

ESTTA Tracking number: **ESTTA1034807**

Filing date: **02/10/2020**

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	Relay Network, LLC
Granted to Date of previous extension	02/09/2020
Address	SUITE 161 201 KING OF PRUSSIA ROAD RADNOR, PA 19087 UNITED STATES

Attorney information	CATHLEEN E. STADECKER DOWNS RACHLIN MARTIN PLLC 199 MAIN STREET, PO BOX 190 BURLINGTON, VT 05402-0190 UNITED STATES tmip@drm.com 802-863-2375
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Applicant Information

Application No	88428203	Publication date	08/13/2019
Opposition Filing Date	02/10/2020	Opposition Period Ends	02/09/2020
Applicant	People.ai, Inc. Suite 320 475 Brannan Street San Francisco, CA 94107 UNITED STATES		

Goods/Services Affected by Opposition


Class 042. First Use: 2019/05/06 First Use In Commerce: 2019/05/06 All goods and services in the class are opposed, namely: Software as a service (SAAS) services featuring software for analyzing calendar, mail, and phone activity data, and customer relationship data to provide actionable insights and tasks for sales and marketing teams
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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.	4909097	Application Date	12/12/2012
Registration Date	03/01/2016	Foreign Priority	NONE

		Date	
Word Mark	WIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2012/08/03 First Use In Commerce: 2012/08/03 Computer software for personal computers, laptops and mobile electronic communication devices, namely, an application allowing businesses and organizations to communicate directly and interactively with individuals in a secure digital channel, such communication being initiated by either the business, the organization or the individual; and computer software for personal computers, laptops and mobile electronic communication devices, namely, an application enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals</p> <p>Class 042. First use: First Use: 2012/08/03 First Use In Commerce: 2012/08/03 Providing temporary use of online non-downloadable software providing businesses, organizations and individuals access to a secure digital channel in which to communicate directly and interactively with each other, such communication being initiated by either the business, the organization or the individual; and providing temporary use of secure non-downloadable computer software enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals</p>		

U.S. Registration No.	4909096	Application Date	12/12/2012
Registration Date	03/01/2016	Foreign Priority Date	NONE
Word Mark	RELAY WIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2012/08/03 First Use In Commerce: 2012/08/03 Computer software for personal computers, laptops and mobile electronic communication devices, namely, an application allowing businesses and organiza-</p>		

	<p>tions to communicate directly and interactively with individuals in a secure digital channel, such communication being initiated by either the business, the organization or the individual; and computer software for personal computers, laptops and mobile electronic communication devices, namely, an application enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals</p> <p>Class 042. First use: First Use: 2012/08/03 First Use In Commerce: 2012/08/03</p> <p>Providing temporary use of online non-downloadable software providing businesses, organizations and individuals access to a secure digital channel in which to communicate directly and interactively with each other, such communication being initiated by either the business, the organization or the individual; and providing temporary use of secure non-downloadable computer software enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals</p>
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Attachments	<p>85801128#TMSN.png(bytes) 85800897#TMSN.png(bytes) Notice of Opposition.pdf(106298 bytes) Exhibit A.pdf(378944 bytes) Exhibit B.pdf(377152 bytes) Exhibit C.pdf(325246 bytes)</p>
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Signature	/cathleen e stadecker/
Name	Cathleen E. Stadecker
Date	02/10/2020

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

In the Matter of Application Serial No. 88/428,203 for THE WIRE
Published in the *Official Gazette* of August 13, 2019

-----X	:	
Relay Network, LLC,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.:
	:	
People.ai, Inc.	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

Relay Network, LLC, a Delaware limited liability company, with an address at Suite 161, 201 King of Prussia Rd., Radnor, Pennsylvania 19087 (hereinafter, “Opposer”), believes that it will be damaged by the registration of the mark THE WIRE, which is set forth in Application Serial No. 88/428,203, owned by People.ai, Inc., a Delaware corporation, having an address at 475 Brannan Street, San Francisco, California 94107 (hereinafter, “Applicant”), and hereby opposes registration of the same.

As grounds for opposition, Opposer alleges as follows:

1. Opposer has used, and currently uses, the marks WIRE and RELAY WIRE in the U.S. in connection with a messaging platform, with use dating from at least as early as August 3, 2012, well before the earliest date Applicant can possibly claim as its date of first use (collectively, the “WIRE Mark”).

2. The software Opposer provides under the WIRE Mark allows businesses and organizations to communicate directly and interactively with individuals, including customers/prospects, members, employees, for the purpose of improving relationships and helping individuals perform key actions.

3. Opposer is the owner of Reg. No. 4909097, for the mark WIRE in International Classes 9 and 42. A true and correct copy of a printout from TSDR showing the current status and title of the registration is attached as **Exhibit A**.

4. Opposer is the owner of Reg. No. 4909096, for the mark RELAY WIRE in International Classes 9 and 42. A true and correct copy of a printout from TSDR showing the current status and title of the registration is attached as **Exhibit B**.

5. On May 13, 2019, Applicant filed an application, designated Serial No. 88/428,203, to register the mark THE WIRE based on Applicant's alleged use of the mark in commerce in connection with "Software as a service (SAAS) services featuring software for analyzing calendar, mail, and phone activity data, and customer relationship data to provide actionable insights and tasks for sales and marketing teams," in International Class 42 (the "THE WIRE Application"). A true and correct copy of a printout from TSDR setting forth the details of the WIRE Application is attached as **Exhibit C**.

6. On information and belief, Opposer and Applicant sell their respective software in overlapping channels of trade, including sales and marketing and customer experience teams.

7. The application filing date of each of the registrations set forth in paragraphs 2-3 for the WIRE Mark precedes the filing date of the THE WIRE Application.

8. On information and belief, Opposer's WIRE Mark has been in continuous use in commerce since before any use by Applicant of the mark set forth in the THE WIRE Application.


9. In view of the fact that the mark in the THE WIRE Application is virtually identical to and/or highly similar to Opposer's WIRE Mark, and that Applicant's services as described in the application are overlapping and/or highly related to the goods and services offered under Opposer's WIRE Mark, the mark in the THE WIRE Application is likely to cause confusion, or to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act. Opposer will thereby be injured by the registration of Application Serial No. 88/428,203.

WHEREFORE, Opposer asks that its opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Opposer

Date: February 10, 2020
Burlington, Vermont

By: 

Cathleen E. Stadecker, Esq.

BULK DATA: Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

INTERMITTENT SYSTEM ISSUES: Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

Trademark Status & Document Retrieval (TSDR) ?

SEARCH MULTI-SEARCH ?

US Serial, Registration, or Reference No. [Status](#) [Documents](#)

Status results found

STATUS	DOCUMENTS	MAINTENANCE	Download	Print Preview
Generated on: This page was generated by TSDR on 2020-02-10 14:34:46 EST				
Mark: WIRE		WIRE		
US Serial Number: 85801128	Application Filing Date: Dec. 12, 2012			
US Registration Number: 4909097	Registration Date: Mar. 01, 2016			
Register: Principal				
Mark Type: Trademark, Service Mark				
TMS Common Status Descriptor: 	LIVE/REGISTRATION/Cancellation/Invalidation Pending			
Status:	A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.			
Status Date: Jul. 20, 2018				
Publication Date: May 14, 2013	Notice of Allowance Date: Jul. 09, 2013			
Mark Information Expand All				
Goods and Services				
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • 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: Computer software for personal computers, laptops and mobile electronic communication devices, namely, an application allowing businesses and organizations to communicate directly and interactively with individuals in a secure digital channel, such communication being initiated by either the business, the organization or the individual; and computer software for personal computers, laptops and mobile electronic communication devices, namely, an application enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals				
International Class(es): 009 - Primary Class	U.S Class(es): 021, 023, 026, 036, 038			
Class Status: ACTIVE				
Basis: 1(a)				
First Use: Aug. 03, 2012	Use in Commerce: Aug. 03, 2012			
For: Providing temporary use of online non-downloadable software providing businesses, organizations and individuals access to a secure digital channel in which to communicate directly and interactively with each other, such communication being initiated by either the business, the organization or the individual, and providing temporary use of secure non-downloadable computer software enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals				
International Class(es): 042 - Primary Class	U.S Class(es): 100, 101			
Class Status: ACTIVE				
Basis: 1(a)				
First Use: Aug. 03, 2012	Use in Commerce: Aug. 03, 2012			
Basis Information (Case Level)				

▼ **Current Owner(s) Information**

Owner Name: RELAY NETWORK, LLC

Owner Address: SUITE 161
201 KING OF PRUSSIA RD.
RADNOR, PENNSYLVANIA UNITED STATES 19087

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

▶ **Attorney/Correspondence Information**

▶ **Prosecution History**

▶ **TM Staff and Location Information**

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SEARCH	MULTI-SEARCH ?
US Serial, Registration, or Reference No. <input type="text" value="85800897"/>	<input type="button" value="Status"/> <input type="button" value="Documents"/>

Status results found

STATUS	DOCUMENTS	MAINTENANCE ?	Download	Print Preview
Generated on: This page was generated by TSDR on 2020-10-10 14:38:26 EST				
Mark: RELAY WIRE		RELAY WIRE		
US Serial Number: 85800897	Application Filing Date: Dec. 12, 2012			
US Registration Number: 4909096	Registration Date: Mar. 01, 2016			
Register: Principal				
Mark Type: Trademark, Service Mark				
TMS Common Status Descriptor: 	LIVE/REGISTRATION/Issued and Active		The trademark application has been registered with the Office.	
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.				
Status Date: Mar. 01, 2016				
Publication Date: May 14, 2013	Notice of Allowance Date: Jul. 09, 2013			
- Mark Information		Expand All		
- Related Properties Information				
- Goods and Services				
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • 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. 				
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Class Status: ACTIVE				
Basis: 1(a)				
First Use: Aug. 03, 2012	Use in Commerce: Aug. 03, 2012			
For: Providing temporary use of online non-downloadable software providing businesses, organizations and individuals access to a secure digital channel in which to communicate directly and interactively with each other, such communication being initiated by either the business, the organization or the individual; and providing temporary use of secure non-downloadable computer software enabling businesses, organizations and individuals to search for, identify, and communicate with other businesses, organizations and individuals				
International Class(es): 042 - Primary Class	U.S Class(es): 100, 101			
Class Status: ACTIVE				
Basis: 1(a)				
First Use: Aug. 03, 2012	Use in Commerce: Aug. 03, 2012			
- Basis Information (Case Level)				

Current Owner(s) Information

Owner Name: Relay Network, LLC

Owner Address: Suite 161
201 King of Prussia Rd.
Radnor, PENNSYLVANIA UNITED STATES 19087

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Prosecution History

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STATUS	DOCUMENTS ?	Download	Print Preview
Generated on: This page was generated by TSDR on 2020-02-10 14:30:02 EST			
Mark: THE WIRE		The Wire	
US Serial Number: 88428203	Application Filing Date: May 13, 2019		
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes		
Register: Principal			
Mark Type: Service Mark			
TMS Common Status Descriptor: 	LIVE/APPLICATION/Published for Opposition		
Status: A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.			
Status Date: Sep. 09, 2019			
Publication Date: Aug 13, 2019			
Mark Information Expand All			
Goods and Services			
Note: The following symbols indicate that the registrant/owner has amended the goods/services: <ul style="list-style-type: none"> • 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: Software as a service (SAAS) services featuring software for analyzing calendar, mail, and phone activity data, and customer relationship data to provide actionable insights and tasks for sales and marketing teams			
International Class(es): 042 - Primary Class	U.S Class(es): 100, 101		
Class Status: ACTIVE			
Basis: 1(a)			
First Use: May 06, 2019	Use in Commerce: May 06, 2019		
Basis Information (Case Level)			
Current Owner(s) Information			
Owner Name: People.ai, Inc.			
Owner Address: Suite 320 475 Brannan Street San Francisco, CALIFORNIA UNITED STATES 94107			
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE		
Attorney/Correspondence Information			
Prosecution History			
TM Staff and Location Information			

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