

ESTTA Tracking number: **ESTTA1131722**

Filing date: **05/05/2021**

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	Pension Benefit Information, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	333 S 7TH STREET SUITE 2400 MINNEAPOLIS, MN 55402 UNITED STATES		
Attorney information	JAMES T. NIKOLAI DEWITT, LLP 901 MARQUETTE AVENUE 2100 AT&T TOWER MINNEAPOLIS, MN 55402 UNITED STATES Primary Email: jtn@dewittllp.com Secondary Email(s): acl@dewittllp.com, jntnm@dewittllp.com 16123051518		
Docket Number	0101868.0000		

Applicant Information

Application No.	88806096	Publication date	05/04/2021
Opposition Filing Date	05/05/2021	Opposition Period Ends	06/03/2021
Applicant	Life Status 360 LLC 200 SOUTH VIRGINIA ST., SUITE 710 RENO, NV 89501 UNITED STATES		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Fiduciary services, namely, fiduciary representative services

Grounds for Opposition

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

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	CONFIRMED LOCATE
Goods/Services	Services offered to fiduciaries, namely, pensions, insurance companies, benefit plans and others, who have a business need or fiduciary duty to locate participants; Fiduciary services, namely, fiduciary representative services.

Attachments	Notice of Opposition.pdf(90153 bytes)
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Signature	/jamestnikolai/
Name	James T. Nikolai
Date	05/05/2021

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

Pension Benefit Information, LLC d/b/a PBI
Research Services,

Opposer,

v.

Life Status 360 LLC,

Applicant.

Opposition No. _____

Application No.: 88/806,096
Filing Date: Feb. 21, 2020
Publication Date: May 04, 2021
Mark: CONFIRMED LOCATE

NOTICE OF OPPOSITION

Pension Benefit Information, LLC d/b/a PBI Research Services (“PBI”), a limited liability company duly organized and existing under the laws of the State of Delaware, with its principal place of business located at 333 S 7th Street, Suite 2400, Minneapolis, MN 55402, will be damaged by the registration of the above-identified mark and hereby opposes the registration, pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.101.

The grounds for this Notice of Opposition are as follows:

1. Since at least as early as 2006, Opposer PBI has continuously used CONFIRMED LOCATE as a trademark for its service throughout the United States of America. PBI is a premier provider of services offered to fiduciaries, namely, pensions, insurance companies, benefit plans and others, who have a business need or fiduciary duty to locate participants. In connection with such services, PBI helps plan sponsors find participants who have gone missing thereby reducing the risk of fiduciary liability for plan sponsors.

2. Opposer PBI, because of such continuous use for a period exceeding 15 years, long ago acquired common law rights in the CONFIRMED LOCATE mark throughout the

United States of America.

3. Opposer PBI's use of the mark has been continuous for more than 15 years. PBI's nationwide common law rights accrued well before 2020. PBI's CONFIRMED LOCATE mark has not been abandoned.

4. Opposer PBI's CONFIRMED LOCATE mark is symbolic of extensive good will and business to business consumer recognition built up by Opposer PBI through substantial time and effort invested in advertising and promotion, and the mark has come to identify PBI and distinguish its services from those of competitors—which is of significant value to Opposer PBI.

5. Opposer PBI's rights in and to the CONFIRMED LOCATE mark are valid, subsisting, and in full force and effect.

6. Applicant Life Status 360 LLC ("Applicant") seeks to register the trademark CONFIRMED LOCATE for the following services: "Fiduciary services, namely, fiduciary representative services." Applicant filed the subject application under Section 1(b) of the Trademark Act to register CONFIRMED LOCATE on February 21, 2020. To date, Applicant has not filed a Statement of Use claiming use any earlier than February 21, 2020.

7. Applicant's services will be offered under the CONFIRMED LOCATE mark to at least some of the same classes of consumers and through at least some of the same channels of trade that Opposer PBI's services are offered under the CONFIRMED LOCATE mark.

8. Applicant has been aware of Opposer PBI's use of the CONFIRMED LOCATE mark since at least as early as February 21, 2020, when it caused to be filed the subject application with the U.S. Patent and Trademark Office.

9. Applicant intends to use CONFIRMED LOCATE mark in connection with "fiduciary services, namely, fiduciary representative services." As such, the mark Applicant

seeks to register is identical to Opposer PBI's mark, and the services with which Applicant intends to use the CONFIRMED LOCATE mark are substantially the same as Opposer PBI's services. The respective services of Applicant and Opposer PBI are offered via identical trade channels.

10. Given Applicant's CONFIRMED LOCATE mark is identical in appearance, sound, connotation, and commercial impression to Opposer PBI's CONFIRMED LOCATE mark and given the related nature of the services and channels of trade, registration of the mark depicted in U.S. Trademark Application No. 88/806,096 will create a serious conflict with Opposer PBI's trademark. This conflict is likely to cause confusion, mistake, or deception as to affiliation, connection, or association of Applicant with Opposer PBI, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer PBI (which they are not).

11. There is no issue as to priority. Opposer PBI began use of the CONFIRMED LOCATE mark long before Applicant began using the CONFIRMED LOCATE mark and long before Applicant filed its trademark application seeking registration of the CONFIRMED LOCATE mark.

12. This opposition is timely submitted.

13. Based on Opposer PBI's averments herein, registration based on U.S. Trademark Application No. 88/806,096 should be denied.

WHEREFORE, Opposer PBI hereby petitions the Board for an Order denying

registration of the mark depicted in U.S. Application No. 88/806,096.

DATED the 5th day of May, 2021.

s/James T. Nikolai

James T. Nikolai

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