

ESTTA Tracking number: **ESTTA911927**

Filing date: **07/26/2018**

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	Frendli, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1878 Wandering Road Encinitas, CA 92024 UNITED STATES		

Attorney information	Michelle L. Mehok Pillsbury Winthrop Shaw Pittman LLP 12255 El Camino Real, Suite 300 San Diego, CA 92130 UNITED STATES Email: Docket_ip@pillsburylaw.com, michelle.mehok@pillsburylaw.com		
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Applicant Information

Application No	87808034	Publication date	06/26/2018
Opposition Filing Date	07/26/2018	Opposition Period Ends	07/26/2018
Applicant	Phinge Corporation 541 Sycamore St. #8 Oakland, CA 94612 UNITED STATES		


Goods/Services Affected by Opposition

<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing incentive award programs for customers through issuance and processing of loyalty points for on-line purchase of a company's goods and services; Providing incentive award programs through issuance and processing of loyalty points for purchase of a company's goods and services; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; Marketing and consulting services in the field of promoting and tracking the goods, services, and brands of others through all public communication means; On-line customer-based social media brand marketing services; Online service for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing a website for users with specific informed recommendations of specific consumer products and services validated by the users' inputted preferences and social network; Providing business information in the field of social media; Providing marketing consulting in the field of social media</p>
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	87815192	Application Date	02/28/2018
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FRENDLI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Downloadable mobile applications for facilitating friendships; social networking platform, namely, computer software platform that facilitates friendships with people in your city who share your interests, favorite activities, aspirations and lifestyle; computer application software for use with mobile devices, namely, software for facilitating users with common interests to communicate, meet and gather; computer software and downloadable mobile applications to enable uploading, downloading, accessing, posting, displaying, editing, tagging, blogging, streaming, linking, sharing and otherwise providing electronic media and information via computer and communication networks; computer software and downloadable mobile applications for social networking, creating an online and offline community and for sending and receiving electronic messages, graphics, images, audio and audio visual content via global communication networks; computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information; computer search engine software; computer software for accessing, browsing and searching online databases; computer software for creating online and offline communities and for allowing registered users to organize groups and events, participate in discussions, get feedback from their peers, and to communicate information of general interest for purposes of social, entertainment, recreation, business and community networking, marketing, recruitment and employment</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Promoting the goods and services of a network of merchants by providing discounts, deals, and special offers; promoting the goods and services of others, namely, providing information regarding cash back offers, card-linked offers, discounts, coupons, rebates; promoting the goods and services of others by providing a website featuring links to the retail websites of others, discount information,</p>		

	and information related to promotional offers
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FRENDLI		
Goods/Services	promoting the goods and services of a network of merchants by providing discounts, deals, and special offers		

Attachments	87815192#TMSN.png(bytes) Notice of Opposition.pdf(102400 bytes)
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Signature	/michelle mehok/
Name	Michelle L. Mehok
Date	07/26/2018

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

Frendli, Inc.,

Opposer,

vs.

Phinge Corporation,

Applicant.

OPPOSITION NO.

NOTICE OF OPPOSITION

Trademark: FRIENDLE

US Serial Number 87808034

Class: 35

Filed: February 22, 2018

Published: June 26, 2018

NOTICE OF OPPOSITION

Frendli, Inc. having a business address of 1878 Wandering Road, Encinitas, California 92024 (“Opposer”), is or will be damaged by the registration of the mark FRIENDLE, which is set forth in United States Trademark Application Serial No. 87808034, and filed by Phinge Corporation (“Applicant”), having a business address of 541 Sycamore St. #8, Oakland, California 94612, and thus, hereby opposes the registration of said mark pursuant to 37 CFR §2.101(b). As grounds for opposition, Opposer, by its attorneys, aver as follows:

BACKGROUND

1. On February 22, 2018, Applicant filed application Ser. No. 87808034 with the United States Patent and Trademark Office (“USPTO”) under Section 1(b) of the Trademark Act based on Applicant’s claim of a bona fide intention to use the mark FRIENDLE for services in class 35, namely, “Providing incentive award programs for customers through issuance and processing of loyalty points for on-line purchase of a company's goods and services; Providing incentive

award programs through issuance and processing of loyalty points for purchase of a company's goods and services; Social media strategy and marketing consultancy focusing on helping clients create and extend their product and brand strategies by building virally engaging marketing solutions; Advertising and marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels; Advertising, marketing and promotional services related to all industries for the purpose of facilitating networking and socializing opportunities for business purposes; Marketing and consulting services in the field of promoting and tracking the goods, services, and brands of others through all public communication means; On-line customer-based social media brand marketing services; Online service for connecting social network users with retailers for the purpose of facilitating discounted purchases; Providing a website for users with specific informed recommendations of specific consumer products and services validated by the users' inputted preferences and social network; Providing business information in the field of social media; Providing marketing consulting in the field of social media”.

2. Six days later, on February 28, 2018, Opposer filed application Ser. No. 87815192 with the USPTO under Section 1(b) of the Trademark Act based on Opposer’s claim of a bona fide intention to use the mark FRENDLI for goods in class 9 for “Downloadable mobile applications for facilitating friendships; social networking platform, namely, computer software platform that facilitates friendships with people in your city who share your interests, favorite activities, aspirations and lifestyle; computer application software for use with mobile devices, namely, software for facilitating users with common interests to communicate, meet and gather; computer software and downloadable mobile applications to enable uploading, downloading, accessing, posting, displaying, editing, tagging, blogging, streaming, linking, sharing and otherwise providing electronic media and information via computer and communication networks; computer software and downloadable mobile applications for social networking, creating an

online and offline community and for sending and receiving electronic messages, graphics, images, audio and audio visual content via global communication networks; computer software for the collection, editing, organizing, modifying, bookmarking, transmission, storage and sharing of data and information; computer search engine software; computer software for accessing, browsing and searching online databases; computer software for creating online and offline communities and for allowing registered users to organize groups and events, participate in discussions, get feedback from their peers, and to communicate information of general interest for purposes of social, entertainment, recreation, business and community networking, marketing, recruitment and employment” and services in class 35 for “Promoting the goods and services of a network of merchants by providing discounts, deals, and special offers; promoting the goods and services of others, namely, providing information regarding cash back offers, card-linked offers, discounts, coupons, rebates; promoting the goods and services of others by providing a website featuring links to the retail websites of others, discount information, and information related to promotional offers.”

3. On June 19, 2018, the USPTO issued an Office Action in connection with application Ser. No. 87815192 advising of the prior-filed pending application Ser. No. 87808034 may present a bar to registration of Applicant’s mark under Section 2(d) of the Trademark Act because of a likelihood of confusion between the two marks.

4. On June 26, 2018, application Ser. No. 87808034 was published for opposition.

5. The current deadline to oppose Applicant’s mark is July 26, 2018.

6. Since October 11, 2017, Opposer has spent a significant amount of money and expended a significant amount of resources in the marketing the goods and services bearing Opposer’s FRENDLI mark in the United States.

7. Prior to February 22, 2018, the filing date of application Ser. No. 87808034, Opposer had common law rights in the use of the FRENDLI mark in the United States for at least “promoting the goods and services of a network of merchants by providing discounts, deals, and special

offers” in class 35. Additional information about Opposer’s goods and services are set forth in the Web site printouts attached to the opposition as Exhibit A.

8. Opposer is the senior user of the mark FRENDLI.

9. The mark in application Ser. No. 87808034 consist of or comprises a mark which so resembles the mark set forth in application Ser. No. 87815192 as to be likely to cause confusion, or to cause mistake, or to deceive, under the Trademark Act Section 2(d), 15 U.S.C. §1052(d).

10. The services set forth in application Ser. No. 87808034 and the services set forth in application Ser. No. 87815192 are the same or are related in some manner.

11. The conditions surrounding the marketing of the services set forth in application Ser. No. 87808034 and the services set forth in application Ser. No. 87815192 are such that they are or could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods and services from a common source in violation of Trademark Action Section 2(a), 15 U.S.C. §1052(a).

12. Opposer will be damaged by the registration of application Ser. No. 87808034.

13. As a result of the foregoing, registration for the mark set forth in application Ser. No. 87808034 should be refused.

WHEREFORE, Opposer requests that application Ser. No. 87808034 be refused registration. The required filing fee is submitted herewith. .

Please charge any fees due in connection with this Opposition to Deposit Account No. 033975, Order No. 047536-0000004.

Date: July 26, 2018

Respectfully submitted,

By: /michelle mehok/

MICHELLE L. MEHOK
PILLSBURY WINTHROP SHAW PITTMAN LLP
12255 El Camino Real, Suite 300
San Diego, California 92130
Docket_ip@pillsburylaw.com

Attorneys for Frendli, Inc.

CERTIFICATE OF SERVICE

I, Michelle Mehok, hereby certify that on this 26th day of July, 2018, a true copy of the foregoing **NOTICE OF OPPOSITION** was served on Applicant's identified correspondent, as there is no Attorney of Record, by depositing said copy, via certified First Class Mail, in the United States mail in a sealed envelope with postage thereon fully prepaid, addressed as follows:

Robert DeMaio
President
Phinge Corporation
541 Sycamore St. #8
Oakland, California 94612

Executed: July 26, 2018

_____/michelle mehok/
Michelle Mehok

CERTIFICATE OF FILING

I, Michelle Mehok, hereby certify that on this 26th day of July, 2018, an electronic copy of Opposer's foregoing **NOTICE OF OPPOSITION** was electronically filed in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board Electronic Filing System.

Executed: July 26, 2018

_____/michelle mehok/
Michelle Mehok