

ESTTA Tracking number: **ESTTA564692**

Filing date: **10/13/2013**

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	Alaska Airlines, Inc.
Granted to Date of previous extension	10/13/2013
Address	19300 International Boulevard Seattle, WA 98188 UNITED STATES

Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Avenue, Suite 2200 Seattle, WA 98101-3045 UNITED STATES cindycaditz@dwt.com, ronrutherford@dwt.com Phone:206.757.8097
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Applicant Information

Application No	85774490	Publication date	04/16/2013
Opposition Filing Date	10/13/2013	Opposition Period Ends	10/13/2013
Applicant	JetBlue Airways Corporation 27-01 Queens Plaza North Long Island City, NY 11101 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; providing a web site featuring technology enabling users to upload, tag, label, post, display, share, and view photographs, images, and digital content

Grounds for Opposition

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

U.S. Registration No.	4157015	Application Date	08/31/2011
Registration Date	06/12/2012	Foreign Priority Date	NONE

Word Mark	FLYINGSOCIAL
Design Mark	
Description of Mark	NONE
Goods/Services	Class 039. First use: First Use: 2011/08/31 First Use In Commerce: 2011/08/31 air transportation services

Attachments	SoFly Opposition.pdf(22678 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	/Cindy Caditz/
Name	Cindy L. Caditz
Date	10/13/2013

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

ALASKA AIRLINES, INC., an Alaska
corporation,

Opposer,

v.

JETBLUE AIRWAYS CORPORATION, a
Delaware corporation,

Applicant.

Opposition No.

Application Serial No. 85/774,490

NOTICE OF OPPOSITION

TO THE COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

Alaska Airlines, Inc., a corporation of the State of Alaska, having a place of business at 19300 International Boulevard, Seattle, WA 98188 (hereinafter "Opposer"), believes that it will be damaged by registration of the trademark claimed by Application Serial No. 85/774,490, in International Class 42, and hereby opposes the same. As grounds for the opposition, Opposer alleges as follows.

1. On information and belief, JetBlue Airways Corporation is a Delaware corporation with an address of 27-01 Queens Plaza North, Long Island City, NY 11101 (hereinafter "Applicant").

1 2. Continuously since long prior to any date upon which Applicant can rely,
2 Opposer has used the trademark FLYINGSOCIAL, in association with air transportation services
3 and social networking for travel.

4 3. Opposer is the owner of U.S. Trademark Registration No. 4,157,015, for the mark
5 FLYINGSOCIAL, for air transportation services, in International Class 39. Said registration
6 issued June 12, 2012 setting forth a date of first use of August 31. Registration No. 4,157,015 is
7 currently valid and subsisting.

8 4. Applicant states at its website www.jetblue.com/sofly/ that the mark SOFLY is
9 “short for “Social Fly”.”

10 5. The mark SOFLY, claimed by Application Serial No. 85/774,490, so resembles
11 Opposer's mark FLYINGSOCIAL, when used in association with the services claimed by
12 Application Serial No. 85/774,490, as to be likely to cause confusion, or to cause mistake, or to
13 deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

14 6. Opposer will be damaged by the registration sought by Applicant insofar as the
15 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership
16 of the mark SOFLY for the services claimed by Application Serial No. 85/774,490, and
17 Applicant's exclusive right to use the mark SOFLY in association with the services claimed by
18 Application Serial No. 85/774,490 when, in fact, Applicant is not entitled to such rights by virtue
19 of Opposer's prior and continuous use of the mark FLYINGSOCIAL, for air transportation
20 services and social networking services, which are provided in the same channels of trade in
21 which Applicant's services claimed by Application Serial No. 85/774,490 are provided.

22 7. Based upon the foregoing, registration of the mark shown by Application Serial
23 No. 85/774,490 is likely to cause injury and damage to Opposer.
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1 WHEREFORE, Opposer respectfully requests that registration of the mark SOFLY as
2 requested by Application Serial No. 85/774,490, be denied under Section 2(d) of the Lanham
3 Act, 15 U.S.C. § 1052(d), and that this Opposition be sustained.

4 Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of Opposer's
5 counsel noted below.

6 Please direct all correspondence to Cindy L. Caditz of Davis Wright Tremaine LLP at the
7 following address:

8 Cindy L. Caditz, Esq.
9 Davis Wright Tremaine LLP
10 1201 Third Avenue, Suite 2200
11 Seattle, WA 98101-3045

12 Please direct all telephone calls to Cindy L. Caditz at 206-757-8097.

13 DATED this 13th day of October, 2013.

14 Davis Wright Tremaine LLP
15 Attorneys for Alaska Airlines, Inc.

16 By s/Cindy L. Caditz

17 Cindy L. Caditz
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CERTIFICATE OF FILING

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/774,490 for the mark SOFLY is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: October 13, 2013 s/Cindy L. Caditz

CERTIFICATE OF SERVICE

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/774,490 for the mark SOFLY is being duly served upon the Applicant and on Applicant's counsel by mailing copies thereof via the U.S. Postal Service in sealed envelopes as first-class mail with postage thereupon fully prepaid and addressed to each of the following addresses:

JetBlue Airways Corporation
27-01 Queens Plaza North
Long Island City, NY 11101

And to:

Mary Sotis
Frankfurt Kurnit Klein & Selz PC
488 Madison Avenue, Floor 10
New York, NY 10022-5754

Date: October 13, 2013 s/Cindy L. Caditz