

ESTTA Tracking number: **ESTTA1082979**

Filing date: **09/18/2020**

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	Instagram, LLC
Granted to Date of previous extension	09/19/2020
Address	1601 WILLOW ROAD MENLO PARK, CA 94025 UNITED STATES

Attorney information	TREVOR MAXIM KILPATRICK TOWNSEND & STOCKTON LLP 1801 CENTURY PARK EAST SUITE 2300 LOS ANGELES, CA 90067 UNITED STATES Primary Email: tmaxim@kilpatricktownsend.com Secondary Email(s): tadmin@kilpatricktownsend.com, ym-in@kilpatricktownsend.com, aalbertson@kilpatricktownsend.com, sjoachimsthaller@kilpatricktownsend.com, lmcfarland@kilpatricktownsend.com, kzimmermann@kilpatricktownsend.com, jcontreras@kilpatricktownsend.com 310-248-3830
Docket Number	1192616

**Applicant Information**

Application No.	88843875	Publication date	07/21/2020
Opposition Filing Date	09/18/2020	Opposition Period Ends	09/19/2020
Applicant	Instalit LLC 16001 LARIMORE AVE OMAHA, NE 68116 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 use of online temporary non-downloadable software for enabling users to locate nightlife outlets using a livemap; Providing use of online temporary non-downloadable software for enabling users to share digital photos and messages; Providing use of online temporary non-downloadable software for enabling nightlife outlets to attract customers and advertise their venues
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Dilution by blurring	Trademark Act Sections 2 and 43(c)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4146057	Application Date	09/19/2011
Registration Date	05/22/2012	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/10/06 First Use In Commerce: 2010/10/06 Downloadable computer software for modifying the appearance and enabling transmission of photographs		

U.S. Registration No.	4756754	Application Date	10/24/2013
Registration Date	06/16/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2013/08/00 First Use In Commerce: 2013/11/01 Marketing, advertising and promotion services; dissemination of advertising for others via computer and communication networks; marketing and advertising consultation services; promoting the goods and services of others via computer and communication networks; market research services; provision of market research information  Class 038. First use: First Use: 2013/08/00 First Use In Commerce: 2013/11/01 Telecommunication services, namely, transmission of advertisements and media advertising communications via computer and communication networks		

U.S. Registration No.	4795634	Application Date	03/04/2013
Registration Date	08/18/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	The mark consists of the word "INSTAGRAM" written in script writing.		
Goods/Services	Class 009. First use: First Use: 2013/05/13 First Use In Commerce: 2013/05/13 Downloadable computer software for modifying the appearance and enabling transmission of photographs; computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; computer software for use as an application programming interface (API); computer software in the nature of an application programming interface (API) for computer software which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking,		

sharing or otherwise providing electronic media or information via computer and communication networks

Class 038. First use: First Use: 2013/05/13 First Use In Commerce: 2013/05/13

Telecommunications services, namely, electronic transmission of data, messages, graphics, images and information; peer-to-peer photo sharing services, namely, electronic transmission of digital photofiles among internet users; providing access to computer, electronic and onlinedatabases; providing online forums for communication, namely, transmission on topics of general interest; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; broadcasting services over computer or other communication networks, namely, uploading, posting, displaying, tagging, and electronically transmitting data, information, messages, graphics, and images; telecommunications services, namely, electronic transmission of photos and videos

Class 041. First use: First Use: 2013/05/13 First Use In Commerce: 2013/05/13

Providing computer, electronic and online databases in the field of entertainment; publication of electronic journals and web logs featuring user generated or specified content; publishing services, namely, publishing of electronic publications for others

Class 042. First use: First Use: 2013/05/13 First Use In Commerce: 2013/05/13

Providing a web site that gives users the ability to upload photographs; computer services, namely, providing an interactive web site featuring technology that allows users to manage their online photograph and social networking accounts; providing use of online temporary non-downloadable software for modifying the appearance and enabling transmission of photographs; file sharing services, namely, providing a web site featuring technology enabling users to upload and download electronic files; hosting on-line web facilities for others for managing and sharing on-line content; providing information from searchable indexes and databases of information; providing search engines for obtaining data via communications networks; computer services, namely, creating virtual communities for registered users to participate in discussions and engage in social, business and community networking; computer services, namely, hosting online web facilities for others for organizing and conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services, namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple web sites; providing a web site featuring technology that enables online users to create personal profiles featuring social networking information and to transfer and share such information among multiple web sites; providing information on topics of general interest from searchable indexes and databases of information, including text, electronic documents, databases, graphics and audio visual information, on computer and communication networks namely, provision of search engines for the Internet; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or user-specified information, personal profiles, audio, video, photographic images, text, graphics and data

Class 045. First use: First Use: 2013/05/13 First Use In Commerce: 2013/05/13

Internet based social introduction, networking and dating services; providing online computer databases in the fields of social networking, social introduction and dating

U.S. Registration No.	4822600	Application Date	06/20/2013
Registration Date	09/29/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/10/06 First Use In Commerce: 2010/10/06 Downloadable computer software for modifying the appearance and enabling transmission of images, audio-visual and videocontent; computer software for the collection, editing, organizing, modifying, transmission, storage and sharing of data and information; computer software foruse as an application programming interface (API); computer software in the nature of an application programming interface (API) which facilitates online services for social networking, building social networking applications and for allowing data retrieval, upload, download, access and management; computer software to enable uploading, downloading, accessing, posting, displaying, tagging, blogging, streaming, linking, sharing or otherwise providing electronic media or information via computer and communication networks		

U.S. Registration No.	4827509	Application Date	06/20/2013
Registration Date	10/06/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 045. First use: First Use: 2010/10/06 First Use In Commerce: 2010/10/06 Internet based Social introduction, networking and dating services; providing information in the form of databases featuring information in the fields of social networking, social introduction and dating		

U.S. Registration No.	4856047	Application Date	06/20/2013
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2010/10/06 First Use In Commerce: 2010/10/06 Providing use of online temporary non-downloadable software for enabling transmission of images and audiovisual and video content; hosting on-line web facilities as websites and mobile sites for others for managing and sharing on-line content; providing information from searchable indexes and databases of information;providing search engines for obtaining data via communications networks; computer services, namely, creating virtual communities for registered users to participate in discussions and engage in social, business and community networking; computer services, namely, hosting electronic facilities for others for organizingand conducting meetings, events and interactive discussions via communication networks; application service provider (ASP) services,		

	namely, hosting computer software applications of others; application service provider (ASP) featuring software to enable or facilitate the uploading, downloading, streaming, posting, displaying, blogging, linking, sharing or otherwise providing electronic media or information over communication networks; providing an online network service that enables users to transfer personal identity data to and share personal identity data with and among multiple websites; providing temporary use of non-downloadable software applications for social networking, creating a virtual community, and transmission of audio, video, photographic images, text, graphics and data; computer services in the nature of customized web pages featuring user-defined or specified information in the nature of personal profiles, audio, video, photographic images, text, graphics and data
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U.S. Registration No.	4863594	Application Date	06/20/2013
Registration Date	12/01/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2010/10/06 First Use In Commerce: 2010/10/06 Providing computer, electronic and online databases in the field of entertainment; publication of electronic journals and web logs featuring user generated or specified content; publishing of electronic publications for others		

U.S. Registration No.	4863595	Application Date	06/20/2013
Registration Date	12/01/2015	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2010/10/06 First Use In Commerce: 2010/10/06 Telecommunications services, namely, electronic transmission of data, messages, graphics, images, videos and information; peer-to-peer photo and video sharing services, namely, electronic transmission of digital photos, video and audio-visual files among internet users; providing access to computer, electronic and online databases; providing online forums for communication, namely, transmission on topics of general interest; providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; broadcasting services over computer or other communication networks, namely, uploading, posting, displaying, tagging, and electronically transmitting data, information, messages, graphics, videos, and images		

U.S. Registration No.	5019151	Application Date	08/14/2015
Registration Date	08/09/2016	Foreign Priority Date	NONE
Word Mark	INSTAGRAM		
Design Mark			
Description of	The mark consists of the word "INSTAGRAM" written in script writing.		

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