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09/25/2019

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

Proceeding	91249817
Party	Defendant CompassionUS Inc.
Correspondence Address	GINA M HARASTI BOWIE & JENSEN, LLC 210 W PENNSYLVANIA AVENUE, SUITE 400 TOWSON, MD 21204 UNITED STATES harasti@bowie-jensen.com, noell@bowie-jensen.com, prim@bowie-jensen.com, trademarks@bowie-jensen.com 410-583-2400
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	Gina M. Harasti
Filer's email	harasti@bowie-jensen.com, noell@bowie-jensen.com, trade- marks@bowie-jensen.com
Signature	/Gina M. Harasti/
Date	09/25/2019
Attachments	Amended Answer to Notice of Opposition FINAL1.pdf(6011468 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Before the Trademark Trial and Appeal Board

In the Matter of App	plication Serial No. 8	8196675	
Mark:	COMPASSIONUS		
Applicant:	CompassionUS Inc.		
Filed:	November 16, 2018		
Published in			
the Official Gazette :	April 2, 2019		
Compassion Internati	onal, Inc.)	
1	,)	
Opposer)	
)	
v.)	Opposition No. 91249817
)	
CompassionUS Inc.)	
)	
Applicant)	

APPLICANT'S AMENDED ANSWER TO OPPOSER'S NOTICE OF OPPOSITION AND STATEMENT OF GROUNDS FOR OPPOSITION

Applicant CompassionUS Inc. ("Applicant" and/or "CompassionUS"), by its attorneys, Gina M. Harasti and Bowie & Jensen, LLC, hereby responds to the Notice of Opposition and Statement of Grounds for Opposition filed by Opposer, Compassion International, Inc. ("Opposer" and/or "Compassion International"), and states as follows:

INTRODUCTION

On November 16, 2018, CompassionUS filed a trademark application, Serial No. 88196675, with the United States Patent and Trademark Office ("USPTO") to register the word mark, COMPASSIONUS, in **Class 35** for services identified as:

Charitable services in the nature of coordination of the procurement and distribution of food donations from the general public to needy persons;

Opposition No. 91249817 Ser. No. 88196675

Charitable services in the nature of matching philanthropists with nonprofit organizations and causes in the field of drug and alcohol addiction, gun violence, fatherlessness, educational reform, domestic violence, homelessness, sex trafficking, racial reconciliation, media accountability, prison reform, mental illness, immigration reform, partisan division, government accountability and chronic poverty;

Charitable services, namely, providing business administration and management of care facilities, housing facilities, and nursing home facilities for others, namely, the elderly, children in need, and adults with disabilities;

Charitable services, namely, coordination of non-monetary contributions to charities and non-profits; Charitable services, namely, coordination of the procurement and distribution of food donations from manufacturers, wholesalers, retailers, and government agencies to organizations providing free food to needy people;

Charitable services, namely, coordination of the procurement and distribution of gift-in-kind product donations from manufacturers, wholesalers, retailers, and government agencies to organizations providing free products to needy people;

Charitable services, namely, coordination of the procurement and distribution of holiday gift donations from the general public to orphaned children;

Charitable services, namely, coordination of the procurement and sale of donor vehicles for charities; Charitable services, namely, employment counseling services for those living in poverty in the areas of preparing for, obtaining, maintaining and advancing in employment opportunities;

Charitable services, namely, facilitating administrative coordination among charitable organizations;

Charitable services, namely, organizing and conducting volunteer programs and community service projects;

Charitable services, namely, organizing and conducting volunteer programs and community service projects aimed at increasing support and morale of families of deceased war veterans, war veterans, current members and future members of the United States military;

Charitable services, namely, organizing and conducting volunteer programs and community service projects aimed at increasing support and morale of members of the United States military;

Charitable services, namely, organizing and developing programs that aim to improve the lives of formerly incarcerated persons, their families, and those at risk for incarceration;

Charitable services, namely, organizing and developing projects that aim to improve the lives of underprivileged and impoverished people;

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Charitable services, namely, organizing and developing projects that aim to promote global awareness about human trafficking and commercial sex industry;

Charitable services, namely, organizing women's groups to undertake projects which benefit the homeless, abused, at risk women and women in transition and in pain, while encouraging empowerment among women of all ages and ethnicities;

Charitable services, namely, organizing youth groups to undertake charitable projects in the field of disaster response;

Charitable services, namely, organizing youth groups to undertake projects to benefit the needy and the community to encourage leadership, character, compassion, and good citizenship;

Charitable services, namely, promoting public awareness about poverty in the United States through a media fast program conducted by young people;

Charitable services, namely, promoting public awareness of the solutions for ending chronic poverty in America;

Charitable services, namely, providing a free online resource in the nature of a website for connecting people who have service needs with people who are willing to provide volunteer services;

Marketing services, namely, promotional services in the field of planned-giving for non-profit and charitable organizations;

Providing on-line web directory services featuring hyperlinks to the websites of charitable organizations.

A screenshot of the web site for CompassionUS, https://compassionus.org/ is attached hereto as **Exhibit 1** and incorporated by reference.

The trademark application by CompassionUS was approved by the USPTO Examiner and on April 2, 2019, was published for opposition in the USPTO Official Gazette.

On April 10, 2019, Opposer filed its First 90 Day Request for Extension of Time to Oppose for Good Cause, and on July 29, 2019 filed its formal Notice of Opposition to the registration being sought by CompassionUS.

A screenshot of Opposer's website at www.compassion.com is attached hereto as Exhibit 2 and incorporated by reference.

ANSWER

In answer to Opposer's Notice of Opposition, Applicant incorporates herein by reference

and realleges the above Introduction and further states:

1. CompassionUS is without sufficient information or knowledge to form a belief as to the

allegations set forth in Paragraph 1 of the Notice of Opposition and therefore denies same.

2. In response to the allegations contained in Paragraph 2 of the Notice of Opposition,

CompassionUS admits that Opposer has provided copies of various trademark registrations using

the word "Compassion." Applicant is without sufficient information or knowledge to form a

belief as to the allegations set forth in Paragraph 2 of the Notice of Opposition and therefore

denies same.

3. CompassionUS denies the allegations contained in Paragraph 3 of the Notice of

Opposition.

4. CompassionUS is without sufficient information or knowledge to form a belief as to the

allegations set forth in Paragraph 4 of the Notice of Opposition and therefore denies same.

5. In response to the allegations contained in Paragraph 5 of the Notice of Opposition,

CompassionUS admits that Opposer has provided a list of various trademark registrations it

owns using the word "Compassion."

6. CompassionUS admits the allegations contained in Paragraph 6 of the Notice of

Opposition.

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7. CompassionUS denies the allegations contained in Paragraph 7 of the Notice of

Opposition.

8. CompassionUS denies the allegations contained in Paragraph 8 of the Notice of

Opposition.

9. CompassionUS is without sufficient information or knowledge to form a belief as to the

allegations set forth in Paragraph 9 of the Notice of Opposition and therefore denies same.

10. In response to the allegations contained in Paragraph 10 of the Notice of Opposition,

CompassionUS admits that Opposer has not given it permission or approval to use or register the

mark, COMPASSIONUS, and states further that the USPTO Examiner approved the application

and no such permission or approval is necessary.

11. CompassionUS denies the allegations contained in Paragraph 11 of the Notice of

Opposition.

12. CompassionUS denies the allegations contained in Paragraph 12 of the Notice of

Opposition.

13. CompassionUS denies the allegations contained in Paragraph 13 of the Notice of

Opposition.

14. CompassionUS denies each and every allegation not specifically admitted herein.

STATEMENT OF GROUNDS AND AFFIRMATIVE DEFENSES

CompassionUS re-alleges and incorporates by reference its responses to the allegations in

Paragraphs 1 through 14 above as if fully set forth herein and further asserts the following

affirmative defenses:

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A. The Notice of Opposition by Opposer fails to state a claim upon which relief can be granted.

- B. The USPTO Examiner, who conducted the search and approved Applicant's mark, COMPASSIONUS, for publication on April 2, 2019, found no conflicting marks for similar services and determined no likelihood of confusion existed.
 - C. Opposer's Opposition is barred by the doctrine of laches.
- D. The USPTO Examiner found no evidence of *likelihood of confusion* between Applicant's pending mark, COMPASSIONUS, and Opposer's marks using the word "Compassion," and with good reason given the marked differences in the mission and goals of each party as set forth in their respective websites, screen shots of which are attached as **Exhibits**1 and 2, and incorporated by reference as if fully set forth herein. Moreover, it is abundantly clear the USPTO Examiner was correct given the following indisputable facts:
 - 1. Opposer goes out of its way to demonstrate its focus is on international children with numerous photographs and international sponsorship opportunities that can be processed immediately. Moreover, unlike Applicant, Opposer identifies itself as a "Ministry" designed primarily for sponsorship of children internationally, stating specifically: "We are Christ-centered, church-based and child-focused." See https://www.compassion.com/about/what-makes-us-distinct.htm attached as part of Exhibit 2.
 - 2. Applicant's focus, on the other hand, is specific to the United States, identifying as its mission "to heal our nation by bringing people together to provide relief for the suffering, hope for the needy and inspiration to the next generation here in the United States of America." Applicant's concentration is

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on addressing gun violence, homelessness, drug and alcohol addiction, domestic violence, sex trafficking, racial division, chronic poverty, to name a few, through reform in mental health, education, immigration, and media and government accountability. See https://compassionus.org/ attached hereto as Exhibit 1.

- E. Given the foregoing, there is no evidence of *false suggestion* of a connection with persons, living or dead, institutions, beliefs, or national symbols, or [that] brings them into contempt, or disrepute between Applicant's pending mark, COMPASSIONUS, and Opposer's marks using the word "Compassion" as is abundantly clear from the marked differences in each party's focus, mission, and goals portrayed on their respective websites at **Exhibits 1 and 2**.
- F. Likewise, the mark COMPASSIONUS is not likely to cause confusion or to *cause* mistake or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods or services by Opposer, as is abundantly clear by the marked differences and portrayal of each party's focus, mission and goals set forth in the content of their respective website set forth at **Exhibits 1 and 2**.
- G. Upon information and belief, Opposer has not suffered and is not likely to suffer any injury or damage from Applicant's intended use and registration of Applicant's mark, COMPASSIONUS.
- H. Applicant raises all defenses available pursuant to the Lanham Act, 15 U.S.C. § 1051, et. seq.
 - I. Applicant reserves the right to amend or supplement this Answer.
- J. Applicant reserves the right to rely on and raise additional affirmative defenses under the Federal Rules of Civil Procedure, the Lanham Act and any other defenses or counterclaims at law or in equity that may become apparent through discovery and up to trial.

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WHEREFORE, having fully answered the Notice of Opposition, Applicant requests that

the Opposer's Notice of Opposition be dismissed with prejudice and that judgment be entered in

favor of Applicant; that Opposer pay Applicant's attorney fees and costs related to this

Opposition; and that the Trademark Trial and Appeal Board ("TTAB") order that Applicant's

mark, COMPASSIONUS, proceed to registration; and for such other and further relief as the

TTAB may deem appropriate and just.

Date: September 25, 2019.

Respectfully submitted,

<u>/s/ Gina M. Harasti</u>

Gina M. Harasti, Esquire Bowie & Jensen, LLC 210 W. Pennsylvania Avenue Suite 400 Towson, Maryland 21204

(410) 583-2400

<u>harasti@bowie-jensen.com</u>

Attorneys for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Opposer's Notice of Opposition and Statement of Grounds for Opposition has been served on Mark Fischer, Attorney for Opposer, by forwarding said copy on September 25, 2019, via email:

Clay LaPoint Sherri L. Eastley Jared Matthysse PIRKEY BARBER PLLC 1801 East 6th Street, Suite 300 Austin, TX 78702

Attorneys for Opposer

<u>/s/ Gina M. Harasti</u>

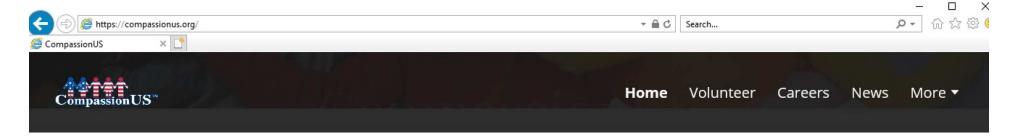
Gina M. Harasti, Esquire

Date: September 25, 2019

EXHIBIT 1

Screenshots of Applicant's website at https://compassionus.org/

See attached.



Welcome to CompassionUS!

Have you had enough of the bitterness and division in our country? Do you want to see real solutions to our problems? You have come to the right place!

Uniting to Heal Our Broken Nation

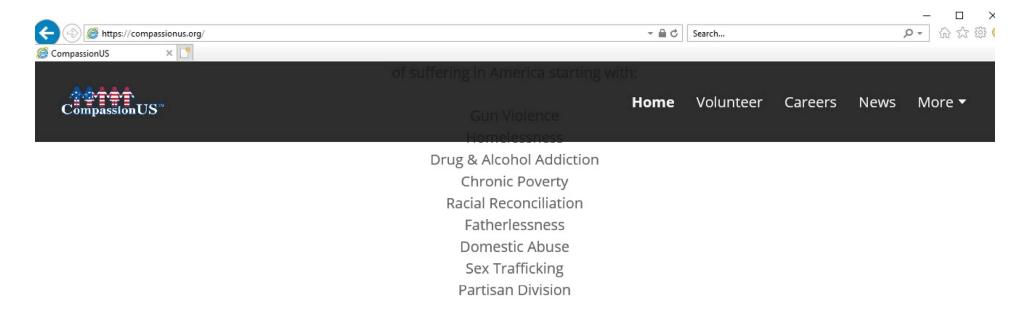
United we stand, divided we fall. The United States of America is one of the greatest countries to ever exist on planet earth. To deny this fact is to deny some of the greatest human achievements. We have overcome painful division in the past and it is time that "We The People", from sea to shining sea, rise to the occasion once again. We must reject the divisiveness that is tearing our country apart and provide real solutions to our very real problems. We are living in an exciting period of history filled with boundless opportunity. We must take hold of the torch that is being passed to our generation; a torch that must be cared for with sacred honor. This is our home. This is our future. This country is worth fighting for. Join CompassionUS and be part of the solution.



Common Sense Solutions

The freedoms we enjoy as Americans were bought at a price that we will never be able to repay. Our elected leaders must reflect the dignity, respect and honor worthy of such a high-calling. However, we cannot expect the government to solve all of our problems. Caring for the needs of our neighbor starts with us and is the responsibility of "We The People". The good news is that we don't need the government's permission to start healing our nation! There are real solutions to the problems that are causing a great deal of suffering in America starting with:

Gun Violence
Homelessness
Drug & Alcohol Addiction
Chronic Poverty
Racial Reconciliation
Fatherlessness
Domestic Abuse
Sex Trafficking
Partisan Division



In order to eliminate these problems or at least minimize their effects we need to address the following root causes through:

Mental Health Reform
Educational Reform
Immigration Reform
Media Accountability
Government Accountability

SOLUTIONS START HERE

How Can You Be Part of the Solution?

"Like" us on Facebook and "Follow" us on Twitter. Then like, share and retweet our positive messages designed to help heal our nation and provide solutions to our very real problems. We believe that everyone who calls America "home" has a part to play. We know that the overwhelming majority of Americans are hardworking men and women whose time is extremely valuable to them. That's why CompassionUS makes it very easy for you to be part of the solution. Social media is an extremely valuable and powerful tool that we intend to use to help unite our nation. As the message of CompassionUS gains followers and supporters throughout the United States "We The People" will become a powerful voice of reason not just on election day but every day. If you don't use social media, sign-up for our monthly newsletter below to stay up-to-date on our progress, upcoming events and learn more about how you can be part of the solution. Finally, we need your financial support to fund the mission. Your tax-deductible donations are greatly appreciated and very much needed. Please consider becoming a CompassionUS monthly donor.

CompassionUS, Inc. is a 501(c)3 non-profit organization.

Join Us on This Amazing Journey

We are very aware of the immensity of this mission as we forge ahead through the early stages of program development. We are in the process of building an extensive website that will include much more detail and information regarding CompassionUS, our programs, efforts and results as we quickly expand to cover every major city and corner of the United States. This effort is much bigger than any one group of individuals and we know that we are going to need a small army of staff and volunteers. Please visit our careers and volunteer pages to advance the mission of CompassionUS in your area.

CompassionUS Mission Statement

The mission of CompassionUs is to heal our nation by bringing people together to provide relief for the suffering, hope for the needy and inspiration to the next generation here in the United States of America.

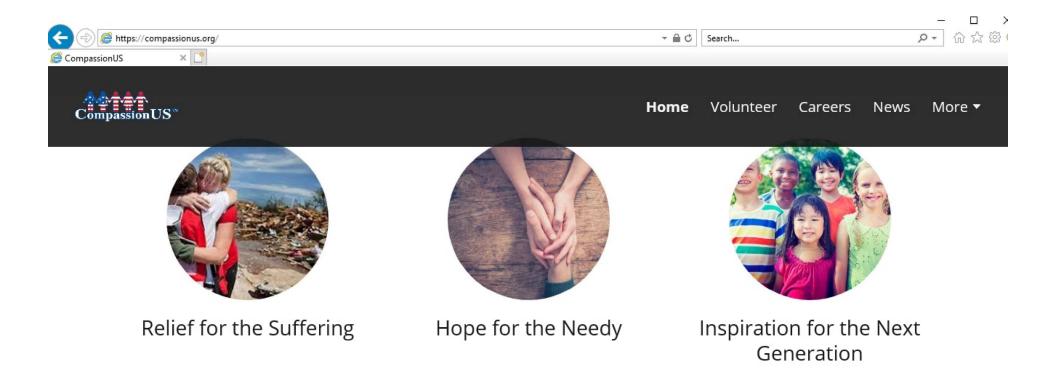




EXHIBIT 2

Website screenshots of Opposer's website at https://www.compassion.com/

Screenshots include pages from:

- HOME PAGE
- ABOUT US: "What we Do"
- ABOUT US: "Where we Work"
- ABOUT US: "What Makes Us Different"
- ABOUT US FAQS: "How many countries does Compassion work in?"
- ABOUT US FAQS: "Where countries does Compassion work in?"
- ABOUT US FAQS: "Why does Compassion focus on individual child development rather than broader community development work?"





Sponsor a Waiting Child Today!



When you spossor a child in poverty, your spossored child will be linked directly to you. Your sponsored child will know your name and you will be after to write lettlers to each other.

Search for Children > Search for



What makes child sponsorship with Compassion unique?







Donate to Help Children in Need



Friends of Compassion













FEATURED ON



Forbes USA YAHOO! THE CHRISTMAN POST NATIONAL THE HUTZINGTON FOST CITMAN RIVE TOWN





WE RELEASE CHILDREN FROM POVERTY IN JESUS' NAME

That is our mission, which we work to achieve through a holistic approach to child development. We carefully blend physical, social, economic and spiritual care together...in Jesus' name

WE HELP DEVELOP CHILDREN INTO ALL GOD INTENDS THEM TO BE

Child development equips children today with skills to succeed tomorrow. Holistic child development provides opportunities that encourage the healthy development of all aspects of a child — spiritually, physically, socially, emotionally, and even economically.

Holistic child development means we begin assisting a child in poverty, in some cases, when the child is still in the womb, and it means we go all the way through young adulthood with the child.

Holistic child development requires a long-term approach and goes beyond simple involvement in the life of a child. It involves long-term dedication and perseverance, and it changes as a child's needs change. Holistic child development is tailored to a child's age, gender, health, culture and family situation.

>> Learn More About How We View Child Development

WE DO ALL OF OUR WORK THROUGH LOCAL CHURCHES

We work with thousands of local churches around the world, and each church partner tailors our holistic child development model to the dualized needs of the children in its community, to best deliver the whole-life care the children need.

We work primarily through child sponsorship, but also have specific initiatives to help babies and mothers, to develop future leaders, and



Child Sponsorship

In a world where hundreds of millions of children live in extreme poverty, connecting one child with one sponsor is the most strategic way to end child poverty.



Compassion Survival

on Survival focuses on promoting development and survival of the most vulnerable babies, while also providing education and support for the mother or primary caregiver.



Youth Development

To help young people finish well we provide youth ages 12 and older with customized training and educational paths according to their own unique potential, and God-given talents and



Critical Needs

Critical needs include opportunities to provide medical contact needs afficied sport of the state of province in the discussion assistance, extra food and nutritional supplements, emergency home repairs and disaster relief, access to clean and safe water, education assistance, and other necessities.



Sponsor a Child Meet Critical Needs

International Literacy Day Gift Catalog

Careers
Press Center
Estate and Asset Giving Shop to Give











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(800) 336-7676
Privacy Statement and Conditions of Use
Disclosure Statement

Compassion International, Inc. is a registered 501(c)(3) nonprofit organization.

Compassion strives to protect children from all forms of abuse. Learn more.

Child Development Model - Compassion International

Where We Work





























CENTRAL AMERICA & THE CARIBBEAN















SOUTH AMERICA











What makes child sponsorship with Compassion unique?







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A "THREE-CORD" APPROACH TO MINISTRY

We are Christ-centered, church-based and child-focused.

Taken individually each cord is not unique. However, when take distinct approach to ministry.



CHRIST-CENTERED

Beginning in 1950, when Rev. Everett Swarnson first developed special sponsorship programs for individuals, families or churches to holp support Kersen Wer criphate for a lew dollers a month, we have worked to help children realize their full potential and develop into all cool enteriors time to be.

Because Jesus is our core, everything we do for children is meant to reflect God's heart.

We lost God, and we demonstrate our level and live out our faith by extending care to offers — and statistic area. — mercentive of case, nowed, case or singles. This way of lawag is noticed and shared managed and the case of the case





CHURCH-BASED

We do all of our work through partnerships with thousands of local churches in 25 countries around the world.

We work in partnership with local churches because we desire to equip the Church to fulfill its role as salt and light to the world.

A local church is best suited to address the needs of the children in its community because the church is already located in and involved in the community. Only the local church can effectively deliver the Jesus-based teaching and whole-life care that children in poverty deserve.

It is our honor to walk alongside local churches as they share the love of Jesus in their. We trust the Church's ability to create an environment of unparalleled stability where chexperience God's love and acceptance in tangkle ways.





CHILD-FOCUSED

When a child is registered in our Child Sponsorship Program the beneficiary of the support is the specific sponsored child. Siblings, parents and other caregivers may receive additional or indirect benefits from our programs, but our focus is the one child.

Through our holistic child development model, was blend physical, social, economic and agrinula can togather to help children in politic plants and the property of poverty. Communities often let the positive in every facot of life and transcord what is often a generational logacy of poverty. Communities often feel the positive is of the "thick feel" work our church parties not because what happens in the life of a child regists throughout his environment, but is unantamedy and equality forceade on children's continued and and experience of the children's continued and experience of the children's children's continued and experience of the children's children'

sponsorship.





OUR COMMITMENT TO SPONSORS AND DONORS

We also commit to continue:

- developing shall be individually and bristically mind, body and spite
 - porticing the valvey and president after an individual president and president
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 - porticing the valvey and president and



