

ESTTA Tracking number: **ESTTA43668**

Filing date: **08/31/2005**

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	FYI Corporation		
Entity	Corporation	Citizenship	Delaware
Address	100 Rialto PlaceSuite 200 Melbourne, FL 32901 UNITED STATES		

Attorney information	David L. Stewart Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A. 255 South Orange AvenueSuite 1401 Orlando, FL 32801-3460 UNITED STATES dstewart@addmg.com Phone:321-725-4760
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Applicant Information

Application No	78274610	Publication date	08/02/2005
Opposition Filing Date	08/31/2005	Opposition Period Ends	09/01/2005
Applicant	Bonus.com, Inc. Second Floor 824 San Antonio Road Palo Alto, CA 94303 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 20020815First Use In Commerce: 20020815

All goods and services in the class are opposed, namely: Computer services, namely providing customized on-line web pages featuring user-defined information, which includes search engines and online web links to other web sites

Attachments	Opposition 8.31.05.pdf (3 pages)
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Signature	/David L. Stewart/
Name	David L. Stewart
Date	08/31/2005

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

In the matter of application Serial No.: 78/274,610)	
)	
Filed: July 15, 2003)	
)	
Mark: FYI)	
)	
Published in the Official Gazette on: August 2, 2005)	
)	
FYI CORPORATION,)	
)	
Opposer,)	
v.)	Opposition No: _____
)	
BONUS.COM,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

FYI CORPORATION, a corporation of Delaware, whose principal place of business is 100 Rialto Place, Suite 200, Melbourne, FL 32901, believes that it will be damaged by registration of the mark **FYI**, shown in Serial No. 78/274,610, in International Class 42 for “computer services, namely providing customized on-line web pages featuring user defined information, which includes search engines and online web links to other websites.”

As grounds for opposition, Opposer alleges:

1. Applicant seeks to register **FYI**, as a trademark for computer services as evidenced by the publication of said mark in the Official Gazette on August 2, 2005.
2. Opposer, under its existing name and through its previous name, Identitech, Inc. has used the mark **FYI** since at least as early as January 18, 1991, for computer software including functionality which displays search results from database queries.

3. Opposer is the owner of U.S. trademark/service mark registration no. 1,774,195, registered on June 1, 1993, for the mark **FYI** for use in connection with “computer software” (erroneously classified in International class 16).

4. Opposer has continuously used the mark **FYI** in interstate commerce since as early as January 18, 1991, in connection with the goods identified in registration no. 1,774,195 and related services.

5. Opposer’s federal registration for the mark **FYI** is *prima facie* evidence of the validity of the mark and constitutes constructive notice that Opposer is the lawful owner of the mark.

6. Opposer has developed considerable and valuable good will with respect to its mark through its continued use of the mark in connection with its goods and services.

7. Moreover, because of Opposer’s long and extensive use of the mark in connection with its goods and services, consumers have come to associate the goods and services provided under the mark with the Opposer.

8. On or about July 15, 2003, Applicant filed application serial number 78/274,610, seeking to register the name **FYI** as a mark for use in connection with “computer services, namely providing customized on-line web pages featuring user defined information, which includes search engines and online web links to other websites.”

9. Applicant’s services are confusingly similar to Opposer’s goods and services and are offered in the same channels of trade to the same customers of Opposer.

10. Opposer has used its mark in interstate commerce since before Applicant filed its application to register the identical mark and on information and belief, before Applicant’s stated first use of its mark as set forth in its application.

11. Applicant's use and registration of the mark **FYI** for the services specified in the application herein and opposed by Opposer will likely cause confusion in the marketplace and damage Opposers business and goodwill by virtue of the virtually identical nature of Applicant's and Opposer's marks and services.

12. Persons familiar with Opposer's mark and its services would be likely to mistakenly believe that Applicant's services were provided or authorized by the Opposer.

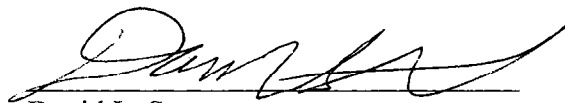
13. In addition, Applicant's use of the mark **FYI** will dilute the ability of Opposer's mark to identify and distinguish the Opposer as a source of its good and services.

14. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to use the mark **FYI** notwithstanding the prior use of the same mark by Opposer. Such a registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that the registration sought by application Serial No. 78/274,610, be disallowed, that this opposition be sustained, and that Opposer be granted such additional relief as the Board deems just and proper.

Dated: August 31, 2005

Respectfully submitted,



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