

ESTTA Tracking number: **ESTTA673434**Filing date: **05/20/2015**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	05/20/2015
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, sfrade- marks@morganlewis.com Phone:415-442-1326

Applicant Information

Application No	86437660	Publication date	01/20/2015
Opposition Filing Date	05/20/2015	Opposition Period Ends	05/20/2015
Applicant	The FANROD Group 247 W. 87th Street, Apt. 17F New York, NY 10024 UNITED STATES		

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 website featuring non-downloadable software for uploading images and data to create personalized yearbooks;providing temporary use of online non-downloadable cloud computing software foruse in electronic storage of images/data

Applicant Information

Application No	86437648	Publication date	02/03/2015
Opposition Filing Date	05/20/2015	Opposition Period Ends	
Applicant	The FANROD Group 247 W. 87th Street, Apt. 17F New York, NY 10024 UNITED STATES		

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 website featuring non-downloadable software for uploading images and data to create personalized yearbooks; providing temporary use of online non-downloadable cloud computing software for use in electronic storage of images/data

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4598177	Application Date	04/12/2013
Registration Date	09/02/2014	Foreign Priority Date	NONE
Word Mark	FOREVER		
Design Mark			
Description of Mark	The mark consists of the word FOREVER with a ring as the letter O.		
Goods/Services	Class 009. First use: First Use: 2014/02/11 First Use In Commerce: 2014/02/11 Downloadable computer software that allows for the storage, organization and sharing of electronic data and media by others Class 039. First use: First Use: 2013/11/22 First Use In Commerce: 2013/11/22 Storage services for archiving documents, media and other electronic data Class 042. First use: First Use: 2013/11/22 First Use In Commerce: 2013/11/22 Providing temporary use of online non-downloadable computer software for use in electronic storage of data and media; conversion of data or documents from physical to electronic media		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Forever trade name; Forever, Inc. corporate name; FOREVER.COM domain name; FOREVER mark; THE FOREVER GUARANTEE mark; FOREVER MEDIA SERVICES mark; 1-888-FOREVER mark; FOREVER LIVE! mark; FOREVER and design mark.		
Goods/Services	As specified in the attached Notice of Opposition.		

Attachments	85902473#TMSN.png(bytes) Consolidated Notice of Opposition (Exs A).pdf(512700 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	05/20/2015

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

In the matter of:

Application Serial No. 86/437,660
Filed October 28, 2014
for the mark **FOREVER CONNECTED**
Published in the OFFICIAL GAZETTE on January 20, 2015

AND

Application Serial No. 86/437,648
Filed October 28, 2014
for the mark **FOREVER CONNECTED TECHNOLOGIES**
Published in the OFFICIAL GAZETTE on February 3, 2015

Forever, Inc.,

Opposer,

v.

The FANROD Group,

Applicant.

Opposition No.:

CONSOLIDATED 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 applications of The FANROD Group (“Applicant”) to register the FOREVER CONNECTED designation through its intent-to-use application Serial No. 86/437,660 and to register the FOREVER CONNECTED TECHNOLOGIES designation through its intent-to-use application Serial No. 86/437,648 (together, the “Opposed Applications”), and hereby opposes these applications.

As grounds for the Consolidated Notice of Opposition, Forever alleges as follows:

Forever’s Trademark and Other Rights

1. Under the Forever name, the FOREVER trademark, other FOREVER formative trademarks, the forever.com domain, the 1-888-FOREVER toll free number, and the registered

FOREVER and Design mark, Forever offers and provides both a website and a mobile application with which users can upload, organize, access, search and share their own content, images and videos as well as content, images and videos of others. In connection with these products and services, Forever offers users additional services, including scanning, digital conversion, online storage and organization services.

2. Since well before the October 28, 2014 filing date of the Opposed Applications, Forever has marketed, promoted and offered products through its www.forever.com website, where it uses the Forever trade name and trademark

3. Forever has used the trade name Forever and the corporate name Forever, Inc. in connection with developing, promoting, marketing and/or offering its goods and services since before the October 28, 2014 filing date of the Opposed Applications. Forever also uses the 1-888-FOREVER toll-free number for its services and also offers a FOREVER blog. Both have been in use before the filing of the Opposed Applications.

4. Forever owns a valid, subsisting, uncanceled and unrevoked federal trademark registration for its FOREVER and Design mark (U.S. Reg. No. 4,598,177), which was filed on April 12, 2013 and registered on September 2, 2014, for “downloadable computer software that allows for the storage, organization and sharing of electronic data and media by others” in International Class 09, “Storage services for archiving documents, media and other electronic data” in International Class 39, and “Providing temporary use of online non-downloadable computer software for use in electronic storage of data and media; conversion of data or documents from physical to electronic media” in International Class 42. The mark has been used in commerce by Forever in connection with the goods identified in International Class 9 since at least as early as February 11, 2014, and in connection with the services identified in International Classes 39 and 42 since at least as early as November 22, 2013. A true and correct copy of the

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.