

ESTTA Tracking number: **ESTTA609573**

Filing date: **06/13/2014**

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	Arctic Explorers AS		
Entity	Corporation	Citizenship	Norway
Address	Hjalmar Johansens gate 100E Tromso, 9007 NORWAY		

Correspondence information	Oystein Storslett CEO Arctic Explorers AS Hjalmar Johansens gate 100E Tromso, 9007 NORWAY oyvind@new-media.no Phone:+47 22380000
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Applicant Information

Application No	86001138	Publication date	06/03/2014
Opposition Filing Date	06/13/2014	Opposition Period Ends	07/03/2014
Applicant	G Adventures Inc. 19 Charlotte Street, 2nd Floor Toronto, Ontario, M5V2H5 CANADA		

Goods/Services Affected by Opposition

Class 036. First Use: 2009/12/00 First Use In Commerce: 2009/12/00 All goods and services in the class are opposed, namely: travel services, namely, providing financing and payment programs for the purchase of travel vacations, accommodations, and transportation
Class 039. First Use: 2009/12/00 First Use In Commerce: 2009/12/00 All goods and services in the class are opposed, namely: Wholesale travel agency services, namely, making reservations and bookings for transportation; wholesale and retail travel booking agencies; coordinating travel arrangements for individuals and for groups; travel tour arranging; travel information services; organizing and packaging of travel tours and vacations to the retail and wholesale travel industry
Class 043. First Use: 2009/12/00 First Use In Commerce: 2009/12/00 All goods and services in the class are opposed, namely: Organizing and packaging vacations and holidays, namely, arranging bookings for temporary non-tourist housing accommodations, namely, working farms or ranches, villas and homestays with residents of the destination country

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark comprises matter that, as a whole, is	Trademark Act section 2(e)(5)

functional	
Genericness	Trademark Act section 23

Attachments	IMG.pdf(879682 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	/oysteinstorslett/
Name	Oystein Storslett
Date	06/13/2014

To: United States Patent and Trademark Office; Trademark Trial and Appeal Board, U.S. Patent and Trademark Office; P.O. Box 1451; Alexandria, VA 22313-1451

Copy: G Adventures Inc.; 19 Charlotte Street, 2nd Floor; Toronto, Ontario M5V2H5; CANADA

Copy: PASQUALE A. RAZZANO; FITZPATRICK, CELLA, HARPER & SCINTO; 1290 AVENUE OF THE AMERICAS; NEW YORK, NEW YORK 10104-3800; UNITED STATES

Opposer: Arctic Explorers AS; Hjalmar Johansens gate 100E; 9007 TROMSØ

Oslo, Norway, 12 June 2014

Trademark opposition for LIFETIME DEPOSITS, US S.N. 86001138

- The exact phrase "lifetime deposits" gives 9,090 results in Google search as per today. Among these you find a tremendous amount of different tour operators from all over the world, among casinos and other businesses.
- Arctic Explorers, as an example, is among these results. We have used this exact phrase since start-up two years ago to describe the way we let our clients come back whenever they want for the rest of their life, and use the same deposit they paid perhaps years ago before they had to cancel their trip. It can be documented that this wording was used on the following link: <http://web.archive.org/web/20120907074637/http://arcticholidays.org/>
- The phrase is very generic – and it has been used in Bingo, Casino, Lottery and other businesses probably for decades – long before G Adventures started. We heard this wording already in the last millennium, although it cannot be documented with Google results.
- In the tour operator business we know for a fact that lifetime deposits was established as a common wording among people in the business several years before we started up the company, and as you can count in Google, there are probably hundreds of tour operators using the wording today.
- What is unique about this? A deposit that lasts as long as you live? It is an idea that is not new and, frankly, it sounds a bit like someone trying to take a patent on "lifetime warranty" or "safe deposits". With a common-sense approach this sounds humoristic. It might be that these kinds of trademarks are allowed in the US. We don't know. But in Europe for sure not.

We oppose the trademark, and we intend to continue our use. People come to join our tours from every outskirt of the world. This business is international in nature, and we cannot accept that only one company is allowed to offer lifetime deposits to American tourists.

Regards,

Øystein Storslett, Arctic Explorers AS

Certificate of service

I hereby certify that today, 13. June 2014, copies of the foregoing notice of opposition were sent by first class mail, postage prepaid, to Applicant's and Applicants' attorney's addresses as stated in the records of USPTO.

Øystein Storslett, Arctic Explorers AS, Norway

Øystein Storslett