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

Proceeding no.	91269608
Party	Plaintiff YIMBY Action
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Attachments	YIMBY Action - Opposition No. 91269608 - Response to TTAB request for information.pdf(119513 bytes )

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

In the Matter of Application Serial No. 88805531 Published in the Official Gazette of March 30, 2021

<i>YIMBY Action,</i>	}	
a California public benefit corporation,	}	
Opposer,	}	
v.	}	Opposition No. 91269608
<i>Nikolai Fedak,</i>	}	
Applicant.	}	

Response to Board Request for Information

On March 4, the Board issued a request for information from Opposer YIMBY Action, asking it to inform the Board “of the nature of the relationship between the opposers in Opposition Nos. 91269607 and 91269608” within twenty days of the order. Opposer YIMBY Action hereby responds to said request for information.

Opposer in 91269608 is YIMBY Action, a California public benefit corporation organized as a nonprofit entity under Internal Revenue Code section 501(c)(4). Opposer in Opposition No. 91269607 is California YIMBY, a separate California public benefit corporation, likewise organized as a nonprofit entity under Internal Revenue Code section 501(c)(4). The two entities are legally distinct, with separate leaderships, separate boards, generally separate funders, and a separate advocacy focus. Each has an interest in opposing the Applicant’s proposed mark because each uses the term “YIMBY” as a descriptor for itself and in its respective trade name.

Though both California YIMBY and YIMBY Action base their oppositions on similar grounds, California YIMBY founds its first grounds for opposition on the additional assertion that the term “YIMBY” is not merely descriptive, but, in fact, is generic with respect to matters relating to land use and real estate development—particularly housing development.

These grounds for opposition potentially conflict with YIMBY Action and its interest in Application Serial No. 90155913, and its interest in the *unregistered* standard character word mark “YIMBY Action” which YIMBY Action contends would be separately eligible for registration on the Supplemental Register but for a determination that the word “YIMBY” is generic.<sup>1</sup> Accordingly, though both opposers are united in many of their arguments against

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<sup>1</sup> Though both YIMBY Action and California YIMBY are represented by the same counsel, parties with conflicting or potentially conflicting interests may waive such conflict and consent, as here, to representation by the same counsel.

granting Applicant's proposed mark, each maintains a legal position distinct from the other in recognition of its own separate interests. As such, each opposer brought a separate action to vindicate its distinct legal view.

Dated: *March 24, 2022*

Respectfully submitted,



*Joseph Ryan Fruen*  
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