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

Proceeding	91228087
Party	Plaintiff Kelly Services, Inc.
Correspondence Address	Elizabeth K. Brock Harness, Dickey & Pierce, PLC 5445 Corporate Drive, Suite 200 Troy, MI 48098 UNITED STATES ebrook@hdp.com, tcomparoni@hdp.com, troymailroom@hdp.com
Submission	Motion to Amend Pleading/Amended Pleading
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Date	06/02/2016
Attachments	First Amended Notice of Opposition 86643940 KELLY 060216.PDF(313294 bytes)

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

Kelly Services, Inc.,)	
Opposer,)	
v.)	Opposition No. 91228087
)	Serial No. 86/643,940
Kelly Integral Solutions, LLC)	Mark: KELLY
Applicant.)	Published: January 26, 2016
)	

FIRST AMENDED NOTICE OF OPPOSITION

On May 25, 2016, Opposer, Kelly Services, Inc. filed its Notice of Opposition to registration of trademark Application Serial No. 77/937382 filed in the name of Kelly Integral Solutions, LLC (“Applicant”). To date, Applicant has neither responded to Opposer’s Notice of Opposition nor served a motion under Fed. R. Civ. P. 12(b), (e), or (f). In light of the above and pursuant to Fed. R. Civ. P. 15 (a)(1)(B) which is applicable to Board proceedings by operation of Trademark Rule 2.116(a), Opposer respectfully submits its First Amended Notice of Opposition as follows:

Kelly Services, Inc., a Delaware corporation, with a business address of 999 West Big Beaver Road, Troy, Michigan 48084, United States of America, hereby opposes registration of the mark KELLY that is the subject of Application Serial No. 86/643,940 in International Class 35, published in the *Official Gazette* of January 26, 2016, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. For many years, and well prior to the filing of the subject application and long prior to any date of first use upon which Applicant can rely, Kelly Services, Inc., via its wholly-owned

subsidiary Kelly Properties, LLC, (collectively, “Opposer”) has adopted, continuously used, and registered the term “KELLY” in whole or in part as a trademark for a wide range of services.

2. Opposer is the owner of the following United States Trademark Registrations:

Mark	Reg. No.	Reg. Date	Goods
KELLY SERVICES	834,892	9/5/1967	(35) Services involving the furnishing of temporary help-namely, office help, skilled workers, unskilled workers, and semi-skilled workers.
KELLY	2,092,773	9/2/1997	(35) Temporary to full-time and full-time personnel employment services for professional workers, skilled workers, unskilled workers, and semi-skilled workers, [leasing of employees to others, providing personnel employment services to businesses located near disasters that have an immediate need for personnel,] employee administration services, procurement, namely, group purchasing of employee benefit packages for others, and business management consultation and services, namely, managing and administering such non-core functions such as - mailing and shipping; records management; information services; administration; payroll and accounting; telemarketing services, operating, assisting or outsourcing the operation of a distribution center or warehouse facility containing mail order or distribution inventory and operating, assisting or outsourcing the reprographics department, namely, duplicating and printing.
KELLY SERVICES	2,092,774	9/2/1997	(35) Temporary to full-time and full-time personnel employment services for professional workers, skilled workers, unskilled workers, and semi-skilled workers, [leasing of employees to others, providing personnel employment services to businesses located near disasters that have an immediate need for personnel,] employee administration services, procurement, namely, group purchasing of employee benefit packages for others, and business management consultation and services, namely, managing and administering such non-core functions such as - mailing and shipping; records management; information services; administration; payroll and accounting; telemarketing services, operating, assisting or outsourcing the operation of a distribution center or warehouse facility containing

Mark	Reg. No.	Reg. Date	Goods
			mail order or distribution inventory and operating, assisting or outsourcing the reprographics department, namely, duplicating and printing.
KELLYOCG	3.796,923	6/1/2010	(35) Personnel placement and recruitment; temporary employment agencies; employee administration services; business management consultation and services, namely, managing and administering non-core functions, namely, mailing and shipping, records management, information services, administration, payroll and accounting, and telemarketing services; operating, assisting or outsourcing the operation of a distribution center or warehouse facility containing mail order or distribution inventory and operating, assisting or outsourcing the reprographics department of others, namely, duplicating and printing; human resources department management, namely, management of personnel and staffing; human resource consulting and on-site management of clients' human resources; employment outplacement services; temporary and permanent employee placement services; and vendor-on-premise services, namely, the administration of the employment process on-site, including resume review and checking, employment application acquisition, advertising for recruitment, conduct of interviews, and reference checking; human resources department consulting; and managing the ordering and hiring of additional staff for others.

("Opposer's Registered Marks"). These registrations are valid, subsisting, unrevoked, and uncanceled.

3. In addition to Opposer's Registered Marks, Opposer owns common law rights in and to the marks KELLY and KELLY SERVICES in connection with a broad range of business administration services. These common law uses, taken together with Opposer's Registered Marks, shall be referred to collectively as "Opposer's Marks."

4. Applicant has filed the following intent-to-use application:

Mark	Serial No.	Services	Filing and Publication Date
KELLY	86/643,940	Business administration services, namely, administration of insurance billing and customer service in the field of insurance benefits; Providing employee benefit and administrative services to employers, namely, retirement plan record keeping	Filed: 5/28/2015 Published: 1/26/2016

("Applicant's Mark").


5. Applicant's Mark so resembles Opposer's previously used and registered Opposer's Marks as to be likely, when applied to the goods or services set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully Submitted,

KELLY SERVICES, INC.

Dated: June 2, 2016

By: 
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Kelly Services, Inc.,)	
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)	Opposition No. _____
v.)	Serial No. 86/643,940
)	Mark: KELLY
Kelly Integral Solutions, LLC,)	Published: January 26, 2016
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_____)	

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on Applicant Kelly Integral Solutions, LLC, by mailing said copy to the correspondent address of record with the United States Patent and Trademark Office and the Trademark Trial and Appeal Board, on June 2, 2016, via First Class Mail, postage prepaid, to:

Michael T. Olsen
Winthrop & Weinstine P A
Capella Tower, Suite 3500 225 South Sixth Street
Minneapolis, MN 55402-4601



Timothy Comparoni