

ESTTA Tracking number: **ESTTA952102**

Filing date: **02/05/2019**

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	U.S. Department of Homeland Security
Granted to Date of previous extension	02/06/2019
Address	245 Murray LaneMail Stop 0205 Washington, DC 20528 UNITED STATES

Attorney information	Joseph Hsiao Department of Homeland Security Office of the General Counsel 245 Murray LaneMail Stop 0205 Washington, DC 20528 UNITED STATES joseph.hsiao@hq.dhs.gov, megan.smith1@associates.hq.dhs.gov 202-254-8669
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Applicant Information

Application No	87920540	Publication date	10/09/2018
Opposition Filing Date	02/05/2019	Opposition Period Ends	02/06/2019
Applicant	FAIR OBSERVER CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION CALIFORNIA 237 Hamilton Avenue Mountain View, CA 94043 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 041. First Use: 2011/03/29 First Use In Commerce: 2011/03/29 All goods and services in the class are opposed, namely: Educational services, namely, developing, arranging, and conducting educational conferences and programs and providing courses of instruction in the field of politics, foreign affairs, finance and economics, business and entrepreneurship, science and technology, law and society, medicine and health, sustainability and the environment, arts and culture, and other current affairs; Interactive online web journals featuring blogs, reports, news articles, white papers, e-books, analyses, commentaries and multimedia content in the fields of politics, foreign affairs, finance and economics, business and entrepreneurship, science and technology, law and society, medicine and health, sustainability and the environment, arts and culture, and other current affairs; Multimedia publishing of books, magazines, journals, software, games, music, and electronic publications; On-line journals, namely, blogs featuring reports, news articles, white papers, e-books, analyses, commentaries and multimedia content featuring a wide range of worldwide politics, foreign affairs, finance and economics, business and entrepreneurship, science and technology, law and society, medicine and health, sustainability and the environment, arts and culture, and other cur-</p>
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rent affairs topics

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	The Opposed Mark so closely resembles DHS's previously used mark that its use, in connection with the goods aforementioned, is likely to cause confusion, or to cause mistake or deceive, in violation Section 43(a) of the Trademark Act of 1946, 15 U.S.C. § 1125(a).

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4841575	Application Date	12/08/2009
Registration Date	10/27/2015	Foreign Priority Date	NONE
Word Mark	FIRST OBSERVER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2009/03/31 First Use In Commerce: 2009/03/31 Providing transportation information; providing news in the field of travel for the transportation industry Class 041. First use: First Use: 2009/03/31 First Use In Commerce: 2009/03/31 Educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations		

U.S. Registration No.	3774060	Application Date	12/19/2008
Registration Date	04/13/2010	Foreign Priority Date	NONE
Word Mark	FIRST OBSERVER		

Design Mark	<h1>First Observer</h1>
Description of Mark	NONE
Goods/Services	Class 045. First use: First Use: 2008/12/17 First Use In Commerce: 2008/12/19 consultation and monitoring services concerning homeland safety and security issues and practices

U.S. Registration No.	4841522	Application Date	05/14/2015
Registration Date	10/27/2015	Foreign Priority Date	NONE

Word Mark	FIRST OBSERVER
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Description of Mark	The mark consists of a design in the shape of the head of an eagle, outlined in grey, connected to an oblong half circle which begins at the edge of the bottom of the eagle's beak connected to a straight line extending to another larger oblong half circle which is completed above the top beak of the eagle and not touching the eagle's head; the words "FIRST OBSERVER" appear in blue inside the two half circles; the half circles contain white stars, and shadings of red, white and blue.
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Goods/Services	<p>Class 039. First use: First Use: 2008/12/01 First Use In Commerce: 2008/12/01 Providing transportation information; providing news in the field of travel for the transportation industry</p> <p>Class 041. First use: First Use: 2008/12/01 First Use In Commerce: 2008/12/01 Educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations</p>
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Attachments	77888557#TMSN.png(bytes) 77636924#TMSN.png(bytes) 86630204#TMSN.png(bytes) Notice of Opposition_FAIR OBSERVER_02.05.19.pdf(304331 bytes) Exhibit A Notice of Opposition_FAIR OBSERVER_02.05.19.pdf(1350137 bytes)
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Signature	/Joseph Hsiao/
Name	Joseph Hsiao
Date	02/05/2019

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

In the matter of Trademark Application: 87/920,540
For the mark: FAIR OBSERVER
Filing Date: May 14, 2018
Published in the *Official Gazette* on: October 9, 2018

UNITED STATES DEPARTMENT OF)
HOMELAND SECURITY,)
)
Opposer,)
)
v.)
)
FAIR OBSERVER,)
)
Applicant.)

NOTICE OF OPPOSITION

The United States Department of Homeland Security (“DHS”) with an address at 245 Murray Lane, Mail Stop 0205, Washington, DC 20528, on behalf of the Transportation Security Administration (“TSA”), a federal agency of the United States of America (collectively referred to as “Opposer”) believes that it will be damaged by registration of the mark FAIR OBSERVER (hereinafter the “Opposed Mark”) for “Educational services, namely, developing, arranging, and conducting educational conferences and programs and providing courses of instruction in the field of politics, foreign affairs, finance and economics, business and entrepreneurship, science and technology, law and society, medicine and health, sustainability and the environment, arts and culture, and other current affairs; Interactive online web journals featuring blogs, reports, news articles, white papers, e-books, analyses, commentaries and multimedia content in the fields of politics, foreign affairs, finance and economics, business and entrepreneurship, science and technology, law and society, medicine and health, sustainability and the environment, arts and culture, and other current affairs; Multimedia publishing of books, magazines, journals,

software, games, music, and electronic publications; On-line journals, namely, blogs featuring reports, news articles, white papers, e-books, analyses, commentaries and multimedia content featuring a wide range of worldwide politics, foreign affairs, finance and economics, business and entrepreneurship, science and technology, law and society, medicine and health, sustainability and the environment, arts and culture, and other current affairs topics” as set forth in Application Serial No. 87/920,540, filed on May 14, 2018 and published for opposition on October 8, 2018 (hereinafter the “Application”). The Opposed Mark is owned by Fair Observer, a California nonprofit public benefit with an address at 237 Hamilton Avenue, Mountain View California 94043 (hereinafter the “Applicant”), and hereby opposes the same. As grounds for this opposition, it is alleged that:

1. Since long prior to the filing date of the Application, Opposer has extensively used, advertised and promoted the marks FIRST OBSERVER and FIRST OBSERVER PLUS (hereinafter the “FIRST OBSERVER Marks”) for, *inter alia*, “Educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations” in International Class 41.

2. Opposer owns and uses the following U.S. Registrations:

- U.S. Registration No. 4,841,575 for FIRST OBSERVER for “Providing transportation information; providing news in the field of travel for the transportation industry” and “Educational services, namely, conducting programs and classes, conferences, seminars,

workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations” in International Classes 39 and 41, respectively;

- U.S. Registration No. 3,774,060 for FIRST OBSERVER for “Consultation and monitoring services concerning homeland safety and security issues and practices” in International Class 45; and

- U.S. Registration No. 4,841,522 for



for “Providing transportation information; providing news in the field of travel for the transportation industry” and “Educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations” in International Classes 39 and 41, respectively.

3. A printout from the electronic database of the U.S. Patent and Trademark Office showing the current status and title of the registrations listed above are attached as **Exhibit A** to this Notice of Opposition.

4. By virtue of the uncompromising and prestigious quality of the services provided, advertised and promoted under the FIRST OBSERVER Marks and by virtue of the extensive promotion and advertising of such high quality services for more than ten years, the FIRST OBSERVER Marks have become well-known and have acquired extensive recognition and strength throughout the United States.

5. Upon information and belief, Applicant's earliest available priority date for the Opposed Mark is well after Opposer's priority date of its FIRST OBSERVER Marks.

6. Applicant has no connection whatsoever with Opposer and no permission or license was given by Opposer to Applicant to use the Opposed Mark.

7. Opposer's use of the FIRST OBSERVER Marks in connection with services in Classes 39, 41, and 45, is such that members of the public will perceive the Opposed Mark in close proximity with the FIRST OBSERVER Marks and mistakenly assume that the Opposed Mark emanates from Opposer.


8. The Opposed Mark so closely resembles Opposer's previously used marks that its use, in connection with the aforementioned services is likely to cause confusion, or to cause mistake or deceive, in violation of Section 43(a) of the Trademark Act of 1946, 15 U.S.C. § 1125(a). Purchasers likely will assume that Opposer is somehow affiliated with, licenses, or endorses Applicant's use of the Opposed Mark when Opposer is not connected in any way with Applicant's use of the Opposed Mark.

9. The Opposed Mark so closely resembles Opposer's previously registered and used marks that its use, in connection with the aforementioned services is likely to cause confusion, or to cause mistake or deceive in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d). Purchasers likely will assume that Opposer is somehow affiliated with, licenses, or endorses Applicant's use of the Opposed Mark when Opposer is not connected in any way with Applicant's use of the Opposed Mark.

10. The registration of the Opposed Mark will be inconsistent with Opposer's rights in the FIRST OBSERVER Marks, the registrations pleaded above and Opposer's rights in common law and will be damaging to Opposer.

WHEREFORE, Opposer prays that this opposition be sustained and registration of the Application be refused.

Respectfully submitted,

By: 

Joseph Hsiao
Attorney for Opposer
Attorney Advisor, Intellectual Property
Office of the General Counsel
Department of Homeland Security
245 Murray Lane, Mail Stop 0205
Washington, D.C. 20528
202-254-8669
Joseph.Hsiao@hq.dhs.gov

Date: February 5, 2019

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Mark: FIRST OBSERVER

First Observer

US Serial Number: 77636924

Application Filing Date: Dec. 19, 2008

US Registration Number: 3774060

Registration Date: Apr. 13, 2010

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Jun. 15, 2016

Publication Date: Jan. 26, 2010

Mark Information

Mark Literal Elements: FIRST OBSERVER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: consultation and monitoring services concerning homeland safety and security issues and practices

International Class(es): 045 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 17, 2008

Use in Commerce: Dec. 19, 2008

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information**Owner Name:** U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION**DBA, AKA, Formerly:** DBA TSA**Owner Address:** Mail Stop 0205
245 Murray Lane
Washington, DISTRICT OF COLUMBIA UNITED STATES 20528**Legal Entity Type:** FEDERAL AGENCY**State or Country Where Organized:** UNITED STATES**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Joseph Hsiao**Attorney Primary Email Address:** joseph.hsiao@hq.dhs.gov**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** Joseph HsiaoDepartment of Homeland Security Office of the Gene
245 Murray Lane
Mail Stop 0205
Washington, DISTRICT OF COLUMBIA UNITED STATES 20528**Phone:** 202-254-8669**Correspondent e-mail:** joseph.hsiao@hq.dhs.gov
lavyanya.ratnam@hq.dhs.gov
megan.smith1@associates.hq.dhs.gov**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jul. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 31, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 31, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 15, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 15, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	85321
Jun. 15, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	85321
Apr. 08, 2016	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 08, 2016	TEAS SECTION 8 & 15 RECEIVED	
Apr. 13, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Oct. 06, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 21, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 21, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 08, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 13, 2010	REGISTERED-PRINCIPAL REGISTER	
Jan. 26, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 26, 2010	PUBLISHED FOR OPPOSITION	
Dec. 18, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	65864
Dec. 18, 2009	ASSIGNED TO LIE	65864
Dec. 04, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	

EXHIBIT A

Dec. 04, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 04, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 04, 2009	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Nov. 05, 2009	NOTIFICATION OF FINAL REFUSAL EMAILED	
Nov. 05, 2009	FINAL REFUSAL E-MAILED	
Nov. 05, 2009	FINAL REFUSAL WRITTEN	83187
Nov. 04, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Nov. 04, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Nov. 04, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 04, 2009	PETITION TO REVIVE-GRANTED	88889
Nov. 04, 2009	TEAS PETITION TO REVIVE RECEIVED	
Oct. 13, 2009	ABANDONMENT NOTICE MAILED - FAILURE TO RESPOND	
Oct. 13, 2009	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Mar. 14, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2009	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2009	NON-FINAL ACTION WRITTEN	83187
Mar. 14, 2009	ASSIGNED TO EXAMINER	83187
Dec. 23, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 108

Date in Location: Jun. 15, 2016

Assignment Abstract Of Title Information

Summary

Conveyance Filter

Total Assignments: 4

Registrant: Total Security Services International, Inc.

Assignment 1 of 4

Conveyance: SECURITY INTEREST

Reel/Frame: [4061/0984](#)

Pages: 11

Date Recorded: Sep. 16, 2009

Supporting Documents: [assignment-tm-4061-0984.pdf](#)

Assignor

Name: [TOTAL SECURITY SERVICES INTERNATIONAL, INC.](#)

Execution Date: Sep. 14, 2009

Legal Entity Type: CORPORATION

State or Country Where MARYLAND

Organized:

Assignee

Name: [PRUDENT CAPITAL II, L.P.](#)

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where MARYLAND

Organized:

Address: 1120 CONNECTICUT AVENUE, N.W.
SUITE 1200
WASHINGTON, DISTRICT OF COLUMBIA 20036

Correspondent

Correspondent Name: HSIAO-TING CHENG

Correspondent Address: 1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102**Domestic Representative - Not Found****Assignment 2 of 4**

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [4270/0854](#)

Pages: 4

Date Recorded: Sep. 01, 2010

Supporting Documents: [assignment-tm-4270-0854.pdf](#)**Assignor**Name: [PRUDENT CAPITAL II, L.P.](#)

Execution Date: Aug. 30, 2010

Legal Entity Type: LIMITED PARTNERSHIP

State or Country Where MARYLAND

Organized:

AssigneeName: [TOTAL SECURITY SERVICES INTERNATIONAL, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where MARYLAND

Organized:

Address: 1700 ROCKVILLE PIKE
SUITE 400
ROCKVILLE, MARYLAND 20852**Correspondent**

Correspondent Name: HSIAO-TING CHENG

Correspondent Address: 1650 TYSONS BOULEVARD
SUITE 400
MCLEAN, VA 22102**Domestic Representative - Not Found****Assignment 3 of 4**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4271/0574](#)

Pages: 3

Date Recorded: Sep. 02, 2010

Supporting Documents: [assignment-tm-4271-0574.pdf](#)**Assignor**Name: [TOTAL SECURITY SYSTEMS INTERNATIONAL, INC.](#)

Execution Date: Sep. 01, 2010

Legal Entity Type: CORPORATION

State or Country Where MARYLAND

Organized:

AssigneeName: [U.S. DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION](#)

Legal Entity Type: FEDERAL AGENCY

State or Country Where UNITED STATES

Organized:

Address: 601 S.12TH STREET
ARLINGTON, VIRGINIA 22202

DBA, AKA, TA, Formerly: DBA TSA

Correspondent

Correspondent Name: NICHOLAS HANTZES

Correspondent Address: 1749 OLD MEADOW ROAD
SUITE 308
MCLEAN, VA 22102

Domestic Representative - Not Found

Assignment 4 of 4

Conveyance: CORRECTION TO THE SPELLING OF ASSIGNEE'S NAME (REEL/FRAME NUMBER 4271/0574)

Reel/Frame: [4288/0762](#)

Pages: 3

Date Recorded: Oct. 01, 2010

Supporting Documents: [assignment-tm-4288-0762.pdf](#)

Assignor

Name: [TOTAL SECURITY SYSTEMS INTERNATIONAL, INC.](#)

Execution Date: Sep. 01, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: MARYLAND

Assignee

Name: [U.S. DEPARTMENT OF HOMELAND SECURITY](#)

Legal Entity Type: FEDERAL AGENCY

State or Country Where Organized: UNITED STATES

Address: 601 S. 12TH STREET
ARLINGTON, VIRGINIA 22202

Correspondent

Correspondent Name: ROSEMARY B. JAMES

Correspondent Address: 245 MURRAY LANE
DHS S&T AGC MAIL STOP 0205
WASHINGTON, DC 20528-0205

Domestic Representative - Not Found

Proceedings - None recorded

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Mark: FIRST OBSERVER



US Serial Number: 86630204

Application Filing Date: May 14, 2015

US Registration Number: 4841522

Registration Date: Oct. 27, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 27, 2015

Publication Date: Aug. 11, 2015

Mark Information

Mark Literal Elements: FIRST OBSERVER

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a design in the shape of the head of an eagle, outlined in grey, connected to an oblong half circle which begins at the edge of the bottom of the eagle's beak connected to a straight line extending to another larger oblong half circle which is completed above the top beak of the eagle and not touching the eagle's head; the words "FIRST OBSERVER" appear in blue inside the two half circles; the half circles contain white stars, and shadings of red, white and blue.

Color Drawing: Yes

Color(s) Claimed: The color(s) red, white, blue and grey is/are claimed as a feature of the mark.

Design Search Code(s): 01.01.10 - Stars, three or more; Three or more stars

01.01.13 - Stars - multiple stars with five points

03.15.01 - Eagles

03.17.16 - Heads of birds

24.09.05 - American flags; Flags, American

26.01.06 - Circles, semi; Semi-circles

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations

International Class(es): 041 - Primary Class **U.S Class(es):** 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2008 **Use in Commerce:** Dec. 01, 2008

For: Providing transportation information; providing news in the field of travel for the transportation industry

International Class(es): 039 - Primary Class **U.S Class(es):** 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2008 **Use in Commerce:** Dec. 01, 2008

Basis Information (Case Level)

Filed Use: Yes **Currently Use:** Yes

Filed ITU: No **Currently ITU:** No

Filed 44D: No **Currently 44E:** No

Filed 44E: No **Currently 66A:** No

Filed 66A: No **Currently No Basis:** No

Filed No Basis: No

Current Owner(s) Information

Owner Name: United States Department of Homeland Security

Owner Address: Mail Stop 0205, S&T AGC
245 Murray Lane
Washington, DISTRICT OF COLUMBIA UNITED STATES 20528

Legal Entity Type: FEDERAL AGENCY **State or Country Where Organized:** UNITED STATES

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph Hsiao

Attorney Primary Email Address: joseph.hsiao@hq.dhs.gov **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Joseph Hsiao
Department of Homeland Security Office of the Gene
245 Murray Lane
Mail Stop 0205
Washington, DISTRICT OF COLUMBIA UNITED STATES 20528

Phone: 202-254-8669

Correspondent e-mail: joseph.hsiao@hq.dhs.gov
lavanja.ratnam@hq.dhs.gov
megan.smith1@associates.hq.dhs.gov **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 31, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 31, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	

Oct. 27, 2015	REGISTERED-PRINCIPAL REGISTER	
Aug. 11, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 11, 2015	PUBLISHED FOR OPPOSITION	
Jul. 22, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 06, 2015	LAW OFFICE PUBLICATION REVIEW COMPLETED	70629
Jul. 01, 2015	ASSIGNED TO LIE	70629
Jun. 15, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 15, 2015	ASSIGNED TO EXAMINER	83280
May 23, 2015	NOTICE OF DESIGN SEARCH CODE E-MAILED	
May 22, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 18, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 27, 2015

Assignment Abstract Of Title Information - None recorded

Proceedings - Click to Load

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Mark: FIRST OBSERVER

FIRST OBSERVER

US Serial Number: 77888557

Application Filing Date: Dec. 08, 2009

US Registration Number: 4841575

Registration Date: Oct. 27, 2015

Register: Principal

Mark Type: Service Mark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 27, 2015

Publication Date: Jun. 07, 2011

Notice of Allowance Date: Aug. 02, 2011

Mark Information

Mark Literal Elements: FIRST OBSERVER

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training in the fields of safety, security, and regulations for the transportation industry; training in the use of safety practices, security practices, and regulatory compliance for the transportation industry; providing educational services, namely, conducting programs and classes, conferences, seminars, workshops, and training relating to transportation, namely, in the fields of transportation safety, security, and regulations

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2009

Use in Commerce: Mar. 31, 2009

For: Providing transportation information; providing news in the field of travel for the transportation industry

International Class(es): 039 - Primary Class

U.S Class(es): 100, 105

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 31, 2009

Use in Commerce: Mar. 31, 2009

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No
Filed 44D: No	Currently 44E: No
Filed 44E: No	Currently 66A: No
Filed 66A: No	Currently No Basis: No
Filed No Basis: No	

Current Owner(s) Information

Owner Name: THE DEPARTMENT OF HOMELAND SECURITY

Owner Address: 245 MURRAY LANE, SW
WASHINGTON, DISTRICT OF COLUMBIA UNITED STATES 20528

Legal Entity Type: FEDERAL AGENCY **State or Country Where Organized:** UNITED STATES

Attorney/Correspondence Information**Attorney of Record**

Attorney Name: Joseph Hsiao

Attorney Primary Email: joseph.hsiao@hq.dhs.gov **Attorney Email Authorized:** Yes

Address:

Correspondent

Correspondent Name/Address: Joseph Hsiao
Department of Homeland Security Office of the Gene
245 Murray Lane
Mail Stop 0205
Washington, DISTRICT OF COLUMBIA UNITED STATES 20528

Phone: 202-254-8669

Correspondent e-mail: joseph.hsiao@hq.dhs.gov
lavyanya.ratnam@hq.dhs.gov
megan.smith1@associates.hq.dhs.gov **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Jul. 19, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 19, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 31, 2017	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Oct. 31, 2017	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Oct. 27, 2015	REGISTERED-PRINCIPAL REGISTER	
Sep. 25, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Sep. 24, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 24, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 23, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 23, 2015	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Mar. 24, 2015	NOTIFICATION OF FINAL REFUSAL EMAILED	
Mar. 24, 2015	FINAL REFUSAL E-MAILED	
Mar. 24, 2015	SU - FINAL REFUSAL - WRITTEN	72414
Mar. 05, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	70468
Mar. 05, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	70468

EXHIBIT A

Mar. 04, 2015	ASSIGNED TO LIE	70468
Feb. 25, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 25, 2014	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Aug. 25, 2014	NON-FINAL ACTION E-MAILED	
Aug. 25, 2014	SU - NON-FINAL ACTION - WRITTEN	72414
Aug. 13, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
Aug. 01, 2014	USE AMENDMENT FILED	66230
Aug. 01, 2014	TEAS STATEMENT OF USE RECEIVED	
Feb. 14, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Feb. 13, 2014	EXTENSION 5 GRANTED	66230
Jan. 31, 2014	EXTENSION 5 FILED	66230
Jan. 31, 2014	TEAS EXTENSION RECEIVED	
Aug. 07, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 06, 2013	EXTENSION 4 GRANTED	66230
Aug. 02, 2013	EXTENSION 4 FILED	66230
Aug. 02, 2013	TEAS EXTENSION RECEIVED	
Mar. 13, 2013	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 12, 2013	EXTENSION 3 GRANTED	66230
Feb. 01, 2013	EXTENSION 3 FILED	66230
Mar. 04, 2013	RESPONSE TO ITU OFFICE ACTION ENTERED	66230
Mar. 04, 2013	FAX RECEIVED	
Feb. 04, 2013	ITU OFFICE ACTION ISSUED FOR EXTENSION REQUEST	66230
Feb. 01, 2013	TEAS EXTENSION RECEIVED	
Aug. 07, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 06, 2012	EXTENSION 2 GRANTED	66230
Aug. 02, 2012	EXTENSION 2 FILED	66230
Aug. 02, 2012	TEAS EXTENSION RECEIVED	
Mar. 03, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 02, 2012	EXTENSION 1 GRANTED	66230
Feb. 02, 2012	EXTENSION 1 FILED	66230
Mar. 02, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
Feb. 02, 2012	TEAS EXTENSION RECEIVED	
Aug. 02, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 07, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 07, 2011	PUBLISHED FOR OPPOSITION	
May 02, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73787
Apr. 27, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 13, 2011	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 07, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 07, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 07, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 07, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 07, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 12, 2010	NON-FINAL ACTION MAILED	
Oct. 09, 2010	NON-FINAL ACTION WRITTEN	72414
Sep. 23, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	73787
Sep. 23, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	73787
Sep. 23, 2010	ASSIGNED TO LIE	73787

Sep. 13, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 16, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jun. 16, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 11, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 11, 2010	NON-FINAL ACTION E-MAILED	6325
Mar. 11, 2010	NON-FINAL ACTION WRITTEN	72414
Mar. 10, 2010	ASSIGNED TO EXAMINER	72414
Dec. 12, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 11, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Sep. 24, 2015

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 1

Registrant: THE DEPARTMENT OF HOMELAND SECURITY

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [4517/0381](#)

Pages: 4

Date Recorded: Apr. 07, 2011

Supporting Documents: [assignment-tm-4517-0381.pdf](#)

Assignor

Name: [OWNER-OPERATOR INDEPENDENT DRIVERS ASSOCIATION FOUNDATION, INC.](#)

Execution Date: Mar. 10, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: MISSOURI

Assignee

Name: [THE DEPARTMENT OF HOMELAND SECURITY](#)

Legal Entity Type: FEDERAL AGENCY

State or Country Where Organized: UNITED STATES

Address: 245 MURRAY LANE, SW
WASHINGTON, DISTRICT OF COLUMBIA 20528

Correspondent

Correspondent Name: ROSEMARY B. JAMES

Correspondent Address: 245 MURRAY LANE
MAIL STOP 0205, S&T OGC
WASHINGTON, DC 20528-0205

Domestic Representative - Not Found

Proceedings - None recorded