

ESTTA Tracking number: **ESTTA735499**

Filing date: **03/23/2016**

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	Ideanova Technologies Inc.
Granted to Date of previous extension	03/23/2016
Address	1300 Iroquois Avenue Naperville, IL 60563 UNITED STATES
Attorney information	NICK MARSICO HUCK BOUMA PC 1755 S. NAPERVILLE RD. #200 WHEATON, IL 60189 UNITED STATES nmarsico@huckbouma.com Phone:630-344-1158

Applicant Information

Application No	86686714	Publication date	11/24/2015
Opposition Filing Date	03/23/2016	Opposition Period Ends	03/23/2016
Applicant	TechSmith Corporation 2405 Woodlake Drive Okemos, MI 48864 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Downloadable software application for desktop, laptop, and handheld computers for use in connection with capturing one or more video sources from mobile devices, namely, mobile phones, portable mediaplayers, tablets, and hand held computers, and cameras, for review, at variableplayback speeds which may be tagged with metadata, that are deliverable to one or more mobile devices, namely, mobile phones, portable media players or desktop, laptop, or handheld computers for immediate review via a wireless internet router or service
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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. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	INPLAY
Goods/Services	Computer software to receive, encode, decode, decrypt, encrypt, organize, process, edit, manipulate, review, transmit, secure, and play encrypted and unencrypted video, audio, text, and other multimedia content in digital format to deliver video media to appropriate video devices.

Attachments	Opposition - Statement of Claim.pdf(9478 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	/Nick Marsico/
Name	NICK MARSICO
Date	03/23/2016

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

In re Application Serial No.: 86,686,714
Mark: INPLAY
Published in the Official Gazette on: November 24, 2015

IdeaNova Technologies, Inc.

Opposer,

v.

TechSmith Corporation,,

Applicant.

NOTICE OF OPPOSITION

IdeaNova Technologies, Inc., an Illinois corporation doing business at 600 S. Washington Street, Suite 301, Naperville, Illinois 60540, believes that it will be damaged by registration of the mark shown in Serial No. 86,686,714, and hereby opposes the same.

As grounds of opposition, Opposer alleges that:

1. In its Application Serial No. 86,686,714, Applicant seeks to register, on an intention to use basis, the designation “INPLAY” for “Downloadable software application for desktop, laptop, and handheld computers for use in connection with capturing one or more video sources from mobile devices, namely, mobile phones, portable media players, tablets, and handheld computers, and cameras, for review, at variable playback speeds which may be tagged with metadata, that are deliverable to one or more mobile devices, namely, mobile phones, portable media players or desktop, laptop, or handheld computers for immediate review via a wireless internet router or service” in Class 9 and for “cloud services, namely, integration of cloud computing and hosting environments for use in connection with capturing one or more multiple video sources that may be delivered and shared to media servers, devices, services and/or video software and services” in Class 42.

2. Opposer, since at least as early as September 2, 2008, has been and now is engaged in the business of developing computer software.

3. Opposer, since at least as early as November 1, 2014, has been and now is using “INPLAY” extensively in U.S. commerce as a mark in connection with computer software to receive, encode, decode, decrypt, encrypt, organize, process, edit, manipulate, review, transmit,

secure, and play encrypted and unencrypted video, audio, text, and other multimedia content in digital format to deliver video media to appropriate video devices. Opposer's use of such mark has been valid and continuous since November 1, 2014 and has not been abandoned.

4. Opposer's mark is symbolic of its goodwill and consumer recognition built up by Opposer through continued use of Opposer's mark.

5. In view of the similarity of the respective marks and the related nature of the services of the respective parties, Applicant's mark so resembles Opposer's mark previously used in the United States, and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive.

6. In view of the similarity of Applicant's mark with Opposer's designation, and in view of the related nature of the uses thereof, Applicant's mark consists of and comprises matter that may disparage and falsely suggest a connection with Opposer

WHEREFORE, Opposer prays that said Application Serial No. 86,686,714 be rejected, that no Notice of Allowance be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.