

ESTTA Tracking number: **ESTTA986933**

Filing date: **07/11/2019**

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	Omegle.com, LLC
Granted to Date of previous extension	07/13/2019
Address	4557 11TH AVENUE NE #131 SEATTLE, WA 98105 UNITED STATES

Attorney information	STACIA N. LAY FOCAL PLLC 900 1ST AVE. S., SUITE 201 SEATTLE, WA 98134 UNITED STATES stacia@focallaw.com, trademark@focallaw.com, venkat@focallaw.com (206) 529-4827
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Applicant Information

Application No	88264546	Publication date	05/14/2019
Opposition Filing Date	07/11/2019	Opposition Period Ends	07/13/2019
Applicant	Bad Kitty's Dad, LDA rua JosA© Dias Coelho, 10A, Marisol, Corroios, 2855-173 PORTUGAL		

Goods/Services Affected by Opposition

Class 038. First Use: 2015/09/09 First Use In Commerce: 2015/09/09 All goods and services in the class are opposed, namely: Telecommunication services, namely, providing real time video communications in the nature of transmission of information through video communication systems, chat video messaging in the nature of virtual rooms established via text messaging, and electronic transmission of entertainment and information content; computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; providing internet video chat rooms
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Applicant Information

Application No	88264565	Publication date	05/14/2019
Opposition Filing Date	07/11/2019	Opposition Period Ends	
Applicant	Bad Kitty's Dad, LDA rua JosA© Dias Coelho, 10A, Marisol,		

	Corroios, 2855-173 PORTUGAL
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Goods/Services Affected by Opposition

Class 045. First Use: 2015/09/09 First Use In Commerce: 2015/09/09 All goods and services in the class are opposed, namely: Computer services, namely, providing information regarding on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; Computer services in the nature of on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; video chat services, namely, on-line social networking services for the purpose of providing an on-line computer database enabling strangers to meet and communicate real-time; providing a social networking website for entertainment purposes

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. Registration No.	3997588	Application Date	12/23/2010
Registration Date	07/19/2011	Foreign Priority Date	NONE
Word Mark	OMEGLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2009/03/25 First Use In Commerce: 2009/03/25 Providing internet chatrooms		

Attachments	85205131#TMSN.png(bytes) Consolidated Notice of Opposition re OMETV marks.pdf(3401748 bytes)
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Signature	/stacianlay/
Name	STACIA N. LAY
Date	07/11/2019

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

Omegle.com, LLC

Opposer,

v.

Bad Kitty’s Dad, LDA,

Applicant.

Mark: OMETV

Serial No. 88/264,546

Serial No. 88/264,565

Published: May 14, 2019

Opposition No. _____

CONSOLIDATED NOTICE OF OPPOSITION

Opposer Omegle.com, LLC (“Opposer” or “Omegle”), an Oregon limited liability company with an address of 4557 11th Avenue NE #131, Seattle, Washington 98105 and the senior user and owner of a U.S. registration for the OMEGLE mark, believes it will be damaged by registration of the OMETV mark shown in Application Serial No. 88/264,546 and Application Serial No. 88/264,565 in connection with services in, respectively, IC 038 and IC 045, filed by Applicant Bad Kitty’s Dad, LDA (“Applicant”), and hereby opposes those applications.

The particulars of Applicant’s applications are as follows:

Mark:	OMETV
Serial No.	88/264,546
Filing Date:	January 16, 2019
Filing Basis:	1(a)
First Use Date:	September 9, 2015
Publication Date:	May 14, 2019
Goods/Services:	IC 038: Telecommunication services, namely, providing real time video communications in the nature of transmission of information through video communication systems, chat video messaging in the nature of virtual rooms established via text messaging, and electronic transmission of entertainment and information content; computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; providing internet video chat rooms

Mark:	OMETV
Serial No.	88/264,565
Filing Date:	January 16, 2019
Filing Basis:	1(a)
First Use Date:	September 9, 2015
Publication Date:	May 14, 2019
Goods/Services:	IC 045: Computer services, namely, providing information regarding on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; Computer services in the nature of on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; video chat services, namely, on-line social networking services for the purpose of providing an on-line computer database enabling strangers to meet and communicate real-time; providing a social networking website for entertainment purposes

As grounds for opposition, Opposer alleges as follows:

1. Opposer offers a free online chat website under its OMEGLE mark that randomly pairs users in one-on-one chat sessions via video or text.
2. Launched in March 2009, Opposer's OMEGLE chat service has become one of the most popular chatting websites for meeting, socializing and networking with random users online. From approximately 1.7 million unique visitors in April 2009 after it first launched its OMEGLE chat service, Opposer had more than 28 million unique visitors in May 2019.
3. Opposer began using its OMEGLE mark in commerce in March 2009 and, as a result of Opposer's considerable success and investment in its OMEGLE chat service, the OMEGLE mark has become uniquely associated with Omegle and its chat service among its users and others within the industry.
4. Opposer owns a U.S. registration for its OMEGLE mark.
5. Opposer's Registration No. 3,997,588 for the OMEGLE mark was issued on July 19, 2011, for the following services in IC 038 based on a first use date of March 25, 2009: "Providing internet chatrooms". True and correct copies of printouts from the TSDR electronic

database records of the PTO showing the current status of the registration and the Certificate of Registration for Registration No. 3,997,588 are attached hereto as **Exhibit A**.

6. The registration for the OMEGLE mark, Registration No. 3,997,588, was initially issued to Leif C. K-Brooks on July 19, 2011. (See **Exhibit A**.) On August 27, 2015, Mr. K-Brooks assigned the OMEGLE mark and corresponding registration, along with all goodwill appurtenant thereto, to Opposer. Attached hereto as **Exhibit B** is a true and correct copy of the assignment agreement recorded with the PTO (reel/frame 5610/0951).

7. Opposer's Registration No. 3,997,588 for its OMEGLE mark is valid, subsisting, unrevoked, and uncanceled, and constitutes *prima facie* evidence of the validity of the registered mark and of the registration of the mark, of Omegle's ownership of the mark, and of Omegle's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the registration, as provided in Section 33(a) of the Lanham Act, 15 U.S.C. § 1115(a). Opposer's Registration No. 3,997,588 further constitutes constructive use of the OMEGLE mark, conferring a right of priority nationwide in effect in connection with the services specified in the registration as of the filing date of the application, as provided in Section 7(c) of the Lanham Act, 15 U.S.C. § 1057(c).

8. Both of Applicant's applications for the OMETV mark were filed on January 16, 2019.

9. A true and correct copy of a printout from the TSDR electronic database records of the PTO of the application for Serial No. 88/264,546 is attached hereto as **Exhibit C**.

10. A true and correct copy of a printout from the TSDR electronic database records of the PTO of the application for Serial No. 88/264,565 is attached hereto as **Exhibit D**.

11. Applicant did not file its applications to register the OMETV mark until January 16, 2019, well after Opposer filed its application for its OMEGLE mark on December 23, 2010 and the registration of its OMEGLE mark on July 19, 2011. Additionally, although Applicant claims a first use date of September 9, 2015 in both applications, Opposer's use of its OMEGLE mark began some six years earlier in March 2009. Accordingly, Opposer's OMEGLE mark is first in time and there is no issue as to priority or seniority as between Opposer and Applicant.

12. At the time Applicant filed its applications to register the OMETV mark, Applicant also had prior knowledge, both actual and constructive, of Opposer and its OMEGLE mark. Not only is Opposer and its OMEGLE online chat service well known in the industry but Applicant specifically markets its competitive service as an "Omegle chat alternative" and otherwise references Opposer and its OMEGLE chat service in Applicant's marketing and promotional materials. (*See, e.g., Exhibits C-D.*)

13. Additionally, Opposer's registration for its OMEGLE mark constitutes constructive notice of Opposer's claim of ownership of the mark under Section 22 of the Lanham Act, 15 U.S.C. § 1072.

14. Applicant's OMETV mark is highly similar to Opposer's OMEGLE mark and creates a similar overall commercial impression. Given the generic nature of the "TV" portion of Applicant's OMETV mark, the dominant feature of Applicant's mark is "OME", which suggests a connection to or an affiliation with Opposer and its well-known OMEGLE chat service. That connection or affiliation is further supported by Applicant's repeated reference to Opposer's OMEGLE chat service in its marketing of Applicant's OMETV chat service.

15. The services covered under Applicant's applications for the OMETV mark are closely related, if not identical, to the services covered under Opposer's registration for its OMEGLE mark, in that both parties provide online chat services.

16. The confusing similarity of the parties' marks and the proximity of the parties' services offered under their respective marks is further compounded by the parties' use of related, if not identical, channels of trade, including specifically the Internet, to market to the same consumers.

17. Consumers familiar with Opposer's OMEGLE mark will incorrectly assume that Opposer is the origin of, or otherwise associated with, Applicant's chat service offered under the OMETV mark, or that Opposer has approved, endorsed, sponsored or otherwise authorized Applicant's chat service or its use of a mark confusingly similar to Opposer's OMEGLE mark.

18. Opposer, through its long-standing use of its OMEGLE mark and its marketing and promotion of its OMEGLE online chat service, has developed valuable goodwill in its OMEGLE mark.

19. As a result, Opposer will be damaged by the registration of Applicant's applications for the OMETV mark in that the OMETV mark so resembles Opposer's OMEGLE mark as registered as to be likely, when used in connection with the services identified in Applicant's applications, to cause confusion, or to cause mistake, or to deceive in contravention of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

20. Given Opposer's prior rights in the OMEGLE mark, Applicant is not entitled to registration of the OMETV mark pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

21. By reason of the foregoing, Opposer will be damaged by the registration of the OMETV mark shown in Applicant's applications.

22. Both of Applicant's applications for the OMETV mark were published for opposition in the *Trademark Official Gazette* on May 14, 2019. On June 11, 2019, Opposer filed requests for a thirty-day extension of the time to file a notice of opposition to Applicant's two applications for the OMETV mark. Those requests were granted the same day, giving Opposer until July 13, 2019, to file a notice of opposition to Applicant's applications. Because this Consolidated Notice of Opposition is being filed prior to July 13, 2019, it is timely.

WHEREFORE, for the foregoing reasons, Opposer respectfully requests that the Board grant its Opposition and deny registration of both of Applicant's applications for the OMETV mark.

This Consolidated Notice of Opposition is being filed electronically and the required fee will be paid simultaneously with filing.

Dated this 11th day of July, 2019.

Respectfully submitted,

FOCAL PLLC



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Attorneys for Opposer Omegle.com, LLC

EXHIBIT A

Generated on: This page was generated by TSDR on 2019-06-04 12:28:40 EDT

Mark: OMEGLE

Omegle

US Serial Number: 85205131

Application Filing Date: Dec. 23, 2010

US Registration Number: 3997588

Registration Date: Jul. 19, 2011

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

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

Status Date: Aug. 16, 2017

Publication Date: May 03, 2011

Mark Information

Mark Literal Elements: OMEGLE

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: Providing internet chatrooms

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 25, 2009

Use in Commerce: Mar. 25, 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: OMEGLE.COM LLC

Owner Address: Omegle.com LLC c/o NW Registered Agent
906 West 2nd Ave. STE 100
Spokane, WASHINGTON UNITED STATES 99201

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: OREGON

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address: OMEGLE.COM LLC
906 West 2nd Ave. STE 100
Omegle.com LLC c/o NW Registered Agent
Spokane, WASHINGTON UNITED STATES 99201
Phone: 8023804064

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 16, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 16, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Aug. 15, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jul. 10, 2017	TEAS SECTION 8 & 15 RECEIVED	
Jul. 10, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 02, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 22, 2011	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 22, 2011	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 19, 2011	REGISTERED-PRINCIPAL REGISTER	
May 03, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 03, 2011	PUBLISHED FOR OPPOSITION	
Mar. 23, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 23, 2011	ASSIGNED TO EXAMINER	85321
Jan. 04, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 27, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: TMO LAW OFFICE 113

Date in Location: Aug. 16, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: K-Brooks, Leif C

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [5610/0951](#)

Pages: 2

Date Recorded: Aug. 27, 2015

Supporting Documents: [assignment-tm-5610-0951.pdf](#)

Assignor

Name: [K-BROOKS, LEIF](#)

Execution Date: Aug. 27, 2015

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Assignee

Name: [OMEGLE.COM LLC](http://OMEGLE.COM)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country OREGON
Where Organized:

Address: 1545 NW MARKET ST APT 207
SEATTLE, WASHINGTON 98107

Correspondent

Correspondent Name: SEAN M. MCCHESENEY

Correspondent Address: 800 FIFTH AVE, SUITE 4100
SEATTLE, WA 98104

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office

Omegle

Reg. No. 3,997,588

K-BROOKS, LEIF C (UNITED STATES INDIVIDUAL)
9187 NW GERMANTOWN RD
PORTLAND, OR 97231

Registered July 19, 2011

Int. Cl.: 38

FOR: PROVIDING INTERNET CHATROOMS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

SERVICE MARK

FIRST USE 3-25-2009; IN COMMERCE 3-25-2009.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-205,131, FILED 12-23-2010.

KIM MONINGHOFF, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT B

TRADEMARK ASSIGNMENT COVER SHEET

Electronic Version v1.1
Stylesheet Version v1.2

ETAS ID: TM353029

SUBMISSION TYPE:	NEW ASSIGNMENT		
NATURE OF CONVEYANCE:	ASSIGNMENT OF THE ENTIRE INTEREST AND THE GOODWILL		
CONVEYING PARTY DATA			
Name	Formerly	Execution Date	Entity Type
Leif K-Brooks		08/27/2015	INDIVIDUAL: UNITED STATES
RECEIVING PARTY DATA			
Name:	Omegle.com LLC		
Street Address:	1545 NW MARKET ST APT 207		
City:	Seattle		
State/Country:	WASHINGTON		
Postal Code:	98107		
Entity Type:	LIMITED LIABILITY COMPANY: OREGON		
PROPERTY NUMBERS Total: 2			
Property Type	Number	Word Mark	
Registration Number:	3997588	OMEGLE	
Registration Number:	3997589	TALK TO STRANGERS!	
CORRESPONDENCE DATA			
Fax Number:	2062603966		
<i>Correspondence will be sent to the e-mail address first; if that is unsuccessful, it will be sent using a fax number, if provided; if that is unsuccessful, it will be sent via US Mail.</i>			
Phone:	2066173040		
Email:	sean@focallaw.com		
Correspondent Name:	Sean M. McChesney		
Address Line 1:	800 Fifth Ave, Suite 4100		
Address Line 4:	Seattle, WASHINGTON 98104		
NAME OF SUBMITTER:	Sean M. McChesney		
SIGNATURE:	/smm/		
DATE SIGNED:	08/27/2015		
Total Attachments: 1			
source=Omegle.com_Domain_&_Trademark_Assignment_Agreement_FINAL#page1.tif			

OP \$65.00 3997588

DOMAIN NAME AND TRADEMARK ASSIGNMENT AGREEMENT

This Domain Name and Trademark Assignment Agreement (“Agreement”), effective as of August 27, 2015 (the “Effective Date”), is made between Leif K-Brooks, an individual (“Assignor”), and Omegle.com LLC, an Oregon limited liability company (“Assignee”).

RECITALS

Subject to the terms and conditions of this Agreement, Assignor hereby agrees to sell, transfer and assign, and Assignee hereby agrees to purchase (i) the domain name <omegle.com> and the registration thereof (together, the “Domain Name”), (ii) the trademark OMEGLE along with U.S. Trademark Registration No. 3997588 and the trademark “Talk to strangers!” along with U.S. Trademark Registration No. 3997589 (together, the “Marks”), (iii) all goodwill associated with the foregoing (the “Goodwill”).

AGREEMENT

1. **Assignment.** In consideration of the payment by Assignee to Assignor set forth in Section 2 (the “Payment”), Assignor hereby perpetually, irrevocably, and unconditionally transfers and assigns to Assignee all right, title and interest in and to the Domain Name, Marks and Goodwill.
2. **Payment.** Upon execution of this Agreement, Assignee shall pay to Assignor the sum of One Hundred Dollars (\$100.00) (the “Payment”).
3. **Transfer of Domain Name.** Upon receipt of the Payment, Assignor will transfer ownership and control of the Domain Name and the registration account associated with the Domain Name to Assignee. Effective upon the completed transfer of ownership and control of the Domain Name, Assignee shall be responsible for and shall pay all costs relating to the registration and maintenance of the Domain Name.
4. **Recording of Assignment of Marks.** Upon receipt of the Payment, Assignee shall record the assignment of the Marks with the United States Patent and Trademark Office. Effective upon the Effective Date, Assignee shall be responsible for and shall pay all costs relating to the registration and maintenance of the Marks.
5. **Miscellaneous.** This Agreement constitutes the entire agreement between the parties and supersedes all previous agreements or undertakings between the parties with respect to the subject matter hereof. This Agreement will be binding upon and inure to the benefit of the parties and their respective successors and assigns, but will not run to the benefit of or be enforceable by any other person. This Agreement will be governed by the laws of the State of Washington and the United States, without regard to its conflict of laws principles.

LEIF K-BROOKS (ASSIGNOR)

OMEGLE.COM LLC (ASSIGNEE)

DocuSigned by:

Leif K-Brooks

A3C1BB604E9A4DD

Leif K-Brooks

By:

DocuSigned by:

Leif K-Brooks

A3C1BB604E9A4DD

Leif K-Brooks

Title: Manager, Omegle.com LLC

EXHIBIT C

Trademark/Service Mark Application, Principal Register

Serial Number: 88264546

Filing Date: 01/16/2019

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88264546
MARK INFORMATION	
*MARK	OmeTV
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	OmeTV
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Bad Kitty's Dad, LDA
*STREET	rua José Dias Coelho, 10A, Marisol,
*CITY	Corroios
*COUNTRY	Portugal
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	2855-173
LEGAL ENTITY INFORMATION	
TYPE	sociedade por quotas limitada (lda)
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Portugal
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	038
*IDENTIFICATION	Telecommunication services, namely, providing real time video communications in the nature of transmission of information through video communication systems, chat video messaging in the nature of virtual rooms established via text messaging, and electronic transmission of entertainment and information content; computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; providing internet video chat rooms
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/09/2015
FIRST USE IN COMMERCE DATE	At least as early as 09/09/2015

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\882\645\88264546.xml1\ RFA0003.JPG
SPECIMEN DESCRIPTION	website
ATTORNEY INFORMATION	
NAME	XAVIER MORALES
FIRM NAME	LAW OFFICE OF XAVIER MORALES
STREET	PO BOX 6510
CITY	SAN ANTONIO
STATE	Texas
COUNTRY	United States
ZIP/POSTAL CODE	78209
PHONE	866-618-2517
FAX	866-639-4889
EMAIL ADDRESS	XM@SECUREYOURTRADEMARK.COM
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	XAVIER MORALES
FIRM NAME	LAW OFFICE OF XAVIER MORALES
STREET	PO BOX 6510
CITY	SAN ANTONIO
STATE	Texas
COUNTRY	United States
ZIP/POSTAL CODE	78209
PHONE	866-618-2517
FAX	866-639-4889
*EMAIL ADDRESS	XM@SECUREYOURTRADEMARK.COM
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/xm/
SIGNATORY'S NAME	XAVIER MORALES
SIGNATORY'S POSITION	ATTORNEY OF RECORD, TEXAS BAR MEMBER
SIGNATORY'S PHONE NUMBER	866-618-2517

DATE SIGNED

01/16/2019

Trademark/Service Mark Application, Principal Register

Serial Number: 88264546

Filing Date: 01/16/2019

To the Commissioner for Trademarks:

MARK: OmeTV (Standard Characters, see [mark](#))

The literal element of the mark consists of OmeTV.

The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Bad Kitty's Dad, LDA, a sociedade por quotas limitada (lda) legally organized under the laws of Portugal, having an address of
rua José Dias Coelho, 10A, Marisol,
Corroios 2855-173
Portugal

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 038: Telecommunication services, namely, providing real time video communications in the nature of transmission of information through video communication systems, chat video messaging in the nature of virtual rooms established via text messaging, and electronic transmission of entertainment and information content; computer services, namely, providing on-line facilities for real-time interaction with other computer users concerning topics of general interest; providing internet video chat rooms

In International Class 038, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/09/2015, and first used in commerce at least as early as 09/09/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) website.

[Specimen File1](#)

The applicant's current Attorney Information:

XAVIER MORALES of LAW OFFICE OF XAVIER MORALES PO BOX 6510
SAN ANTONIO, Texas 78209
United States
866-618-2517(phone)
866-639-4889(fax)
XM@SECUREYOURTRADEMARK.COM (authorized)

The applicant's current Correspondence Information:

XAVIER MORALES
LAW OFFICE OF XAVIER MORALES
PO BOX 6510
SAN ANTONIO, Texas 78209
866-618-2517(phone)
866-639-4889(fax)
XM@SECUREYOURTRADEMARK.COM (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /xm/ Date: 01/16/2019

Signatory's Name: XAVIER MORALES

Signatory's Position: ATTORNEY OF RECORD, TEXAS BAR MEMBER

Payment Sale Number: 88264546

Payment Accounting Date: 01/17/2019

Serial Number: 88264546

Internet Transmission Date: Wed Jan 16 18:20:26 EST 2019

TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2019011618202617

1307-88264546-620e6448e5d93b8f2f3569cbb5

248b0c3a13c33107c83cb54f4f6c347334c669-C

C-5120-20190116181903238299

OmeTV



● 96,115 Users online



⚙ Settings

start

stop

country: 🇺🇸

I am: 🧑



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Our random chat provides you a seamless **Omele chat** experience and the quickest way to get acquainted with people online. Use the random chat in comfort of your home - all you need is a webcam attached to your PC or a laptop. In less than a second you will be connected and ready to start chatting with a charming girl or a cool guy.

Video chat app - alternative to web chat

Our **Omele chat alternative** allows you to enjoy the video chat on your phone or tablet - with the OmeTV chat app. More than 10 million people have already downloaded the app because of its simplicity and powerful features. Install video chat app for free and join our growing online community!



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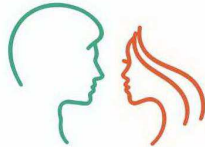
Why is Ome TV the most popular Omegle like video chat?

Random chats made easy



Thousands of users love simplicity of our random chat. Friendly and intuitive interface makes it unbeatable among all Omegle like video chats.

Chat anonymously about anything



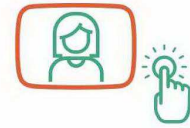
Like Omegle, our video chat allows you to meet new people and stay anonymous. Enjoy candid conversations and flirts with no strings attached.

No more language barriers in text chat



In OmeTV video chat, you can use instant text translation feature and exchange messages in your native language. It will make your acquaintance really easy.




The video chat that works



Unlike for the Omegle webcam chat, there is no need to install a browser plugin for OmeTV to run. Our chat is accessible on majority of modern devices.

Using Omegle chat alternative: what you need to know before you start

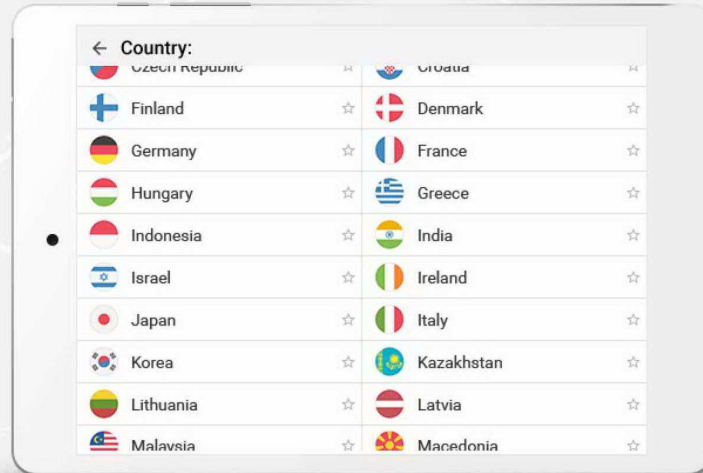
Similarly to the Omegle video chat, OmeTV is one of the best ways of finding partners all around the world. It is also the most comfortable chat environment because:

-  Our visitors are real people who show their faces. Appear real and keep your face visible at all times during the chat.
-  Respect people you meet in the chat and they will reciprocate. Our moderators will make sure to keep any misbehavior at bay.
-  Our chat is anonymous, thus you can discuss any topics. Be sincere, but avoid sharing any personal information.

By using this video chat, you agree to adhere to our [simple rules](#). Please read them carefully and get ready to enjoy the world of unlimited fun!

Questions & Answers

In OmeTV random chat, you can meet a partner from many countries



Join Video Chat!



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EXHIBIT D

Trademark/Service Mark Application, Principal Register

Serial Number: 88264565

Filing Date: 01/16/2019

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	88264565
MARK INFORMATION	
*MARK	OmeTV
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	OmeTV
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Bad Kitty's Dad, LDA
*STREET	rua José Dias Coelho, 10A, Marisol,
*CITY	Corroios
*COUNTRY	Portugal
*ZIP/POSTAL CODE (Required for U.S. and certain international addresses)	2855-173
LEGAL ENTITY INFORMATION	
TYPE	sociedade por quotas limitada (lda)
STATE/COUNTRY WHERE LEGALLY ORGANIZED	Portugal
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	045
*IDENTIFICATION	Computer services, namely, providing information regarding on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; Computer services in the nature of on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; video chat services, namely, on-line social networking services for the purpose of providing an on-line computer database enabling strangers to meet and communicate real-time; providing a social networking website for entertainment purposes
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 09/09/2015

FIRST USE IN COMMERCE DATE	At least as early as 09/09/2015
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT17\IMAGEOUT17\882\645\88264565\xml1\RFA0003.JPG
SPECIMEN DESCRIPTION	website
ATTORNEY INFORMATION	
NAME	XAVIER MORALES
FIRM NAME	LAW OFFICE OF XAVIER MORALES
STREET	PO BOX 6510
CITY	SAN ANTONIO
STATE	Texas
COUNTRY	United States
ZIP/POSTAL CODE	78209
PHONE	866-618-2517
FAX	866-639-4889
EMAIL ADDRESS	XM@SECUREYOURTRADEMARK.COM
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	XAVIER MORALES
FIRM NAME	LAW OFFICE OF XAVIER MORALES
STREET	PO BOX 6510
CITY	SAN ANTONIO
STATE	Texas
COUNTRY	United States
ZIP/POSTAL CODE	78209
PHONE	866-618-2517
FAX	866-639-4889
*EMAIL ADDRESS	XM@SECUREYOURTRADEMARK.COM
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
APPLICATION FILING OPTION	TEAS RF
NUMBER OF CLASSES	1
APPLICATION FOR REGISTRATION PER CLASS	275
*TOTAL FEE DUE	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
SIGNATURE	/xm/
SIGNATORY'S NAME	XAVIER MORALES
SIGNATORY'S POSITION	ATTORNEY OF RECORD, TEXAS BAR MEMBER

SIGNATORY'S PHONE NUMBER	866-618-2517
DATE SIGNED	01/16/2019

Trademark/Service Mark Application, Principal Register

Serial Number: 88264565

Filing Date: 01/16/2019

To the Commissioner for Trademarks:

MARK: OmeTV (Standard Characters, see [mark](#))

The literal element of the mark consists of OmeTV.

The mark consists of standard characters, without claim to any particular font style, size, or color.

The applicant, Bad Kitty's Dad, LDA, a sociedade por quotas limitada (lda) legally organized under the laws of Portugal, having an address of
rua José Dias Coelho, 10A, Marisol,
Corroios 2855-173
Portugal

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: Computer services, namely, providing information regarding on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; Computer services in the nature of on-line dating services, on-line video social introduction services, and on-line video communications in the nature of on-line social networking services; video chat services, namely, on-line social networking services for the purpose of providing an on-line computer database enabling strangers to meet and communicate real-time; providing a social networking website for entertainment purposes

In International Class 045, the mark was first used by the applicant or the applicant's related company or licensee or predecessor in interest at least as early as 09/09/2015, and first used in commerce at least as early as 09/09/2015, and is now in use in such commerce. The applicant is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods/services, consisting of a(n) website.

[Specimen File 1](#)

The applicant's current Attorney Information:

XAVIER MORALES of LAW OFFICE OF XAVIER MORALES PO BOX 6510
SAN ANTONIO, Texas 78209
United States
866-618-2517(phone)
866-639-4889(fax)
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The applicant's current Correspondence Information:

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PO BOX 6510
SAN ANTONIO, Texas 78209
866-618-2517(phone)
866-639-4889(fax)
XM@SECUREYOURTRADEMARK.COM (authorized)

E-mail Authorization: I authorize the USPTO to send e-mail correspondence concerning the application to the applicant, the applicant's attorney, or the applicant's domestic representative at the e-mail address provided in this application. I understand that a valid e-mail address must be maintained and that the applicant or the applicant's attorney must file the relevant subsequent application-related submissions via the Trademark Electronic Application System (TEAS). Failure to do so will result in the loss of TEAS Reduced Fee status and a requirement to submit an additional processing fee of \$125 per international class of goods/services.

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
- The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
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To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

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Declaration Signature

Signature: /xm/ Date: 01/16/2019

Signatory's Name: XAVIER MORALES

Signatory's Position: ATTORNEY OF RECORD, TEXAS BAR MEMBER

Payment Sale Number: 88264565

Payment Accounting Date: 01/17/2019

Serial Number: 88264565

Internet Transmission Date: Wed Jan 16 18:27:18 EST 2019

TEAS Stamp: USPTO/BAS-XX.XXX.XX.XXX-2019011618271878

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494cd8bc4519bcb8adde8818a5d51e6b87ad96b3

-CC-5198-20190116182618834009

OmeTV



● 96,115 Users online



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start

stop

country: 🇺🇸

I am: 🧑



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Start Now!



[Start](#) [About Us](#) [Chat Features](#) [FAQ](#) [Rules](#)

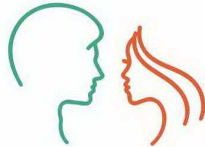
Why is Ome TV the most popular Omegle like video chat?

Random chats made easy



Thousands of users love simplicity of our random chat. Friendly and intuitive interface makes it unbeatable among all Omegle like video chats.

Chat anonymously about anything



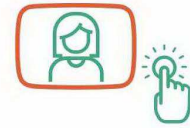
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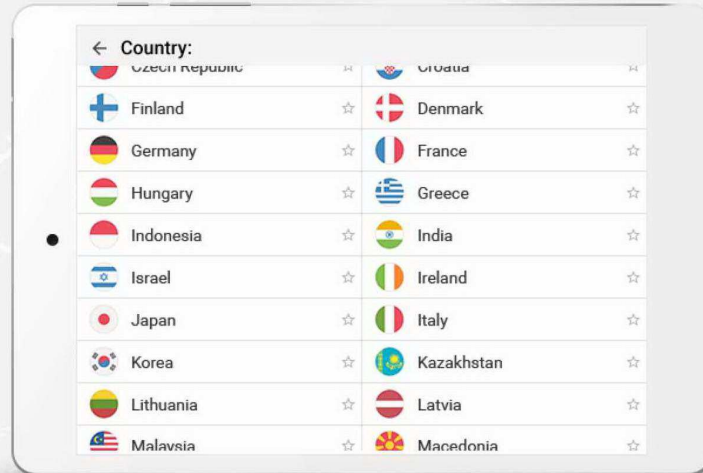
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Questions & Answers

In OmeTV random chat, you can meet a partner from many countries



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