedings****Summary**

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91208895](#) Filing Date: Jan 16, 2013
 Status: Pending Status Date: Jan 16, 2013
 Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Switch Communications Group LLC AKA Switch
 Correspondent Address: LAURI S THOMPSON
 GREENBERG TRAUIG LLP
 3773 HOWARD HUGHES PARKWAY, SUITE 400 N
 LAS VEGAS NV , 89169
 UNITED STATES
 Correspondent e-mail: lvpto@gtlaw.com , lvitdock@gtlaw.com , thompsoni@gtlaw.com , neyc@gtlaw.com , ajemianp@gtlaw.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--------|--------------------|--------------------------|---------------------|
| SWITCH | Opposition Pending | 85407557 | |

Plaintiff(s)

Name: Global Switch Limited
 Correspondent Address: CHRISTOPHER M DOLAN
 BRINKS HOFER GILSON & LIONE

PO BOX 10395
CHICAGO IL , 60610
UNITED STATES

Correspondent e-mail: officeactions@brinkshofer.com

| Mark | Application Status | Serial Number | Registration Number |
|---------------|--|--------------------------|-------------------------|
| GLOBAL SWITCH | Registered | 79079479 | 3956756 |
| GLOBAL SWITCH | Section 8 and 15 - Accepted and Acknowledged | 76346331 | 2982541 |

| Prosecution History | | | |
|---------------------|--|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Jan 16, 2013 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jan 16, 2013 | Feb 25, 2013 |
| 3 | PENDING, INSTITUTED | Jan 16, 2013 | |
| 4 | ANSWER | Feb 25, 2013 | |
| 5 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Mar 27, 2013 | |
| 6 | TRIAL DATES REMAIN AS SET | Apr 21, 2013 | |
| 7 | MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM | Sep 12, 2013 | |
| 8 | AMENDED ANSWER AND COUNTERCLAIM | Sep 13, 2013 | |
| 9 | SUSP PEND DISP OF OUTSTNDNG MOT | Sep 19, 2013 | |
| 10 | P APPEARANCE / POWER OF ATTORNEY | Oct 02, 2013 | |
| 11 | P OPP/RESP TO MOTION | Oct 02, 2013 | |

Type of Proceeding: Opposition

Proceeding Number: [91208897](#)

Filing Date: Jan 16, 2013

Status: Pending

Status Date: Jan 16, 2013

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Switch Communications Group LLC AKA Switch

Correspondent Address: LAURI S THOMPSON
GREENBERG TRAUIG LLP
3773 HOWARD HUGHES PARKWAY, SUITE 400N
LAS VEGAS NV , 89169
UNITED STATES

Correspondent e-mail: lvpto@gtlaw.com , lvlitdock@gtlaw.com , thompson@gtlaw.com , neyc@gtlaw.com , ajemianp@gtlaw.com

| Mark | Application Status | Serial Number | Registration Number |
|--------|--------------------|--------------------------|---------------------|
| SWITCH | Opposition Pending | 85977129 | |

Plaintiff(s)

Name: Global Switch Limited

Correspondent Address: JESSIE K REIDER
BUCHALTER NEMER
1000 WILSHIRE BLVD, SUITE 1500
LOS ANGELES CA , 90017-2457
UNITED STATES

Correspondent e-mail: trademark@buchalter.com , jreider@buchalter.com

| Mark | Application Status | Serial Number | Registration Number |
|---------------|--|--------------------------|-------------------------|
| GLOBAL SWITCH | Section 8 and 15 - Accepted and Acknowledged | 76346331 | 2982541 |
| GLOBAL SWITCH | Registered | 79079479 | 3956756 |

| Prosecution History | | | |
|---------------------|--|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Jan 16, 2013 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jan 16, 2013 | Feb 25, 2013 |

| | | |
|----|---|--------------|
| 3 | PENDING, INSTITUTED | Jan 16, 2013 |
| 4 | ANSWER | Feb 25, 2013 |
| 5 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Mar 27, 2013 |
| 6 | TRIAL DATES RESET | Apr 19, 2013 |
| 7 | MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM | Sep 12, 2013 |
| 8 | SUSP PEND DISP OF OUTSTNDNG MOT | Sep 13, 2013 |
| 9 | SUPPLEMENTAL SUSPENSION ORDER | Sep 13, 2013 |
| 10 | PAPER RECEIVED AT TTAB | Sep 13, 2013 |
| 11 | P APPEARANCE / POWER OF ATTORNEY | Oct 02, 2013 |
| 12 | P OPP/RESP TO MOTION | Oct 02, 2013 |

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Mark: GLOBAL SWITCH

**GLOBAL
SWITCH**

US Serial Number: 79079479

Application Filing Date: Dec. 02, 2009

US Registration Number: 3956756

Registration Date: May 10, 2011

Register: Principal

Mark Type: Trademark, Service Mark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 10, 2011

Publication Date: Feb. 22, 2011

Mark Information

Mark Literal Elements: GLOBAL SWITCH

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized wording "GLOBAL" above the stylized wording "SWITCH" with an incomplete circle and vertical line in the place of the "O" in "GLOBAL".

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "SWITCH"

Acquired Distinctiveness Claim: In part

Distinctiveness Limitation Statement: as to "GLOBAL"

Design Search Code(s): 26.01.03 - Circles, incomplete (more than semi-circles); Incomplete circles (more than semi-circles)
26.17.04 - Bands, vertical; Bars, vertical; Lines, vertical; Vertical line(s), band(s) or bar(s)
27.03.01 - Geometric figures forming letters, numerals or punctua ion

Related Properties Information

International Registration Number: 1030347

International Registration Date: Dec. 02, 2009

Claimed Ownership of US Registrations: 2982541

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: electronic equipment, namely, computers, computer servers, computer monitors and screens, televisions; telecommunica ions equipment, namely, telephones; structural parts other than switches for any of the foregoing; computer hardware; computer software for use in database management and in the management and operation of information technology systems

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 66(a)

For: manuals and printed matter in the nature of brochures, magazines, catalogues, pamphlets relating to telecommunications, information technology, multimedia equipment and services, computers and computer services, facilities management, data management, data housing and tele-housing services

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 66(a)

For: database management; database services for business, namely, compiling of information into computer databases; business management and administration services; database management, namely, operation and management of electronic data centres;

provision of information, consultancy and advice relating to the aforesaid

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

For: leasing of office space; leasing of office space for use in relation to data processing apparatus; rental of building space for data centres; management of buildings; leasing of building space; provision of information, consultancy and advice relating to the aforesaid

International Class(es): 036 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 66(a)

For: maintenance and repair of buildings; installation, maintenance and repair of telecommunications equipment, information technology equipment, multimedia equipment and computer equipment; provision of information on any of the foregoing

International Class(es): 037 - Primary Class

U.S Class(es): 100, 103, 106

Class Status: ACTIVE

Basis: 66(a)

For: Telecommunications and multimedia transmission services, namely, the rental of telecommunications multimedia equipment, telecommunications computing equipment and telecommunications lines; telecommunications, namely, providing landline, fibre optic, wireless, and satellite communications services; advisory and consultancy services concerning telecommunications and multimedia, namely, telecommunication consultation in the nature of technical consulting in the field of audio, text and data transmission and communication featuring specialist advice concerning location, installation and operation of communication systems and data integration with local and worldwide telecommunications infrastructure; providing multiple-user access to a global computer information network; telecommunications security and monitoring services, namely, providing private and secure real time electronic communication over a computer network; provision of access to telecommunications providers, namely, Internet access provider services; leasing access time to multimedia telecommunication equipment and providing access to computer databases; technical support, namely, providing back-up telecommunication facilities; provision of information, consultancy and advice relating to all the aforesaid

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 66(a)

For: Consultancy and advisory services concerning information technology networks, multimedia equipment technology, computer hardware and computer software, and computer, information technology and multimedia systems technology; computer systems analysis services relating to information technology networks, multimedia equipment, computer hardware and computer software, computer and multimedia systems; computer programming services; rental of computer multimedia equipment, computer hardware and software; leasing computer facilities for computers and computer databases and networks; technical support, namely, providing back-up computer facilities; technical advice relating to operation of computers and multimedia equipment; hosting and maintenance of back-end server computers, namely, computer co-location services, namely, providing facilities for the location of computer servers with the equipment of others; technical support services, namely, technical administration of servers for others and troubleshooting in the nature of diagnosing server problems; electronic data storage; provision of information, consultancy and advice relating to the aforesaid

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

For: rental of conference and meeting rooms

International Class(es): 043 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Global Switch Limited

Owner Address: 4th Floor, Millbank Tower
21-24 Millbank
London SW1P 4QP
UNITED KINGDOM

Legal Entity Type: Limited Company

State or Country Where Organized: UNITED KINGDOM

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jessie K. Reider, CA Bar No. 237,113 **Docket Number:** B6243-0017
Attorney Primary Email Address: trademark@buchalter.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Jessie K. Reider, CA Bar No. 237,113
 Buchalter Nemer, A Professional Corporation
 1000 Wilshire Blvd., Suite 1500
 Los Angeles, CALIFORNIA 90017
 UNITED STATES

Phone: 2138915031 **Fax:** 2136305745
Correspondent e-mail: trademark@buchalter.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: Jessie K. Reider, CA Bar No. 237,113 **Phone:** 2138915031

Fax: 2136305745
Domestic Representative e-mail: trademark@buchalter.com **Domestic Representative e-mail Authorized:** Yes

Prosecution History

| Date | Description | Proceeding Number |
|---------------|--|-------------------|
| Aug. 03, 2013 | LIMITATION OF GOODS RECEIVED FROM IB | |
| Feb. 25, 2013 | FINAL DECISION TRANSACTION PROCESSED BY IB | |
| Sep. 11, 2012 | ATTORNEY REVOKED AND/OR APPOINTED | |
| Sep. 11, 2012 | TEAS REVOKE/APPOINT ATTORNEY RECEIVED | |
| Jul. 27, 2012 | NEW REPRESENTATIVE AT IB RECEIVED | |
| Oct. 04, 2011 | FINAL DISPOSITION NOTICE SENT TO IB | |
| Oct. 04, 2011 | FINAL DISPOSITION PROCESSED | 67445 |
| Aug. 10, 2011 | FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB | |
| May 10, 2011 | REGISTERED-PRINCIPAL REGISTER | |
| Feb. 22, 2011 | OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED | |
| Feb. 22, 2011 | PUBLISHED FOR OPPOSITION | |
| Feb. 19, 2011 | NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB | |
| Feb. 03, 2011 | NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB | |
| Feb. 03, 2011 | NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB | |
| Jan. 19, 2011 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 70138 |
| Jan. 18, 2011 | APPROVED FOR PUB - PRINCIPAL REGISTER | |
| Jan. 18, 2011 | EXAMINER'S AMENDMENT ENTERED | 88888 |
| Jan. 18, 2011 | NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED | 6328 |
| Jan. 18, 2011 | EXAMINERS AMENDMENT E-MAILED | 6328 |
| Jan. 18, 2011 | EXAMINERS AMENDMENT -WRITTEN | 80818 |
| Nov. 03, 2010 | CORRECTION FROM IB ENTERED - NO REVIEW REQUIRED | 70527 |
| Oct. 01, 2010 | USPTO CORRECTION PROCESSED BY IB | |
| Oct. 01, 2010 | CORRECTION TRANSACTION RECEIVED FROM IB | |
| Sep. 30, 2010 | NOTIFICATION OF FINAL REFUSAL EMAILED | |
| Sep. 30, 2010 | FINAL REFUSAL E-MAILED | |
| Sep. 30, 2010 | FINAL REFUSAL WRITTEN | 80818 |
| Sep. 07, 2010 | TEAS/EMAIL CORRESPONDENCE ENTERED | 70138 |
| Sep. 07, 2010 | CORRESPONDENCE RECEIVED IN LAW OFFICE | 70138 |
| Sep. 03, 2010 | ASSIGNED TO LIE | 70138 |

Aug. 16, 2010 TEAS RESPONSE TO OFFICE ACTION RECEIVED
 Jun. 15, 2010 ATTORNEY REVOKED AND/OR APPOINTED
 Jun. 15, 2010 TEAS REVOKE/APPOINT ATTORNEY RECEIVED
 Apr. 30, 2010 REFUSAL PROCESSED BY IB
 Mar. 23, 2010 NON-FINAL ACTION MAILED - REFUSAL SENT TO IB
 Mar. 23, 2010 REFUSAL PROCESSED BY MPU 67445
 Mar. 23, 2010 NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW
 Mar. 22, 2010 NON-FINAL ACTION WRITTEN 80818
 Mar. 19, 2010 APPLICATION FILING RECEIPT MAILED
 Mar. 15, 2010 ASSIGNED TO EXAMINER 80818
 Mar. 15, 2010 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM
 Mar. 11, 2010 SN ASSIGNED FOR SECT 66A APPL FROM IB

International Registration Information (Section 66a)

International Registration Number: 1030347 International Registration Date: Dec. 02, 2009
 Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED Date of International Registration Status: Mar. 11, 2010
 Notification of Designation Date: Mar. 11, 2010 Date of Automatic Protection: Mar. 30, 2012
 International Registration Renewal Date: Dec. 02, 2019
 First Refusal Flag: Yes

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: May 10, 2011

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91208895](#) Filing Date: Jan 16, 2013

Status: Pending Status Date: Jan 16, 2013

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Switch Communications Group LLC AKA Switch

Correspondent Address: LAURI S THOMPSON
 GREENBERG TRAURIG LLP
 3773 HOWARD HUGHES PARKWAY, SUITE 400 N
 LAS VEGAS NV , 89169
 UNITED STATES

Correspondent e-mail: lvpto@gtlaw.com , lvitdock@gtlaw.com , thompson@gtlaw.com , neyc@gtlaw.com , ajemianp@gtlaw.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--------|--------------------|--------------------------|---------------------|
| SWITCH | Opposition Pending | 85407557 | |

Plaintiff(s)

Name: Global Switch Limited

Correspondent Address: CHRISTOPHER M DOLAN
 BRINKS HOFER GILSON & LIONE
 PO BOX 10395
 CHICAGO IL , 60610
 UNITED STATES

Correspondent e-mail: officeactions@brinkshofer.com

Associated marks

| Serial | Registration |
|--------|--------------|
| | |

| Mark | Application Status | Number | Number |
|---------------|--|--------------------------|-------------------------|
| GLOBAL SWITCH | Registered | 79079479 | 3956756 |
| GLOBAL SWITCH | Section 8 and 15 - Accepted and Acknowledged | 76346331 | 2982541 |

| Prosecution History | | | |
|---------------------|--|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Jan 16, 2013 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jan 16, 2013 | Feb 25, 2013 |
| 3 | PENDING, INSTITUTED | Jan 16, 2013 | |
| 4 | ANSWER | Feb 25, 2013 | |
| 5 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Mar 27, 2013 | |
| 6 | TRIAL DATES REMAIN AS SET | Apr 21, 2013 | |
| 7 | MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM | Sep 12, 2013 | |
| 8 | AMENDED ANSWER AND COUNTERCLAIM | Sep 13, 2013 | |
| 9 | SUSP PEND DISP OF OUTSTNDNG MOT | Sep 19, 2013 | |
| 10 | P APPEARANCE / POWER OF ATTORNEY | Oct 02, 2013 | |
| 11 | P OPP/RESP TO MOTION | Oct 02, 2013 | |

Type of Proceeding: Opposition

Proceeding Number: [91208897](#)

Filing Date: Jan 16, 2013

Status: Pending

Status Date: Jan 16, 2013

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Switch Communications Group LLC AKA Switch

Correspondent Address: LAURI S THOMPSON
GREENBERG TRAUIG LLP
3773 HOWARD HUGHES PARKWAY, SUITE 400N
LAS VEGAS NV , 89169
UNITED STATES

Correspondent e-mail: lvpto@gtlaw.com , vlitdock@gtlaw.com , thompson@gtlaw.com , neyc@gtlaw.com , ajemianp@gtlaw.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|--------|--------------------|--------------------------|---------------------|
| SWITCH | Opposition Pending | 85977129 | |

Plaintiff(s)

Name: Global Switch Limited

Correspondent Address: JESSIE K REIDER
BUCHALTER NEMER
1000 WILSHIRE BLVD, SUITE 1500
LOS ANGELES CA , 90017-2457
UNITED STATES

Correspondent e-mail: trademark@buchalter.com , jreider@buchalter.com

Associated marks

| Mark | Application Status | Serial Number | Registration Number |
|---------------|--|--------------------------|-------------------------|
| GLOBAL SWITCH | Section 8 and 15 - Accepted and Acknowledged | 76346331 | 2982541 |
| GLOBAL SWITCH | Registered | 79079479 | 3956756 |

| Prosecution History | | | |
|---------------------|--|--------------|--------------|
| Entry Number | History Text | Date | Due Date |
| 1 | FILED AND FEE | Jan 16, 2013 | |
| 2 | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Jan 16, 2013 | Feb 25, 2013 |
| 3 | PENDING, INSTITUTED | Jan 16, 2013 | |
| 4 | ANSWER | Feb 25, 2013 | |
| 5 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Mar 27, 2013 | |
| 6 | TRIAL DATES RESET | Apr 19, 2013 | |

| | | |
|----|---|--------------|
| 7 | MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM | Sep 12, 2013 |
| 8 | SUSP PEND DISP OF OUTSTNDNG MOT | Sep 13, 2013 |
| 9 | SUPPLEMENTAL SUSPENSION ORDER | Sep 13, 2013 |
| 10 | PAPER RECEIVED AT TTAB | Sep 13, 2013 |
| 11 | P APPEARANCE / POWER OF ATTORNEY | Oct 02, 2013 |
| 12 | P OPP/RESP TO MOTION | Oct 02, 2013 |