

ESTTA Tracking number: **ESTTA1031812**

Filing date: **01/28/2020**

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	Evernote Corporation		
Entity	Corporation	Citizenship	DE
Address	305 Walnut St. Redwood City, CA 94063 UNITED STATES		

Attorney information	Jennifer L. Barry Latham & Watkins LLP 12670 High Bluff Drive San Diego, CA 92130 UNITED STATES jennifer.barry@lw.com, brett.frazer@lw.com, ipdocket@lw.com, alethia.corneil@lw.com 8585235400		
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Applicant Information

Application No	88619740	Publication date	01/21/2020
Opposition Filing Date	01/28/2020	Opposition Period Ends	02/20/2020
Applicant	Forevernote Inc. 2140 South Dupont Highway Camden, DE 19934 UNITED STATES		


Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Downloadable mobile application for ordering custom print and digital memory books, scrapbooks, personal archives, family archives, wedding albums, diaries, vacation albums, family albums, family histories, photograph albums, birthday albums, and special event albums for others and for delivery thereof
Class 045. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Preparation of custom print and digital-memory books, scrapbooks, personal archives, family archives, wedding albums, diaries, vacation albums, family albums, family histories, photograph albums, birthday albums, and special event albums for others

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2990592	Application Date	02/16/2004
Registration Date	08/30/2005	Foreign Priority Date	NONE
Word Mark	EVERNOTE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2005/06/24 First Use In Commerce: 2005/06/24 COMPUTER PROGRAMS FOR CAPTURING, ORGANIZING, SEARCHING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING AND TRANSMITTING ANY NUMBER OF TYPED, HANDWRITTEN, OR IMAGED NOTES OR CLIPPINGS ON MULTIPLE COMPUTER AND NETWORK PLATFORMS		

U.S. Registration No.	3907865	Application Date	06/08/2010
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	EVERNOTE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2005/06/24 First Use In Commerce: 2008/02/20 Computer software for use in capturing,organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary,still images, graphics, digital contentand multimedia files; downloadable computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing and transmitting digital files, including audio, video, text, binary, still images, graphics, digital content, and multimedia files

U.S. Registration No.	5508758	Application Date	11/25/2013
Registration Date	07/03/2018	Foreign Priority Date	NONE

Word Mark	EVERNOTE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Computer software for publishing and sharing digital media and information via global computer and communications networks; computer software for creating indexes of information, indexes of websites,and indexes of other information resources</p> <p>Class 035. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Business collaboration services, namely, providing a computer-based website to facilitate business project coordination, business project management, and business knowledge management services by users; providing business administration and support staff services; business assistance, management and information services</p> <p>Class 038. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Telecommunication services, namely, electronic transmission of data and digitalmessaging via global computer and communication networks</p> <p>Class 042. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Providing temporary use of non-downloadable computer software for publishing and sharing digital media and information via global computer and communications networks; providing temporary use of non-downloadable computer software for creating indexes of information, indexes of other websites, and indexes of other information resources; application service provider (ASP) services featuring computer software to enable uploading, posting,showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications network; providing information relating to computer software provided on-line from a global computer network and communications networks; providing temporary use of an online non-downloadable software platform for business professionals to collaborate on-line to facilitatethe open exchange of information and data via global computer and communications net-</p>
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	works
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Attachments	78368743#TMSN.png(bytes) 85057341#TMSN.png(bytes) 86127936#TMSN.png(bytes) 2020_01_28_Opposition to Forevernote with Exhibit.pdf(959124 bytes)
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Signature	/s/ Jennifer L. Barry
Name	Jennifer L. Barry
Date	01/28/2020

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

In re Application No. 88/619740
Filed: September 17, 2019
Published: January 21, 2020
Trademark: **FOREVERNOTE**

Evernote Corporation,)	Opposition No. _____
)	
Opposer,)	
v.)	
)	<u>NOTICE OF OPPOSITION</u>
Forevernote Inc.,)	
)	
Applicant.)	
_____)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Evernote Corporation (“Opposer” or “Evernote”), a Delaware corporation with a principal place of business at 305 Walnut St, Redwood City, California 94063, believes it will be damaged by registration of the **FOREVERNOTE** mark, Serial No. 88/619740 for:

Downloadable mobile application for ordering custom print and digital memory books, scrapbooks, personal archives, family archives, wedding albums, diaries, vacation albums, family albums, family histories, photograph albums, birthday albums, and special event albums for others and for delivery thereof, in Class 9 and Preparation of custom print and digital memory books, scrapbooks, personal archives, family archives, wedding albums, diaries, vacation albums, family albums, family histories, photograph albums, birthday albums, and special event albums for others, in Class 45. Therefore, in accordance with the provisions of

Section 13(a) of the Trademark Act of 1946 (15 U.S.C. § 1063), Evernote opposes the application of Forevernote (“Applicant”) for the **FOREVERNOTE** mark.

As grounds for opposition, Opposer alleges as follows:

1. Evernote uses and owns a family of marks consisting of or incorporating the term EVERNOTE, including but not limited to the following registered marks:

TRADEMARK	CLASS: GOODS/SERVICES	REG. NUMBER REG. DATE FILING DATE
EVERNOTE	09: Computer programs for capturing, organizing, searching, storing, synchronizing, recognizing, sharing and transmitting any number of typed, handwritten, or imaged notes or clippings on multiple computer and network platforms. First Use in Commerce: June 24, 2005	2,990,592 Aug. 30, 2005 Filed: Feb 16, 2004
EVERNOTE	09: Computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary, still images, graphics, digital content and multimedia files; downloadable computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing and transmitting digital files, including audio, video, text, binary, still images, graphics, digital content, and multimedia files. First Use in Commerce: Feb. 20, 2008	3,907,865 Jan. 18, 2011 Filed: June 8, 2010
EVERNOTE	09: Computer software for publishing and sharing digital media and information via global computer and communications networks; computer software for creating indexes of information, indexes of websites, and indexes of other information resources. First Use in Commerce: June 2008 35: Business collaboration services, namely, providing a computer-based website to facilitate business project coordination, business project management, and business knowledge management services by users; providing	5,508,758 July 3, 2018 Filed: Nov. 25, 2013

TRADEMARK	CLASS: GOODS/SERVICES	REG. NUMBER REG. DATE FILING DATE
	<p>business administration and support staff services; business assistance, management and information services First Use in Commerce: June 2008</p> <p>38: Telecommunication services, namely, electronic transmission of data and digital messaging via global computer and communication network First Use in Commerce: June 2008</p> <p>42: Providing temporary use of non-downloadable computer software for publishing and sharing digital media and information via global computer and communications networks; providing temporary use of non-downloadable computer software for creating indexes of information, indexes of other websites, and indexes of other information resources; application service provider (ASP) services featuring computer software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications network; providing information relating to computer software provided on-line from a global computer network and communications networks; providing temporary use of an online non-downloadable software platform for business professionals to collaborate on-line to facilitate the open exchange of information and data via global computer and communications network. First Use in Commerce: June 2008</p>	

2. All of the above marks are collectively referred to as the “EVERNOTE Marks.”

3. The registrations for the Evernote Marks are valid, unrevoked, and in full force and effect. The ‘592 and ‘865 registrations are also incontestable. Evernote owns these registrations and the trademarks and all business and goodwill connected therewith.

4. Attached as Exhibit 1 are true and correct copies of Evernote's U.S. Registrations, downloaded from the USPTO website, and printouts of the TESS record for each registration.

5. Under the EVERNOTE Marks, Opposer has been and is in the business of developing, creating, distributing, marketing, advertising its namesake software application (the "Evernote App"), which assists users in creating, organizing, and archiving notes, text, drawings, and web content. Individuals and businesses may select from a range of subscription plans that offer various services in connection with the Evernote App. Through the Evernote App, these services allow users to, among other things: collect web clippings and screenshots from any browser or device; highlight annotate, or comment on images; clip images and text from the internet; create notebooks featuring images, handwritten notes, and tags to other pages on the internet.

6. Opposer has, through its *evernote.com* website, used the EVERNOTE Marks to advertise how the Evernote App can be used to create digital scrapbooks and collages. *See, e.g.*, Pamela Rosen, *Bring Previous Memories Back to Life with Digital Scrapbooking*, USING EVERNOTE (Feb. 12, 2018), <https://evernote.com/blog/bring-precious-memories-back-life-digital-scrapbooking/>. Moreover, popular lifestyle and travel blogs have displayed the EVERNOTE Marks in connection with using the Evernote App to create digital scrapbooks. *See, e.g.*, Shannon Entin, *How to Use Evernote to Capture your Travel Memories*, THE TV TRAVELER (April 9, 2013), <https://thetvtraveler.com/how-to-use-evernote-to-capture-your-travel-memories/>; *see also* Kacy Paide, *How I used Evernote this Week to Keep a Mini Digital Scrapbook*, THE INSPIRED OFFICE BY KATY PAID (Oct. 1 2016), <http://www.theinspiredoffice.com/the-inspired-office/how-i-used-evernote-this-week-to-keep-a-mini-digital-scrapbook>; Jamie Todd Rubin, *Going Paperless: Creating Virtual Scrapbooks Using Evernote*, JAMIE TODD RUBIN , (February

12, 2013), <https://www.jamierubin.net/2013/02/12/going-paperless-creating-virtual-scrapbooks-using-evernote/>.

7. Through careful cultivation and promotion of the Evernote App, which has over 100 million downloads, Opposer has developed an outstanding reputation as a source for high quality goods and services in the downloadable mobile application market and has established an extremely loyal customer following.

8. Indeed, Evernote has received—and continues to receive—a tremendous amount of public recognition and acclaim for the Evernote App under its EVERNOTE Marks and its *evernote.com* website regularly attracts millions of visitors globally. Through Opposer's widespread and continuous use of its EVERNOTE Marks, these marks have acquired extensive goodwill, developed a high degree of distinctiveness, and become well-known and recognized as identifying goods and services that originate from Evernote. Accordingly, Opposer has obtained significant and strong common law rights in the EVERNOTE Marks.

9. Opposer's EVERNOTE Marks are strong, well known, and of great value to Opposer. In the mind of the public, the EVERNOTE Marks identify and designate Opposer's brand of products and distinguish them from the goods and services of others.

10. Applicant seeks to register the mark **FOREVERNOTE** for goods and services in Classes 9 and 45.

11. The registered EVERNOTE Marks have priority over Applicant's Mark because Opposer's filing and registration dates predate Applicant's filing date. Opposer's use of the EVERNOTE Marks, moreover, also predates Applicant's filing date.

12. Applicant's goods overlap and directly compete with Opposer's goods.

13. Applicant's Mark closely resembles Opposer's previously used and registered Evernote Marks, and indeed contains the entire mark. It is therefore likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, or to deceive consumers as to an affiliation, connection, or association between Opposer and Applicant, as to the origin, sponsorship, or approval of Applicant's goods, with consequent injury to Opposer and the public.

14. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the confusing, misleading, and deceptive use of Applicant's Mark and would give to Applicant color of exclusive statutory rights to such designation in violation of Opposer's superior rights.

WHEREFORE, Opposer prays that its opposition be sustained and that the Application be refused.

Dated: January 28, 2020

Respectfully submitted,

LATHAM AND WATKINS LLP

By: /s/ Jennifer L. Barry

Jennifer L. Barry
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San Diego, CA 92130
858.523.5400 / 858.523.5450 (Fax)
jennifer.barry@lw.com

Attorneys for Opposer
Evernote Corporation

EXHIBIT 1

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,990,592

United States Patent and Trademark Office

Registered Aug. 30, 2005

**TRADEMARK
PRINCIPAL REGISTER**

EVERNOTE

PARASCRIPT, LLC (COLORADO LTD LIAB CO)
6899 WINCHESTER CIRCLE, SUITE 200
BOULDER, CO 80301

FIRST USE 6-24-2005; IN COMMERCE 6-24-2005.

FOR: COMPUTER PROGRAMS FOR CAPTURING, ORGANIZING, SEARCHING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING AND TRANSMITTING ANY NUMBER OF TYPED, HANDWRITTEN, OR IMAGED NOTES OR CLIPPINGS ON MULTIPLE COMPUTER AND NETWORK PLATFORMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

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

SN 78-368,743, FILED 2-16-2004.

ELLEN PERKINS, EXAMINING ATTORNEY



United States Patent and Trademark Office

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EVERNOTE

Word Mark EVERNOTE

Goods and Services IC 009. US 021 023 026 036 038. G & S: COMPUTER PROGRAMS FOR CAPTURING, ORGANIZING, SEARCHING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING AND TRANSMITTING ANY NUMBER OF TYPED, HANDWRITTEN, OR IMAGED NOTES OR CLIPPINGS ON MULTIPLE COMPUTER AND NETWORK PLATFORMS. FIRST USE: 20050624. FIRST USE IN COMMERCE: 20050624

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 78368743

Filing Date February 16, 2004

Current Basis 1A

Original Filing Basis 1B

Published for Opposition November 16, 2004

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2990592

International Registration Number 1014332

Registration Date August 30, 2005

Owner (REGISTRANT) Parascript, LLC LIMITED LIABILITY COMPANY WYOMING 6899 Winchester Circle, Suite 200

Boulder COLORADO 80301

(LAST LISTED OWNER) EVERNOTE CORPORATION CORPORATION DELAWARE 305 Walnut Street Redwood
City CALIFORNIA 94063

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record PERRY J. VISCOUNTY

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20141110.

Renewal 1ST RENEWAL 20141110

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United States of America

United States Patent and Trademark Office

EVERNOTE

Reg. No. 3,907,865

Registered Jan. 18, 2011

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

EVERNOTE (DELAWARE CORPORATION)
333 WEST EVELYN AVENUE
MOUNTAIN VIEW, CA 94041

FOR: COMPUTER SOFTWARE FOR USE IN CAPTURING, ORGANIZING, SEARCHING, INDEXING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING, TRANSMITTING AND DISPLAYING DIGITAL FILES, INCLUDING AUDIO, VIDEO, TEXT, BINARY, STILL IMAGES, GRAPHICS, DIGITAL CONTENT AND MULTIMEDIA FILES; DOWNLOADABLE COMPUTER SOFTWARE FOR USE IN CAPTURING, ORGANIZING, SEARCHING, INDEXING, STORING, SYNCHRONIZING, RECOGNIZING, SHARING AND TRANSMITTING DIGITAL FILES, INCLUDING AUDIO, VIDEO, TEXT, BINARY, STILL IMAGES, GRAPHICS, DIGITAL CONTENT, AND MULTIMEDIA FILES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-24-2005; IN COMMERCE 2-20-2008.

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

OWNER OF U.S. REG. NO. 2,990,592.

SER. NO. 85-057,341, FILED 6-8-2010.

JEFFERY COWARD, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office



United States Patent and Trademark Office

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EVERNOTE

Word Mark EVERNOTE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing, transmitting and displaying digital files, including audio, video, text, binary, still images, graphics, digital content and multimedia files; downloadable computer software for use in capturing, organizing, searching, indexing, storing, synchronizing, recognizing, sharing and transmitting digital files, including audio, video, text, binary, still images, graphics, digital content, and multimedia files. FIRST USE: 20050624. FIRST USE IN COMMERCE: 20080220

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85057341

Filing Date June 8, 2010

Current Basis 1A

Original Filing Basis 1A

Published for Opposition November 2, 2010

Registration Number 3907865

Registration Date January 18, 2011

Owner (REGISTRANT) EVERNOTE CORPORATION DELAWARE 305 Walnut Street Redwood City CALIFORNIA 94063

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record PERRY J. VISCOUNTY

Prior 2990592

Registrations

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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United States of America

United States Patent and Trademark Office

EVERNOTE

Reg. No. 5,508,758

Registered Jul. 03, 2018

Int. Cl.: 9, 35, 38, 42

Service Mark

Trademark

Principal Register

EVERNOTE CORPORATION (DELAWARE CORPORATION)
305 Walnut Street
Redwood City, CALIFORNIA 94063

CLASS 9: Computer software for publishing and sharing digital media and information via global computer and communications networks; computer software for creating indexes of information, indexes of websites, and indexes of other information resources

FIRST USE 6-00-2008; IN COMMERCE 6-00-2008

CLASS 35: Business collaboration services, namely, providing a computer-based website to facilitate business project coordination, business project management, and business knowledge management services by users; providing business administration and support staff services; business assistance, management and information services

FIRST USE 6-00-2008; IN COMMERCE 6-00-2008

CLASS 38: Telecommunication services, namely, electronic transmission of data and digital messaging via global computer and communication networks

FIRST USE 6-00-2008; IN COMMERCE 6-00-2008

CLASS 42: Providing temporary use of non-downloadable computer software for publishing and sharing digital media and information via global computer and communications networks; providing temporary use of non-downloadable computer software for creating indexes of information, indexes of other websites, and indexes of other information resources; application service provider (ASP) services featuring computer software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications network; providing information relating to computer software provided on-line from a global computer network and communications networks; providing temporary use of an online non-downloadable software platform for business professionals to collaborate on-line to facilitate the open exchange of information and data via global computer and communications networks

FIRST USE 6-00-2008; IN COMMERCE 6-00-2008

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

OWNER OF U.S. REG. NO. 2990592, 3907865

SER. NO. 86-127,936, FILED 11-25-2013



Andrei Iancu

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.

***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 United States Patent and Trademark Office (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>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.



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EVERNOTE

Word Mark EVERNOTE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer software for publishing and sharing digital media and information via global computer and communications networks; computer software for creating indexes of information, indexes of websites, and indexes of other information resources. FIRST USE: 20080600. FIRST USE IN COMMERCE: 20080600

IC 035. US 100 101 102. G & S: Business collaboration services, namely, providing a computer-based website to facilitate business project coordination, business project management, and business knowledge management services by users; providing business administration and support staff services; business assistance, management and information services. FIRST USE: 20080600. FIRST USE IN COMMERCE: 20080600

IC 038. US 100 101 104. G & S: Telecommunication services, namely, electronic transmission of data and digital messaging via global computer and communication networks. FIRST USE: 20080600. FIRST USE IN COMMERCE: 20080600

IC 042. US 100 101. G & S: Providing temporary use of non-downloadable computer software for publishing and sharing digital media and information via global computer and communications networks; providing temporary use of non-downloadable computer software for creating indexes of information, indexes of other websites, and indexes of other information resources; application service provider (ASP) services featuring computer software to enable uploading, posting, showing, displaying, sharing or otherwise providing electronic media or information over the internet or other communications network; providing information relating to computer software provided on-line from a global computer network and communications networks; providing temporary use of an online non-downloadable software platform for business professionals to collaborate on-line to facilitate the open exchange of information and data via global computer and communications networks. FIRST USE: 20080600. FIRST USE IN COMMERCE: 20080600

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86127936

Filing Date November 25, 2013

Current Basis 1A
Original Filing Basis 1B
Published for Opposition March 17, 2015
Registration Number 5508758
Registration Date July 3, 2018
Owner (REGISTRANT) EVERNOTE CORPORATION CORPORATION DELAWARE 305 Walnut Street Redwood City CALIFORNIA 94063
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record PERRY J. VISCOUNTY
Prior Registrations 2990592;3907865
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
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CERTIFICATE OF SERVICE

I, Jennifer L. Barry, hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION has been served on Forevernote Inc. by mailing said copy on January 28, 2020 via first-class/international priority mail and email to:

Forevernote Inc.
2800 28th St, Suite 302
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