

ESTTA Tracking number: **ESTTA924055**

Filing date: **09/24/2018**

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	Stack Exchange, Inc.
Granted to Date of previous extension	09/26/2018
Address	110 William Street, 28th Floor New York, NY 10038 UNITED STATES

Attorney information	Leo Kittay Fross Zelnick Lehrman & Zissu, P.C. 4 Times Square, 17th Floor Fross Zelnick Lehrman & Zissu, P.C. New York, NY 10036 UNITED STATES lkittay@fzlj.com, ttabfilings@fzlj.com 2128135900
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Applicant Information

Application No	87708483	Publication date	05/29/2018
Opposition Filing Date	09/24/2018	Opposition Period Ends	09/26/2018
Applicant	Guedeikian, Kaloust 416 Cameron Pl. #C Glendale, CA 91207 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 2017/12/04 First Use In Commerce: 2017/12/04 All goods and services in the class are opposed, namely: Online platform as a service for developers featuring computer software platforms for development of video and related applications
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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	STACK OVERFLOW		

Goods/Services	Downloadable computer program allowing users within an organization to ask and answer questions on a variety of topics of general interest, to search for and obtain information requested by users, to locate specific information requested by users, to create a community within an organization for registered users to participate in discussions, to get feedback from peers within an organization, to form virtual communities, and to engage in social networking; downloadable mobile applications featuring user-defined information, allowing users to ask and answer questions on a variety of topics of general interest, providing search engines for obtaining information requested by users, providing customized searching to locate specific information requested by users, creating a community for registered users to participate in discussions, getting feedback from peers, forming virtual communities, and engaging in social networking. Computer services, namely, providing customized online web pages featuring user-defined information; computer services, namely, hosting a webpage for users to ask and answer questions on a variety of topics of general interest, providing search engines for obtaining information requested by users on a global computer network, providing customized searching of a webpage to locate specific information requested by users, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking; application service provider featuring application programming interface (API) software for use in building software applications.
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Attachments	F2763550.pdf(14626 bytes)
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Signature	/Leo Kittay/
Name	Leo Kittay
Date	09/24/2018

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

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STACK EXCHANGE, INC., :
 : Opposition No.
 Opposer, :
 :
 - against - :
 :
 KALOUST GUEDELEKIAN, :
 :
 Applicant. :
-----X

NOTICE OF OPPOSITION

Opposer, Stack Exchange, Inc. (“Opposer”), a corporation organized and existing under the laws of Delaware, believes that it will be damaged by the registration of the mark STACK OVERFLOW as shown in Application Serial No. 87708483 (the “Application”), and hereby opposes same.

As grounds for the opposition, Opposer, through its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since 2008, Opposer has provided under the mark STACK OVERFLOW an online platform for professional and enthusiast software developers to seek and post information about software programming and find related job opportunities. The platform has become the largest, most trusted online community for developers. More than 50 million professional and aspiring programmers visit the platform each month, including from throughout the United States.

2. In connection with providing such services, Opposer has earned approximately \$50 million in annual sales and has invested significantly in advertising and promotion, including devoting millions of dollars to advertise and promote its services.

3. As a result of its reputation, use and substantial sales success, and Opposer's significant investment in advertising, STACK OVERFLOW has become a strong trademark identifying Opposer's services exclusively. As such, the STACK OVERFLOW mark represents an enormous goodwill and is an extremely valuable asset of Opposer.

4. Upon information and belief, Applicant is a U.S. individual with an address of 416 Cameron Pl. #C, Glendale, California 91207.

5. Upon information and belief, prior to any date upon which Applicant can rely, Applicant was on actual notice of Opposer's prior rights in and to the STACK OVERFLOW mark.

6. Long after Opposer obtained rights in the STACK OVERFLOW mark, Applicant filed the Application in connection with "Online platform as a service for developers featuring computer software platforms for development of video and related applications" in International Class 42 and has begun to use the mark in commerce at www.stackoverflow.us. As such, Opposer's rights in the STACK OVERFLOW mark are prior and superior to any rights Applicant may claim in STACK OVERFLOW. The registration of STACK OVERFLOW to Applicant is inconsistent with Opposer's prior rights and statutory grant of exclusivity of use.

7. The services in the Application are the same as and/or closely related to the services Opposer offers under its STACK OVERFLOW mark.

8. Applicant's mark is identical to Opposer's STACK OVERFLOW mark and is thus likely, when used for the services identified in the Application or related services, to cause consumer confusion regarding whether Applicant's services are authorized by or affiliated with Opposer or Opposer's services.

