

ESTTA Tracking number: **ESTTA798895**

Filing date: **02/01/2017**

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	The Neat Company, Inc.
Granted to Date of previous extension	02/01/2017
Address	1601 Market Street Suite 3500 Philadelphia, PA 19103 UNITED STATES

Attorney information	Jordan A. LaVine Flaster/Greenberg P.C. 1835 Market Street Suite 1050 Philadelphia, PA 19103 UNITED STATES jordan.lavine@flastergreenberg.com, linda.ladzenski@flastergreenberg.com
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**Applicant Information**

Application No	86892413	Publication date	10/04/2016
Opposition Filing Date	02/01/2017	Opposition Period Ends	02/01/2017
Applicants	Marus, Aidan 8033 W Sunset Blvd #1040 West Hollywood, CA 90046 UNITED STATES  NeatPocket, LLC 8033 W Sunset Blvd #1040 West Hollywood, CA 90046 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 042. First Use: 2015/02/21 First Use In Commerce: 2016/01/27 All goods and services in the class are opposed, namely: Software as a service (SAAS) services, namely, hosting software for use by others for use in employee schedule management and creation, and staff communications; Providing a secure electronic online system featuring technology which allows businesses, namely, hotels, restaurants, nightclubs and other hospitality venues the ability to manage their operations, namely, employee scheduling and communication; Providing a secured-access, members only website featuring technology that gives members the ability to make and manage staff work schedules; providing temporary use of a web-based mobile software application for making and managing staff work schedules
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2953372	Application Date	04/11/2003
Registration Date	05/17/2005	Foreign Priority Date	NONE
Word Mark	NEAT RECEIPTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/11/20 First Use In Commerce: 2003/11/20 Computer software and hardware used forthe filing of expense reports and organization of receipts		


U.S. Registration No.	3622574	Application Date	10/08/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	NEAT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15 Computer hardware and software used forthe scanning, reading, and organizing documents		

U.S. Registration No.	3622576	Application Date	10/08/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	NEATDESK		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15 Computer hardware and software used forthe scanning, reading, and organizing documents

U.S. Registration No.	3622578	Application Date	10/08/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE

Word Mark	NEATWORKS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15 Computer hardware and software used forthe scanning, reading, and organizing documents
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U.S. Registration No.	3622580	Application Date	10/08/2008
Registration Date	05/19/2009	Foreign Priority Date	NONE


Word Mark	NEATSCAN
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15 Computer hardware and software used forthe scanning, reading, and organizing documents
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U.S. Registration No.	3646377	Application Date	10/08/2008
Registration Date	06/30/2009	Foreign Priority	NONE

		Date	
Word Mark	NEATCONNECT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15 Computer hardware and software used for the scanning, reading, and organizing documents		

U.S. Registration No.	4174972	Application Date	11/16/2011
Registration Date	07/17/2012	Foreign Priority Date	NONE
Word Mark	NEATCARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2010/10/00 First Use In Commerce: 2010/10/00 Customer services, namely, responding to customers inquiries for others in the field of computer software and hardware for the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents		


U.S. Registration No.	4189643	Application Date	11/16/2011
Registration Date	08/14/2012	Foreign Priority Date	NONE
Word Mark	NEAT FLEET		

Design Mark	<h1>Neat Fleet</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2010/10/00 First Use In Commerce: 2010/10/00 Customer services, namely, responding to customers inquiries for others in the field of computer software and hardware for the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; providing business information in the field of the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; providing business consulting services in the field of the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; membership club services in the field of persons that provide business advice in the field of the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents

U.S. Registration No.	4215447	Application Date	11/16/2011
Registration Date	09/25/2012	Foreign Priority Date	NONE


Word Mark	NEATMOBILE
Design Mark	<h1>NeatMobile</h1>
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2012/01/10 First Use In Commerce: 2012/01/10 Providing temporary use of on-line non-downloadable software and applications for the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents

U.S. Registration No.	4215448	Application Date	11/16/2011
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Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	NEATCLOUD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2012/01/10 First Use In Commerce: 2012/01/10 Cloud computing featuring software for use in connection with the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; Providing virtual computer systems and virtual computer environments through cloud computing		

U.S. Registration No.	4215449	Application Date	11/16/2011
Registration Date	09/25/2012	Foreign Priority Date	NONE
Word Mark	NEATVERIFY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2012/07/10 First Use In Commerce: 2012/07/10 Providing electronic verification of the mobile capture of documents in connection with the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents		

U.S. Registration No.	4386560	Application Date	06/20/2012
Registration Date	08/20/2013	Foreign Priority Date	NONE
Word Mark	NEAT		

Design Mark	
Description of Mark	<p>The mark consists of a triangle and inverted triangle in the color orange appearing to the left of the word "NEAT" which appears in gray lowercase letters.</p>
Goods/Services	<p>Class 009. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15  computer software and hardware for the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; scanners</p> <p>Class 035. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15  Customer services, namely, responding to customers inquiries for others in the field of computer software and hardware for the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; providing business information in the field of the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; providing business consulting services in the field of the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents</p> <p>Class 041. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15  Membership club services, namely, providing training to members in the field of the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents</p> <p>Class 042. First use: First Use: 2008/09/15 First Use In Commerce: 2008/09/15  Providing temporary use of on-line non-downloadable software and applications for the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; cloud computing, namely, cloud hosting provider services featuring software for use in connection with the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents; providing virtual computer systems and virtual computer environments through cloud computing; providing electronic verification of the mobile capture of documents in connection with the electronic organization, management, reading, scanning and filing of business receipts, expense reports, business cards, personal documents, tax documents, and business documents</p>

Attachments	<p>77588401#TMSN.png( bytes )  77588409#TMSN.png( bytes )  77588423#TMSN.png( bytes )  77588435#TMSN.png( bytes )  77588456#TMSN.png( bytes )  85473864#TMSN.png( bytes )  85473869#TMSN.png( bytes )  85473859#TMSN.png( bytes )  85473861#TMSN.png( bytes )</p>
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Signature	/jordan lavine/
Name	Jordan A. LaVine
Date	02/01/2017



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

The Neat Company, Inc.  
Opposer,

Re: Application Serial No. 86892413

v.

Harris, Richard,

Applicant.

**NOTICE OF OPPOSITION**

In the matter of trademark Application Serial No. 8689241, filed January 31, 2016, and published for opposition in the Official Gazette of October 3, 2016, The Neat Company, Inc. ("Opposer"), a Delaware corporation having an address of 1601 Market Street, Suite 3500, Philadelphia, PA 19103, believes that it will be damaged if a registration issues for the services therein identified and hereby opposes the registration of said trademark. The grounds for opposition are as follows:

1. Applicant seeks to register "NeatPocket" as a trademark for the services identified in the application herein opposed, as evidenced by the publication of said mark in the Official Gazette of October 3, 2016.

2. Opposer a leading provider of scanners and software that help users organize their documents, manage their expenses, and become more efficient.

3. Opposer has used the trademark "Neat" since at least as early as November, 2003, and Opposer owns a family of trademark incorporating its "Neat" trademark. For example, the Opposer owns Registration Nos. 2,953,372, 3,622,574, 3,622,576, 3,622,578, 3,622,580, 3,646,377, 4,174,972, 4,189,643, 4,215,447 4,215,448, 4,215,449, and 4,386,560 for its various "Neat"-formative trademarks, including "Neat Receipts," "Neat," "NeatDesk," "NeatWorks," "NeatScan," "NeatConnect" "NeatCare," "NeatFleet," "NeatMobile," "NeatCloud," and "NeatVerify." These marks are collectively referred to herein as Opposer's "Neat trademarks."

4. Opposer's "Neat" trademarks are well-known and are extremely valuable assets of Opposer. Opposer and its products have been awarded numerous awards and Opposer and its products were recently featured on the NBC television show "Celebrity Apprentice," which garnered further attention for Opposer and its "Neat" trademarks.

5. Opposer's products sold under its "Neat" marks are advertised extensively online, on television, and on radio. Opposer sells products under its "Neat" marks online through retailers

such as Amazon, through Opposer's website, and through traditional retail stores. As a result, Opposer's "Neat" trademarks are extremely strong trademarks.

6. Opposer's "Neat" trademarks are inherently distinctive as used in connection with Opposer's products.

7. Applicant seeks to register the mark "NeatPocket" under Section 1(a) of the Lanham Act based upon Applicant's alleged first use of the "NeatPocket" mark in commerce since at least as early as February 21, 2015.

8. On information and belief, Applicant did not use the "NeatPocket" mark prior to the February 21, 2015 date of first use in commerce alleged in its application.

9. Opposer is the prior user of the "Neat" marks by virtue of its use of the marks in commerce since at least as early as November, 2003.

10. The respective marks are extremely similar in sight, sound and meaning. The first word in Applicant's mark is the same as the common element of the marks in Opposer's family of marks, namely "Neat."

11. Opposer's products and services and Applicant's services are related and/or similar. The schedule management services identified in Applicant's application are similar and/or complementary to the products and services that The Neat Company provides under its "Neat" trademarks.

12. Applicant's services and Opposer's products and services are likely to be offered to an overlapping class of purchasers through the same and similar channels of trade.

13. Applicant's "NeatPocket" mark as used in connection with the services identified in its application so resembles Opposer's "Neat" marks that it is likely to cause confusion, mistake or deception.

14. If Applicant is permitted to register the mark "NeatPocket" for the services identified in the application herein opposed, confusion of the trade and public is likely to result, such confusion resulting in damage and injury to Opposer.

15. Purchasers, potential purchasers and the relevant public, upon seeing Applicant's "NeatPocket" mark used in connection with the services identified in its application would be likely to believe in error that such services are provided in association or affiliation with or under the sponsorship of or license from Opposer.

16. If Applicant is permitted to register its mark for the goods and services set forth in the application herein opposed, persons familiar with the products and services of Opposer would be likely to purchase Applicant's services sponsored by or produced in affiliation with or under the sponsorship of Opposer. Furthermore, any defect, objection to or fault found with Applicant's

services sold under its mark would necessarily reflect on and seriously injure the reputation that Opposer has established for its products and services under the “Neat” marks.

17. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's customers.

WHEREFORE, Opposer prays that registration of the mark of Application Serial No. 86892413 be refused and that this opposition be sustained.

Respectfully submitted,

Jordan A. LaVine  
Alexis K. Arena  
1835 Market Street, Suite 1050  
Philadelphia, PA 19103  
215.279-9389  
ATTORNEYS FOR OPPOSER

February 1, 2017