

ESTTA Tracking number: **ESTTA1033945**

Filing date: **02/05/2020**

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	Ten-X, Inc.
Granted to Date of previous extension	02/05/2020
Address	15295 ALTON PARKWAY IRVINE, CA 92618 UNITED STATES

Correspondence information	JOHN P. RYNKIEWICZ ARNOLD & PORTER KAYE SCHOLER LLP 601 MASSACHUSETTS AVE., N.W. WASHINGTON, DC 20001 UNITED STATES John.rynkiewicz@arnoldporter.com, rhonda.trotter@arnoldporter.com, oscar.ramallo@arnoldporter.com, trademarkdocketing@arnoldporter.com, casandra.urbany@arnoldporter.com 2029426989
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Applicant Information

Application No	88463247	Publication date	10/08/2019
Opposition Filing Date	02/05/2020	Opposition Period Ends	02/05/2020
Applicant	Hans Thomas 322 W 57th St Apt 54K New York, NY 10019 UNITED STATES		

Goods/Services Affected by Opposition


<p>Class 036. First Use: 2018/01/01 First Use In Commerce: 2018/01/01 All goods and services in the class are opposed, namely: Financing and loan services; Financing loans for startups; Financing loans for lenders; Financing loans for factoring companies; Financing loans for mobile appdevelopers; Financing of fractional leases; Financing of loans; Financing of real estate development projects; Financing services; Investment banking services; Investment clubs; Investment consultancy; Investment management; Investment of funds; Investment of funds for others; Lending consultant services; Venture capital advisory services; Venture capital financing; Venture capital fund management; Venture capital funding services to emerging and start-up companies; Venture capital services, namely, providing financing to emerging and start-up companies; Accounts receivables financing; Aircraft financing services; Arranging financefor construction projects; Automobile lease financing; Banking and financing services; Brokerage services for capital investments; Brokerage services in the field of securities and commodities investing; Capital investment; Capital investment consulting; Capital investment services; Commercial lending services; Corporate finance</p>

services, namely, consultation in the field of asset sales; Corporate finance services, namely, consultation in the field of capital structure; Crowdfunding services in the nature of providing financing from money collected from individuals; Equity capital investment; Financial investment in the field of loans; Financial investment in the field of bonds; Financial investment in the field of asset-backed securities; Financial investment services, namely, administering the issuance, underwriting and distribution of securities; Financial consulting services, namely, expert analysis in finance; Financial services rendered in connection with the issuance, receipt and transfer of lines of credit, namely, credit processing services; Financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; Financial services, namely, money lending; Financial services, namely, operation and management of hedge funds, commodity pools and other collective investment vehicles, and trading for others of securities, options, futures, derivatives, debt instruments and commodities; Funds investment; Hedge fund investment services; Incubation services, namely, providing financing to freelancers, start-ups, existing businesses and non-profits; Lease securitization; Lease-purchase financing; Leveraged buy outs and investments in financially distressed or underperforming companies; Loan financing; Merchant banking and investment banking services; Mortgage financing services; Mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; Private equity fund investment services; Project financing; Providing financial services with respect to securities and other financial instruments and products, namely, trading of and investments in securities and financial instruments and products for others; Providing venture capital, development capital, private equity and investment funding; Providing working capital financing to small businesses and small business owners; Real estate financing services; Real estate investment services; Real estate investment trust services; Real estate funds investment services; Rent-to-own financing


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5351015	Application Date	07/30/2015
Registration Date	12/05/2017	Foreign Priority Date	NONE
Word Mark	TEN-X		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2016/02/10 First Use In Commerce: 2016/02/10 Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate		

	<p>sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 035. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate seller-swith buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate sales analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate</p> <p>Class 036. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing</p>
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U.S. Registration No.	5355628	Application Date	10/27/2015
Registration Date	12/12/2017	Foreign Priority Date	NONE
Word Mark	TEN-X		
Design Mark			
Description of Mark	The mark consists of "TEN-X" and ten blocks arranged to depict an "X" inside the center of them.		
Goods/Services	<p>Class 009. First use: First Use: 2016/02/10 First Use In Commerce: 2016/02/10 Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 035. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate seller-swith buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing agents; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate marketing analysis; providing an on-line computer web-</p>		

	<p>sitefeaturing information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate agents and brokers</p> <p>Class 036. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing</p>
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U.S. Registration No.	5355629	Application Date	10/27/2015
Registration Date	12/12/2017	Foreign Priority Date	NONE

Word Mark	TEN-X
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Description of Mark	<p>The mark consists of "TEN-X" in dark purple and to the right are ten blocks arranged to depict an "X" inside the center of them. There is one yellow block, three green blocks appearing next and then six blue blocks to the far right. The color white is used to represent the background and is not claimed as a feature of the mark.</p>
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Goods/Services	<p>Class 009. First use: First Use: 2016/02/10 First Use In Commerce: 2016/02/10 Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 035. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate seller with buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing agents; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate marketing analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate agents and brokers</p> <p>Class 036. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real es-</p>
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	tate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing
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U.S. Registration No.	5324421	Application Date	10/27/2015
Registration Date	10/31/2017	Foreign Priority Date	NONE

Word Mark	TEN-X
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Description of Mark	The mark consists of "TEN-X" in white and to the right are ten blocks arranged to depict a dark purple "X" inside the center of them. There is one yellow block, three green blocks appearing next and then six blue blocks to the far right, all appearing against a purple square background.
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Goods/Services	<p>Class 009. First use: First Use: 2016/02/10 First Use In Commerce: 2016/02/10 Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 035. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate seller with buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing agents; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate marketing analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate agents and</p>
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	<p>brokers</p> <p>Class 036. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14</p> <p>Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing</p>
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Attachments	<p>86709938#TMSN.png(bytes)</p> <p>86801336#TMSN.png(bytes)</p> <p>86801355#TMSN.png(bytes)</p> <p>86801358#TMSN.png(bytes)</p> <p>TEN-X Opposition to 10X CAPITAL_ TTAB.pdf(106814 bytes)</p>
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Signature	/John P. Rynkiewicz/
Name	JOHN P. RYNKIEWICZ
Date	02/05/2020

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

TEN-X, INC.,

Opposer,

v.

THOMAS HANS,

Applicant.

Opposition No. _____

Mark: 10X CAPITAL

Serial No: 88463247

Filed: June 6, 2019

Published: October 8, 2019

NOTICE OF OPPOSITION


Opposer Ten-X, Inc. (“Ren-X”), a Delaware corporation located and doing business at 15295 Alton Parkway, Irvine, California 92618, will be damaged by the registration of the mark 10X CAPITAL shown in Application Serial No. 88463247, and opposes the same. As grounds for opposition, Ten-X alleges as follows


Opposer and its TEN-X Marks


1. Ten-X is the nation's leading commercial real estate marketplace and is the leading end-to-end transaction platform for real estate empowering brokers, sellers and buyers with data-driven technology and comprehensive marketing tools.
2. Ten-X is the owner of a number of trademarks for a broad range of real estate services and goods, including use of the TEN-X mark on application software used in the field estate field.
3. Opposer owns the marks and registrations set forth in the chart below.

Mark	Reg. No.	Classes	Goods and Services	Priority Date
TEN-X	5351015	9, 35, 36	Class 9: Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and	7-30-2015

			<p>buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 35: Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate sellers with buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate sales analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate</p> <p>Class 36: Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing</p>	
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			services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing	
	5355628	9, 35, 36	<p>Class 9: Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 35: Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate sellers with buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing agents; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate marketing analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports</p>	10-27-2015

			<p>concerning real estate marketing; referrals in the field of real estate agents and brokers</p> <p>Class 36: Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing</p>	
	5355629	9, 35, 36	<p>Class 9: Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 35: Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate sellers with buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing agents; Arranging and conduction of auction sales; real</p>	10-27-2015

			<p>estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate marketing analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate agents and brokers</p> <p>Class 36: Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing</p>	
	5324421	9, 35, 36	<p>Class 9: Computer software and mobile phone computer application software for facilitating real estate sales, rentals, real estate auctions, connecting real estate buyers with sellers, connecting sellers and buyers with ancillary real estate services associated with management, brokers and contractors, connecting owners and tenants in non-sales real estate transactions, and for facilitating real estate offers and sales; downloadable electronic newsletters pertaining to real estate</p>	10-27-2015

			<p>sales and brokerage, real estate rentals, auctions and real estate</p> <p>Class 35: Real estate sales management; real estate auctions; On-line auction services; Auctioning of residential and commercial property; Connecting real estate sellers with buyers; referrals in the fields of real estate property managers and brokers and construction contractors provided to real estate sellers and buyers; referrals in the field of real estate leasing agents; Arranging and conduction of auction sales; real estate auction management services provided to others over an on-line web site accessed through a global computer network; On-line trading services in which seller posts products to be auctioned and bidding is done via the Internet; Operating on-line marketplaces for sellers and buyers of goods and/or services; Real estate marketing analysis; providing an on-line computer website featuring information in the form of non-downloadable data and reports concerning real estate marketing; referrals in the field of real estate agents and brokers</p> <p>Class 36: Tracking, analysis, forecasting, advisory and research services relating to real estate and residential and commercial property; Providing real estate listings and real estate information via the Internet; real estate consultation; providing information from real estate reports and from the analysis of real estate data; real estate brokerage and listing services; providing a website featuring information in the form of non-downloadable articles, data and reports concerning real estate brokerage and leasing</p>	
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4. As a result of the long use, promotion and advertising, the TEN-X marks have become valuable assets of Ten-X, serving as symbols for Ten-X's services and goods and of the goodwill which is associated with those services and goods.

The Applied-for Mark

5. Despite Ten-X's long prior common law and statutory rights in the TEN-X marks, Applicant, with at least constructive notice of Ten-X's federal registrations, and long after Ten-X established rights in and to the TEN-X marks, adopted and filed an application for registration of the mark 10X CAPITAL for services in Class 36, namely:

Financing and loan services; Financing loans for startups; Financing loans for lenders; Financing loans for factoring companies; Financing loans for mobile app developers; Financing of fractional leases; Financing of loans; Financing of real estate development projects; Financing services; Investment banking services; Investment clubs; Investment consultancy; Investment management; Investment of funds; Investment of funds for others; Lending consultant services; Venture capital advisory services; Venture capital financing; Venture capital fund management; Venture capital funding services to emerging and start-up companies; Venture capital services, namely, providing financing to emerging and start-up companies; Accounts receivables financing; Aircraft financing services; Arranging finance for construction projects; Automobile lease financing; Banking and financing services; Brokerage services for capital investments; Brokerage services in the field of securities and commodities investing; Capital investment; Capital investment consulting; Capital investment services; Commercial lending services; Corporate finance services, namely, consultation in the field of asset sales; Corporate finance services, namely, consultation in the field of capital structure; Crowdfunding services in the nature of providing financing from money collected from individuals; Equity capital investment; Financial investment in the field of loans; Financial investment in the field of bonds; Financial investment in the field of asset-backed securities; Financial investment services, namely, administering the issuance, underwriting and distribution of securities; Financial consulting services, namely, expert analysis in finance; Financial services rendered in connection with the issuance, receipt and transfer of lines of credit, namely, credit processing services; Financial services, namely, investment advice, investment management, investment consultation and investment of funds for others, including private and public equity and debt investment services; Financial services, namely, money lending; Financial services, namely, operation and management of hedge funds, commodity pools and other collective investment vehicles, and trading for others of securities, options, futures, derivatives, debt instruments and commodities; Funds investment; Hedge fund investment services; Incubation services, namely,

providing financing to freelancers, start-ups, existing businesses and non-profits; Lease securitization; Lease-purchase financing; Leveraged buy outs and investments in financially distressed or underperforming companies; Loan financing; Merchant banking and investment banking services; Mortgage financing services; Mortgage banking services, namely, origination, acquisition, servicing, securitization and brokerage of mortgage loans; Private equity fund investment services; Project financing; Providing financial services with respect to securities and other financial instruments and products, namely, trading of and investments in securities and financial instruments and products for others; Providing venture capital, development capital, private equity and investment funding; Providing working capital financing to small businesses and small business owners; Real estate financing services; Real estate investment services; Real estate investment trust services; Real estate funds investment services; Rent-to-own financing

6. Applicant's applied-for mark is highly similar to the TEN-X marks adopted and used by Ten-X through the years. The Applicant has disclaimed the highly descriptive word CAPITAL leaving 10X as the dominant, main portion of Applicant's mark. TEN-X and 10X sound identical, they are equivalent marks, look alike and convey the same meaning or impression.

7. Ten-X believes and therefore alleges that Applicant's services, as described in its application opposed herein, are or would be offered through the same or similar channels of trade to the same or similar customers or users as those services and goods rendered under the TEN-X marks, and are identical or highly related to the services and goods offered under Ten-X's marks.

8. Ten-X believes and therefore alleges that use and registration of the mark covered by Application Serial No. 88463247 will damage Ten-X, for the following reasons among others:

- a. customers and purchasers of the respective services and goods would be confused, mistaken, or deceived as to the source and origin of Applicant's services rendered under the applied-for mark;
- b. customers and purchasers of the respective services and good will assume, contrary to fact, that Applicant's services come from, are associated with,

sponsored by, approved by, or otherwise related to or affiliated with Ten-X;

- c. Applicant's use of the applied-for mark is likely to dilute the distinctive quality of the TEN-X marks.

FIRST CLAIM FOR RELIEF

Likelihood of Confusion

9. Opposer repeats and realleges the allegations of Paragraphs 1 through 8 above as if fully set forth herein.

10. Applicant's applied-for mark so resembles Ten-X's previously used and registered TEN-X marks, as to be likely, when applied to the services and goods set forth in Applicant's application, to cause confusion, mistake or deception within the meaning of 15 U.S.C. § 1052(d).

SECOND CLAIM FOR RELIEF

Likelihood of Dilution

11. Opposer repeats and realleges the allegations of Paragraphs 1 through 8 above as if fully set forth herein.

12. Applicants' applied-for mark is likely to dilute the distinctive quality of the famous, distinctive and federally-registered TEN-X marks within the meaning of 15 U.S.C. § 1125(c), by blurring the distinctiveness of the marks.

WHEREFORE, Ten-X respectfully prays that this Opposition be sustained and that registration to Applicant be refused.

The Patent and Trademark Office and Trademark Trial and Appeal Board are hereby authorized to collect any fees necessitated by this Notice of Opposition from the credit card on file for Arnold & Porter Kaye Scholer LLP.

Dated: February 5, 2020

Respectfully submitted,

/John P. Rynkiewicz/

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Washington, DC 20001
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Attorneys for Opposer Ten-X, Inc.