

ESTTA Tracking number: **ESTTA574564**

Filing date: **12/04/2013**

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	Forever, Inc.
Granted to Date of previous extension	12/04/2013
Address	One PPG Place, 20th Floor Pittsburgh, PA 15222 UNITED STATES

Attorney information	Rochelle D. Alpert Morgan, Lewis & Bockius LLP One Market, Spear Street Tower San Francisco, CA 94105 UNITED STATES ralpert@morganlewis.com, shall@morganlewis.com, sfrademarks@morganlewis.com Phone:415-442-1326
----------------------	--

### Applicant Information

Application No	85879036	Publication date	08/06/2013
Opposition Filing Date	12/04/2013	Opposition Period Ends	12/04/2013
Applicant	Goodman, Eric B. 13 River Hill Rd. Louisville, KY 40207 USX		

### Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Providing a nonprofit website that gives users the ability to create customized web pages memorializing the memory of the loved one(s) that they have lost excluding hosting an online community or web-based networking service, offering chatrooms, electronic bulletin boards, online forums, weblogs, electronic messaging, or allow users to create sharable profiles that display connections with other users, and/or share photos and videos in connection with the web site

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85737755	Application Date	09/25/2012
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	FOREVERTRUST		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer software for the organization, storage and access by others of personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content, for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files, for retrieving personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content from databases and computer networks</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Promoting the goods and services of others via a global computer network; Providing consumer product information via the Internet</p> <p>Class 036. First use: First Use: 0 First Use In Commerce: 0 Insurance information and consultancy; Investment advice; Providing information and advice in the field of finance, financial investments, financial valuations, and the financial aspects of retirement</p> <p>Class 039. First use: First Use: 0 First Use In Commerce: 0 Electronic storage of digital media, namely, data, documents, text, photos, images, graphics, music, audio, video and multimedia content</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0 Providing a website featuring technology that enables users to organize, store and access personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content, for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files, to retrieve personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content from databases and computer networks; Providing on-line non-downloadable software for the organization, storage and access by others of personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content, for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files, for retrieving personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content from databases and computer networks</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0 On-line social networking services</p>		
Attachments	85737755#TMSN.jpeg( bytes ) Notice of Opposition (Exhibit A) -- Appl Serial No. 85879036.pdf(433698 bytes )		

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/RDA/
Name	Rochelle D. Alpert
Date	12/04/2013

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

In the matter of Application Serial No. 85/879,036  
Filed March 18, 2013  
for the mark **FOREVERBOOK**  
Published in the OFFICIAL GAZETTE on August 6, 2013

Forever, Inc.,

Opposer,

v.

Eric B. Goodman,

Applicant.

Opposition No.:

**NOTICE OF OPPOSITION**

Forever, Inc. (“Opposer” or “Forever”), a Delaware corporation, having its principal place of business at One PPG Place, 20th Floor, Pittsburgh, Pennsylvania 15222, believes that it will be damaged by the application to register the FOREVERBOOK designation that applicant Eric B. Goodman, (“Applicant”) seeks to protect with the applied-for intent-to-use application for FOREVERBOOK, Serial No. 85/879,036, and hereby opposes same.

As grounds for the opposition, Forever alleges as follows:

**Forever’s Trademark Rights**

1. Forever owns a valid, allowed federal trademark application for FOREVERTRUST, Application No. 85/737,755, which was properly filed on September 25, 2012 and for which a Notice of Allowance issued on July 23, 2013 for use in connection with the following goods and services in International Classes 9, 39, 42, and 45, among other services:

Class 9: Computer software for the organization, storage and access by others of personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content, for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files, for retrieving personal documents, data, text,

photos, images, graphics, music, audio, video and multimedia content from databases and computer networks

Class 39: Electronic storage of digital media, namely, data, documents, text, photos, images, graphics, music, audio, video and multimedia content

Class 42: Providing a website featuring technology that enables users to organize, store and access personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content, for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files, to retrieve personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content from databases and computer networks; Providing on-line non-downloadable software for the organization, storage and access by others of personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content, for use in the safeguarding of digital files, including audio, video, text, binary, still images, graphics and multimedia files, for retrieving personal documents, data, text, photos, images, graphics, music, audio, video and multimedia content from databases and computer networks

Class 45: On-line social networking services

A true and correct copy of the TSDR and Assign Status printout for this application is attached hereto as Exhibit A.

2. Forever filed its intent-to-use trademark application prior to the filing date of the opposed intent-to-use application at issue in this proceeding.

3. Forever has expended time and effort in the development of its FOREVERTRUST mark for the applied-for products and services.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.