

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. 88837743

MARK: XO INTERGALACTIC

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APPLICANT: Wonderful Wonderful, Inc.

RESPONSE TO OFFICE ACTION
DATED JUNE 9, 2020

Applicant Wonderful Wonderful, Inc. ("Applicant") files this response ("Response") to the Office Action dated June 9, 2020 ("Office Action").

The Office Action refused registration of the mark XO INTERGALACTIC ("Applicant's Mark") citing a likelihood of confusion with the mark U.S. Registration No. 5264493, XO MARRIAGE CONFERENCE, registered to Marriage Today ("Registrant"). The Office Action additionally cited a prior-filed application, U.S. Serial No. 88427823, but that application was abandoned on June 15, 2020 and therefore should no longer present any obstacle to approval of Applicant's Mark. For the reasons set forth in this response, Applicant requests that the Examiner withdraw the refusal and approve application Serial No. 88837743.

Applicant filed under Section 1(b) for the mark XO INTERGALACTIC on March 17, 2020 in two classes: in IC 9 for "downloadable mobile applications for dating services and social networking; downloadable software in the nature of a mobile application for dating services and social networking" and in IC 45 for "computer dating services; dating services; dating services provided via mobile application; internet-based dating, social introduction and social networking services." (The Office Action requests the addition of the word "internet-based" as a modifier of "dating services" in IC 9, which Applicant accepts, as addressed below in this Response.) Registrant's mark XO MARRIAGE CONFERENCE ("Registrant's Mark") is in two international classes, but the Office Action found only the registration in IC 45 for "On-line social networking services; Christian ministry services; Marriage counseling" as a bar to Applicant's Mark because the first term of Applicant's and Registrant's marks is "XO" and both use the term "social networking services" in their identification of services.

As detailed in this Response, registration of the Applicant's Mark would not cause consumer confusion. When viewed in their entirety, Applicant's and Registrant's marks convey different commercial impressions. While both Applicant's and Registrant's marks include the two-letter term XO, this term is a minor component of both marks. Registrant's Mark also includes the more dominant, and somewhat descriptive, phrase MARRIAGE CONFERENCE, while Applicant's Mark includes the more dominant, and arbitrary, term INTERGALACTIC. As a result, the Office Action erred in concluding that because the initial phrase in the marks is the same that they must as a matter of law be confusingly similar. A full *DuPont*

analysis reveals that there is no likelihood of confusion between Applicant's Mark and Registrant's Mark, and Applicant's mark should be approved.

Section 2(d) Refusal—Likelihood of Confusion

Comparison of the Marks

The Office Action erroneously finds that Applicant's Mark and Registrant's Mark are similar in their entireties in appearance, sound, and meaning. In reality, XO INTERGALACTIC and XO MARRIAGE CONFERENCE are dissimilar in their entireties in sound, appearance, and meaning. While the Office Action correctly states the general rule that marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression, in fact the Office Action completely ignores the dominant terms INTERGALACTIC and MARRIAGE CONFERENCE and the entireties of the marks. It focuses instead solely on the common initial term XO to justify a conclusion that, when the first word or phrase of marks is the same, the first word is the "dominant portion" of the marks and bars registration of a later-filed application.

The Office Action relies upon *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369 (Fed. Cir. 2005), and *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874 (Fed. Cir. 1992). This reliance is misplaced. In *Palm Bay*, the court found the marks in question were famous and the first word of the marks was VEUVE, an arbitrary term applied to champagne and sparkling wine. Importantly, the Office Action ignores the court's finding that, if the initial term instead is non-distinctive, then it would be proper to find no likelihood of confusion, citing for example *Kellogg Co. v. Pack 'em Enters.*, 951 F.2d 330 (Fed. Cir. 1991) (FROOTEE ICE for flavored ice bars not likely to cause confusion with FROOT LOOPS for breakfast cereal). As in *Palm Bay*, the *Century 21* court found that the registrant's mark was famous, which weighed heavily toward finding a likelihood of confusion. The court also found that the applicant's mark CENTURY LIFE OF AMERICA was frequently shortened by applicant to CENTURY, making it nearly identical to CENTURY 21. By contrast, the instant case does not deal with famous marks, and the term XO has a common non-distinctive meaning. According to dictionary.com, XO commonly refers to "hugs and kisses." See Exhibit A (<https://www.dictionary.com/browse/xo?s=t>). Furthermore, neither Applicant nor Registrant uses only the first term XO, but instead both Applicant and Registrant include in their marks additional dominant words, i.e., INTERGALACTIC and MARRIAGE CONFERENCE. Moreover, Applicant's additional word is arbitrary as INTERGALACTIC has no inherent connection to a dating service, thereby heightening the distinctiveness of its mark XO INTERGALACTIC.

The Office Action cites *In re i.am. symbolic, llc*, 866 F.3d 1315 (Fed. Cir. 2017) for the proposition that the key factors in a likelihood of confusion analysis are the similarities of the marks and the relatedness of the services. While these two factors are important, the facts in the instant case are distinguished from the facts in *i.am. symbolic*. In the *Symbolic* case, the applicant filed its mark I AM for registration in three classes. In each class, there already was a registered mark for I AM in stylized lettering for identical goods. The applicant attempted to avoid this conflict by amending its applications to add the words "associated with William Adams, professionally known as will.i.am" to the identification of goods. Both the TTAB and the appellate court found this limitation was inadequate to distinguish the virtually identical marks and their goods. The *Symbolic* court noted the question of likelihood of confusion is a question of law based on the underlying findings of facts by using the relevant factors in *Application of E. I. DuPont DeNemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973) ("DuPont"). Because the marks in *Symbolic* were virtually identical, as were their goods, there was a likelihood of confusion. The opposite is true in the instant case. While the services associated with Applicant's and Registrant's marks have some overlap,

the marks themselves share just the short term XO. When the marks are considered in their entireties, XO INTERGALACTIC and XO MARRIAGE CONFERENCE, the marks are readily distinguishable. Therefore, when the relevant *DuPont* factors are applied as discussed below, there is no likelihood of confusion and Applicant's Mark should be approved.

It is appropriate for the U.S. Patent and Trademark Office ("Office") to consider other third-party marks approved by the Office, as the court did in *Pacquin-Lester Co. v. Charmaceuticals*, 484 F.2d 1384 (C.C.P.A. 1973). Applicant offers as relevant third-party marks the following four marks that are comprised of the word XO in connection with another word and that relate to goods in IC 45. The Office found no likelihood of confusion between Registrant's Mark XO MARRIAGE CONFERENCE for "On-line social networking services; Christian ministry services; Marriage counseling" in IC 45 and these four marks:

- XO PARTY (Ser. No. 88427823) for "Dating services; Internet-based dating, social introduction and social networking services; Online social networking services accessible by means of downloadable mobile applications" – This mark received a Notice of Allocation but has since been abandoned.
- BLOOMXO (Ser. No. 88372175) for "Online social networking services" – This mark received a Notice of Allowance
- XO MOREAU (Ser. No. 88784533) for "Wedding planning, coordination and consultation regarding wedding ceremonies" – This mark was published for opposition on June 16, 2020.
- XO GROUP (Reg. No. 5656127) for "PROVIDING ONLINE INFORMATION IN THE FIELDS OF WEDDING FASHION, WEDDING ETIQUETTE, WEDDING CEREMONIES; PROVIDING ADVICE IN THE FIELD OF PLANNING WEDDING CEREMONIES VIA A GLOBAL COMPUTER NETWORK; FASHION CONSULTING SERVICES VIA A GLOBAL COMPUTER NETWORK; PROVIDING ADVICE IN THE FIELD OF PERSONAL RELATIONSHIPS VIA A GLOBAL COMPUTER NETWORK; PROVIDING ONLINE INFORMATION IN REGARD TO RENTAL OF BANQUET AND SOCIAL FUNCTION FACILITIES FOR WEDDING CEREMONIES"

See Exhibit B. As with these four marks, Applicant's mark XO INTERGALACTIC is comprised of the two-letter term XO in connection with another distinguishing word, INTERGALACTIC, that is not descriptive of the services, i.e., "computer dating services; dating services; dating services provided via mobile application; internet-based dating, social introduction and social networking services." Similarly, XO INTERGALACTIC does not create a likelihood of confusion with Registrant's Mark when the marks are considered in their entireties.

Comparison of the Goods/Services

The initial Office Action asserts that Applicant's and Registrant's services are similar, commercially related, and travel in the same trade channels, citing *On-line Careline Inc. v. Am. Online Inc.*, 229 F.3d 1080 (Fed. Cir. 2000); *Recot, Inc. v. Becton*, 214 F.3d 1322 (Fed. Cir. 2000); and *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356 (Fed. Cir. 2012). While Applicant's and Registrant's marks share one two-letter term, their overall commercial impressions are readily distinguishable, the services have significant differences, and users are not likely to be confused.

On-Line Careline involved On-line Careline's application for the mark ON-LINE TODAY and its petition to cancel America Online's registration of the virtually identical mark ONLINE TODAY. On-line Careline and America Online both used their marks in connection with providing internet access. The case noted that a decision on whether a likelihood of confusion exists must be based on underlying factual determinations. While the court agreed that the services were related there, it found this factor important

because of “the strong similarity of the two marks.” *On-line Careline*, 229 F.3d at 1086. The facts there are significantly different from the facts here, where Applicant’s and Registrant’s marks share just one two-letter term, otherwise include dominant terms (including Applicant’s arbitrary term INTERGALACTIC), and have overall commercial impressions that are readily distinguished.

Recot involved a famous mark. In *Recot*, the TTAB dismissed the registrant’s opposition to the applicant’s mark. In reversing, the court found the TTAB failed to consider the fact that *Recot*’s mark, FRITO-LAY, was famous. As a result of being a famous mark, it enjoyed “a wide latitude of legal protection,” *Recot*, 214 F.3d at 1327, including products that do not fall under the goods and services listed in the registration. In remanding, the court further instructed the TTAB to consider the overall appearance of the marks, which it had failed to do. In contrast, the instant case does not involve a famous mark and the relevant marks, XO INTERGALACTIC and XO MARRIAGE CONFERENCE, have overall commercial impressions with are readily distinguished.

In *Coach*, the court affirmed the TTAB finding that the parties’ goods were not related and, even though the word marks at issue were identical and opposer’s registered mark was famous, there was no likelihood of confusion. *Coach*, 668 F.3d at 1369. Here, Registrant’s mark is not famous and the marks are not identical.

The Office Action erroneously finds that because the registration for Registered Mark uses the term “online social network services,” any similar mark also claiming to use online social network services must be rejected, citing *In re Solid State Design Inc.*, 125 USPQ2d 149 (TTAB 2018) and *Sw. Mgmt., Inc. v. Ocinomled, Ltd.*, 115 USPQ2d 1007 (TTAB 2015). IC 45 provides for a general description of services for online social network services. Registrant limits this by adding “Christian ministry services; Marriage counseling.” This interpretation is consistent with the sole specimen filed by Registrant, which consists of promotion for the XO Marriage Conference 2017. See Exhibit C (<http://tsdr.uspto.gov/documentviewer?caseId=sn87273481&docId=SPE20161222081923#docIndex=12&page=1>). Registrant’s enhanced identification of services distinguishes the instant case from *Solid State Design* where there was no limiting language. *Sw. Mgmt.* also is distinguishable from the instant case. In *Sw. Mgmt.*, the applicant included a broad description of services. Here, Applicant’s identification of services in IC 45 is for “computer dating services; dating services; dating services provided via mobile application; internet-based dating, social introduction and social networking services.” In other words, the scope of social networking is related to internet-based dating. In *Inter IKEA Sys. B.V. v Akea, LLC*, 110 USPQ2d 1734 (TTAB 2014), cited by the Office Action, the TTAB found the fact that applicant could conceivably sell its products in stores and over the internet “does not prove that opposer’s goods and services and applicant’s goods and services move through the same channels of trade and are sold to the same classes of consumers.” *Id.* at 10. In *IKEA*, the TTAB rejected *IKEA*’s theory that “any goods or services sold through retail stores, catalogs or over the Internet move through the same channels of trade and, therefore, for all intents and purposes, all goods and services potentially move through the same channels of trade.” *Id.* Instead, the *IKEA* court cited *Parfums de Coeur Ltd. v. Lazarus*, 83 USPQ2d 1012, 1021 (TTAB 2007), holding that “the mere fact that goods and services may both be advertised and offered through the Internet is not a sufficient basis to find that they are sold through the same channels of trade.”

The Office Action further cites *Baseball Am. Inc. v. Powerplay Sports, Ltd.*, 71 USPQ2d 1844, 1847 n.9 (TTAB 2004). However, note 9 concerns what is required for proving trademark use, not whether an identification is so broad as to encompass all uses.

The Office Action argues that *In re Viterra Inc.*, 671 F.3d 1358 (Fed. Cir. 2012) and *Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261 (Fed. Cir. 2002) stand for the proposition that, where there are no restrictions as to the channels of trade, marks are assumed to travel to the same purchasers. However, that conclusion as related to *Viterra* is based on the fact that Viterra conceded that the goods at issue there were identical. In this case, the services contain important differences and are aimed at different classes of customers. Furthermore, the marks in *Viterra*, XCEED and X-Seed, were identical in sound, whereas XO INTERGALACTIC and XO MARRIAGE CONFERENCE are not identical. In *Hewlett-Packard*, the registrant owned multiple similar registered marks for a wide variety of goods and services that encompassed applicant's services. In the instant case, however, Registrant has just one mark, which is readily distinguishable in overall commercial impression from Applicant's mark, and Registrant and Applicant have important differences in their services. As stated above and explained more fully in the *DuPont* analysis below, Registrant's Mark's services are related to a Christian marriage conference, whereas Applicant's Mark's services are associated with internet-based dating services.

The Office Action states that *In re Davey Prods. Pty*, 92 USPQ2d 1198 (TTAB 29), and *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266 (TTAB 29), require a finding that Applicant's and Registrant's marks are related for likelihood of confusion purposes. This is an incorrect interpretation of the cases. In both *Davey Prods.* and *Toshiba Med.*, the TTAB conducted a review using the *DuPont* factors. In *Davey Prods.*, the TTAB found the fact that the marks were identical (DAVEY) required a lesser degree of relatedness between applicant's and registrant's marks and noted that "[o]ur likelihood of confusion determination under Section 2(d) is based on an analysis of all of the facts in evidence that are relevant to the factors bearing on the likelihood of confusion issue (the *DuPont* factors)." Similarly, in *Toshiba Med.*, which concerned medical diagnostic equipment (MSI and ultrasound) that "can be used together," the TTAB said, "In a case involving a refusal under Section 2(d), we analyze the facts as they relate to the relevant factors set out in [*DuPont*]." The Office Action here did not conduct a *DuPont* analysis. An appropriate *DuPont* analysis—as provided below—would allow registration of Applicant's Mark.

Analysis of the Relevant DuPont Factors

The *DuPont* case includes 13 factors to review in determining whether a mark may be confusingly similar to another. "Not all of the DuPont factors are relevant to every case, and only factors of significance to the particular mark need be considered." *In re Mighty Leaf Tea*, 601 F.3d 1342, 1346 (Fed. Cir. 2010). We review here the most relevant factors:

1. *The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation, and commercial impression.*

Applicant's Mark and Registrant's Mark are not similar. Marks must be considered "in their entireties," and "likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark." *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985). While the first two-letter term, XO, is the same in both Applicant's Mark and Registrant's Mark, the marks in their entireties are different. The use of one, non-dominant two-letter term in the marks does not bar registration because the marks here have overall commercial impressions that are different. The second term in Applicant's Mark, XO INTERGALACTIC, is both dominant and arbitrary. INTERGALACTIC has nothing to do with online dating. In addition, INTERGALACTIC has nothing in common with MARRIAGE CONFERENCE, which comprises the vast majority and is the dominant portion of Registrant's Mark, XO MARRIAGE CONFERENCE. The two marks have overall commercial impressions that are extremely different.

2. *The similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.*

The nature of the services offered by Applicant and Registrant contain important differences. Even when identical marks are at issue, they may both be registered if their respective goods are used by different people in different environments such that there would not be a likelihood of confusion as to their sources. *Chase Brass & Copper Co., Inc. v. Special Springs, Inc.*, 199 USPQ 243 (TTAB 1987) (finding no likelihood of confusion where applicant and opposer had identical BLUE DOT marks on goods sold to different players in the automotive industry). As noted above, Applicant's Mark is used in connection with an online dating service. In contrast, Registrant's Mark is used for promoting a Christian marriage conference and related educational services. Registrant's identification of services in IC 45, the class cited in the Office Action, is for "On-line social networking services; Christian ministry services; Marriage counseling." Registrant's Mark also includes services in IC 41, which are identified as "Educational services, namely, conducting conferences, classes, seminars and workshops in the field of marriage, family and marriage relationships, conflict resolution, spirituality and Christian family values and distribution of educational materials in connection therewith; Providing a website featuring blogs and non-downloadable publications in the nature of articles, newsletters, brochures and study guides in the field(s) of marriage, family and marriage relationships, conflict resolution, spirituality and Christian family values." See Exhibit D. The sole specimen of use provided for both classes is comprised of promotion for the XO Marriage Conference 2017. See Exhibit C (<http://tsdr.uspto.gov/documentviewer?caselid=sn87273481&docId=SPE20161222081923#docIndex=12&page=1>). Applicant's services, in contrast, are for "computer dating services; dating services; dating services provided via mobile application; internet-based dating services; internet-based dating, social introduction and social networking services" in IC 45 and a related downloadable mobile application. People looking for a Christian marriage conference under the mark XO MARRIAGE CONFERENCE would not be confused by an online dating service under the mark XO INTERGALACTIC. Similar to the situation in *Chase Brass & Copper*, the different services here are used by different persons and for different purposes, which makes it unlikely there would be any confusion as to their source. Therefore, while Applicant's Mark shares the non-dominant, two-letter XO term with Registrant's Mark, the dissimilarity of the services and their uses weighs in favor of registration of Applicant's Mark.

3. *The similarity or dissimilarity of established, likely-to-continue trade channels.*

Services in connection with Applicant's Mark and Registrant's Mark are rendered in different trade channels. As the court found in *Parfums de Couer Ltd. v. Lazarus*, 83 USPQ2d 1012, 1021 (TTAB 2007), "the mere fact that goods and services may both be advertised and offered through the Internet is not a sufficient basis to find that they are sold through the same channels of trade." Even though both Applicant and Registrant may promote their services via the internet, the services themselves are still provided through different trade channels. The sole specimen of use provided by Registrant shows that its services are provided in connection with Christian marriage conferences. See Exhibit C. On the other hand, Applicant's Mark is for dating services provided via computer and mobile application. People looking to participate in a Christian marriage conference under the mark XO MARRIAGE CONFERENCE would not be confused by or accidentally participate in an online dating service under the mark XO INTERGALACTIC. As noted by the *Parfums* court, the fact that both types of services might be advertised over the internet does not change the fact that the trade channels are different, and this factor weighs in favor of registration of Applicant's Mark.

4. *The conditions under which and buyers to whom sales are made, that is, “impulse” versus careful, sophisticated purchasing.*

The buyers of Applicant’s and Registrant’s services are not impulse buyers. A person seeking an online dating service would take time to research the service. Likewise, a couple seeking marriage counseling and networking at an in-person Christian marriage conference would take time to research and ensure the source of the services is consistent with the couple’s Christian family values before booking the conference. Because these activities are initiated and undertaken only with great care, this factor weighs in favor of registration of Applicant’s Mark.

5. *The nature and extent of any actual confusion.*

There is no evidence of actual confusion.

6. *The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.*

Not applicable.

7. *The extent of potential confusion, that is, whether de minimis or substantial.*

Applicant’s and Registrant’s services contain significant differences. They are targeted at different clients. It is highly unlikely that a person seeking to register for a Christian marriage conference would instead sign up for an online dating service. Conversely, it is unlikely that a person seeking an online dating service would register for a Christian marriage conference. Furthermore, the significant difference in the overall commercial impression of the two marks, XO INTERGALACTIC and XO MARRIAGE CONFERENCE, obviates any potential confusion.

8. *Any other established fact probative of the effect of use.*

Because the marks are for different services provided to separate and distinct consumers by marks whose overall commercial impressions are highly distinguishable, it is unlikely that any confusion will occur. A person seeking Registrant’s Christian-based marriage counseling conference would not be confused by Applicant’s online dating services.

Prior-Filed Application

The Office Action references a potential conflict with a prior-filed application, Serial No. 88427823. That application was abandoned on June 15, 2020 and does not present any obstacle to registration of Applicant’s Mark.

Identification of Goods and Services Requirement

The Office Action requests additional definition to the identification of services in IC 9. Applicant accepts Examiner’s recommendation to add the adjectival phrase “internet-based” to that identification as shown in bold below and included in the Response form:

IC 9: downloadable mobile applications for **internet-based** dating and social networking; downloadable software in the nature of a mobile application for **internet-based** dating and social networking services

Conclusion

Having appropriately and fully addressed the concerns raised in the June 9, 2020 Office Action, Applicant Wonderful Wonderful, Inc. respectfully requests its application Serial No. 88837743 for the mark XO INTERGALACTIC be approved for publication on the Principal Register.

Respectfully submitted,

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DEFINITIONS ▾

XO



MEANINGS

WORD GAMES

LEARN

WRITING

WORD OF THE DAY

TOP DEFINITIONS

QUIZZES

EXAMPLES

EXPLORE DICTIONARY

BRITISH

XO¹ or XOXO

1 hugs and kisses.

QUIZZES

IS YOUR VOCABULARY AS STRONG AS A HIGH SCHOOL STUDENT? TRY THIS QUIZ TO SEE!

It may seem like fun and games but this quiz that uses vocab from popular stories will determine how much you know.

QUESTION 1 OF 10

disgruntle

to deprive of ability, qualification, or strength

to put into a state of sulky dissatisfaction

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DEFINITIONS ▾ | XO



MEANINGS WORD GAMES LEARN WRITING WORD OF THE DAY

TAKE THE QUIZ TO FIND OUT

ORIGIN OF XO¹

from X, symbol for a kiss; O, symbol for a hug

WORDS NEARBY XO

X marks the spot, Xmas, XML, Xn., Xnty., **XO**, xoanon, Xochimilco, xocolatophobia, Xolair, XOR

DEFINITION FOR XO (2 OF 2)

XO²

1 executive office; executive officer.

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EXAMPLE SENTENCES FROM THE WEB FOR XO

By the time it concluded with a sing-a-long of "XO," Beyoncé had done the rare thing.

BOW DOWN, BITCHES: HOW BEYONCÉ TURNED AN ELEVATOR BRAWL INTO A PERFECT YEAR | KEVIN FALLON | DECEMBER 31,

<https://www.dictionary.com/browse/xo?s=t>



DEFINITIONS ▾ | XO



MEANINGS WORD GAMES LEARN WRITING WORD OF THE DAY

Parties spilled onto streets, with all-night bands, nothing on tap but XO cognac and champagne.
A CITY REJUVENATES | WOLE SOYINKA | MARCH 14, 2011 | DAILY BEAST

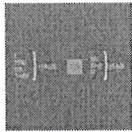
The idea with the XO machine was that many kids using those laptops would be out in rural areas without reliable Internet access.

HACKERS' EGYPT RESCUE: GET PROTESTERS BACK ONLINE | DAN LYONS | FEBRUARY 1, 2011 | DAILY BEAST

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What Do "a.m." And "p.m." Stand For?



All Of These Words Are Offensive (But Only Sometimes)



What's The Difference Between "i.e." vs. "e.g."?



What Is The Difference Between "It's" And "Its"?



What's The Difference Between "Mistrust" vs. "Distrust"?

BRITISH DICTIONARY DEFINITIONS FOR XO

XO / US /

abbreviation for

- 1 executive officer



DEFINITIONS ▾ | XO



MEANINGS WORD GAMES LEARN WRITING WORD OF THE DAY

WORD OF THE DAY

faux pas

noun | [foh pah] 🔊

SEE DEFINITION

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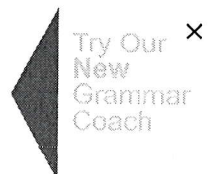
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DEFINITIONS ▾

XO



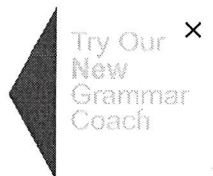
MEANINGS

WORD GAMES

LEARN

· WRITING

WORD OF THE DAY





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xo party

Word Mark XO PARTY

Goods and Services (ABANDONED) IC 009. US 021 023 026 036 038. G & S: Downloadable software in the nature of a mobile application for internet-based dating, matchmaking, social networking and group messaging; Downloadable software in the nature of a mobile application for social media and social networking in real time based on interests, trivia and other matchmaking information

(ABANDONED) IC 045. US 100 101. G & S: Dating services; Internet-based dating, social introduction and social networking services; Online social networking services accessible by means of downloadable mobile applications

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 88427823

Filing Date May 13, 2019

Current Basis 1B

Original Filing Basis 1B

Published for Opposition September 17, 2019

Owner (APPLICANT) Black Creative LLC LIMITED LIABILITY COMPANY DELAWARE 10658 Maue Dr Orland Park ILLINOIS 60467

Attorney of Record Almuhtada Smith

Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator DEAD

Abandonment June 15, 2020
Date

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bloomxo

Word Mark	BLOOMXO
Goods and Services	IC 045. US 100 101. G & S: Online social networking services
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	88372175
Filing Date	April 4, 2019
Current Basis	1B
Original Filing Basis	1B
Published for Opposition	July 23, 2019
Owner	(APPLICANT) Shampoo Movement LLC LIMITED LIABILITY COMPANY CALIFORNIA 905 stewarton way 905 Stewarton Way glendale CALIFORNIA 91207
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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XO MOREAU

Word Mark XO MOREAU

Goods and Services IC 041. US 100 101 107. G & S: Wedding reception planning, coordination and consultation services; special event planning, coordination and consultation services for social entertainment purposes; event planning services, namely, designing, organizing, and conducting special events for social entertainment for celebration, entertainment, and commemorating purposes. FIRST USE: 20180131. FIRST USE IN COMMERCE: 20180131

IC 045. US 100 101. G & S: Wedding planning, coordination and consultation regarding wedding ceremonies. FIRST USE: 20180131. FIRST USE IN COMMERCE: 20180131

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 88784533

Filing Date February 4, 2020

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 16, 2020

Owner (APPLICANT) XO Moreau Weddings & Events LLC LIMITED LIABILITY COMPANY TEXAS 3322 Addison Street Killeen TEXAS 76542

Attorney of Record Wei Wei Jeang

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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XO GROUP

Word Mark XO GROUP**Goods and Services** IC 021. US 002 013 023 029 030 033 040 050. G & S: HOUSEWARES AND GLASS, NAMELY, MUGS AND DRINKING GLASSES; ORNAMENTAL DISHES FOR DISPLAY. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 035. US 100 101 102. G & S: ONLINE RETAIL STORE SERVICES FEATURING WEDDING MERCHANDISE, HOME GOODS AND HOUSEWARES, CLOTHING, SHOES AND ACCESSORIES, OFFICE PRODUCTS AND PRODUCTS USED IN CHILDCARE, CHILDBIRTH AND PREGNANCY; PROVIDING AN ONLINE BUSINESS DIRECTORY FEATURING BUSINESSES THAT PROVIDE GOODS AND SERVICES IN THE FIELDS OF PREGNANCY AND NEWBORN/INFANT PARENTING, PREGNANT WOMEN, PRE MATERNITY AND POST MATERNITY; ADVERTISING THE GOODS AND SERVICES OF OTHERS IN THE FIELD OF PREGNANCY AND NEWBORN/INFANT PARENTING, AND BABY PRODUCTS, ALL PROVIDED VIA A GLOBAL COMPUTER NETWORK AND MOBILE DEVICES; PROVIDING CONSUMER INFORMATION IN THE FIELD OF PREGNANCY AND NEWBORN/INFANT PARENTING; PROVIDING INFORMATION VIA ON-LINE AND MOBILE DEVICES REGARDING DISCOUNTS, COUPONS, AND INCENTIVES TO PURCHASE PRODUCTS AND SERVICES OF OTHERS; PROVIDING CONSUMER PRODUCT AND VENDOR INFORMATION AND EXPERT ADVICE IN THE FIELDS OF BABY AND INFANT PRODUCTS FOR PARENTS AND EXPECTANT PARENTS AND FOR PARENTS OF NEWBORNS AND INFANTS VIA ONLINE AND MOBILE DEVICES; COMPUTERIZED ONLINE ORDERING SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING WEDDING MERCHANDISE, HOME GOODS AND HOUSEWARES, CLOTHING, SHOES AND ACCESSORIES, OFFICE PRODUCTS AND PRODUCTS USED IN CHILDCARE, CHILDBIRTH AND PREGNANCY; PROVIDING ADVICE IN THE FIELD OF CAREER PLANNING VIA A GLOBAL COMPUTER NETWORK. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 036. US 100 101 102. G & S: PROVIDING ONLINE INFORMATION IN THE FIELD OF WEDDING BUDGETS; PROVIDING FINANCIAL INFORMATION VIA THE INTERNET AND MOBILE DEVICES REGARDING FINANCE AND BUDGETING FOR HOMEMAKING AND FOR NEWLYWEDS AND NEW AND EXPECTANT PARENTS. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 039. US 100 105. G & S: PROVIDING ONLINE INFORMATION IN THE FIELD OF HONEYMOONS IN THE NATURE OF TRAVEL INFORMATION SERVICES AND ARRANGING TRAVEL TOURS; PROVIDING INFORMATION IN THE FIELDS OF TRAVEL AND TRAVEL PLANNING ADVICE FOR NEW OR EXPECTANT PARENTS VIA ONLINE AND MOBILE DEVICES. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 041. US 100 101 107. G & S: PROVIDING ONLINE INFORMATION IN THE FIELD OF WEDDING PLANNING AND WEDDING PARTY PLANNING; PROVIDING INFORMATION AND EXPERT ADVICE IN THE FIELD OF

PHYSICAL FITNESS FOR PREGNANT WOMEN AND NEW PARENTS VIA ONLINE AND MOBILE DEVICES; ELECTRONIC NEWSLETTERS DELIVERED BY EMAIL IN THE FIELD OF PRE-NATAL AND POST-NATAL CARE AND PRE-NATAL AND POST-NATAL DEVELOPMENT VIA ONLINE AND MOBILE DEVICES; ONLINE PUBLICATIONS IN THE NATURE OF RESOURCE GUIDES FOR PREGNANT WOMEN AND EXPECTANT AND NEW PARENTS IN THE FIELD OF PREGNANCY AND NEWBORN/INFANT PARENTING; PROVIDING ADVICE IN THE FIELD OF PLANNING WEDDING RECEPTIONS VIA A GLOBAL COMPUTER NETWORK; PROVIDING ADVICE IN THE FIELD OF FITNESS DURING PREGNANCY VIA A GLOBAL COMPUTER NETWORK. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 042. US 100 101. G & S: PROVIDING ADVICE IN THE FIELD OF HOMEMAKING, NAMELY, IN THE FIELD OF INTERIOR DECORATING VIA A GLOBAL COMPUTER NETWORK; PROVIDING A WEBSITE FEATURING NON-DOWNLOADABLE SOFTWARE FEATURING CHECKLISTS, CALENDARS AND INFORMATION FOR TRACKING PREGNANCY DEVELOPMENT AND INFORMATION, FOR TRACKING CHILD DEVELOPMENT AND GROWTH, FOR PREPARING FOR CHILDBIRTH, FOR TRACKING AND SCHEDULING BABY AND CHILDCARE. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 043. US 100 101. G & S: BOOKING OF WEDDING CATERING SERVICES FOR OTHERS; MAKING RESERVATIONS AND BOOKING OF TEMPORARY LODGING FOR HONEYMOONS AND WEDDINGS; PROVIDING ONLINE INFORMATION IN REGARD TO RENTAL OF BANQUET AND SOCIAL FUNCTIONS FACILITIES FOR WEDDING RECEPTIONS; PROVIDING ADVICE IN THE FIELD OF HOMEMAKING, NAMELY, IN THE FIELD OF RECIPES AND COOKING VIA A GLOBAL COMPUTER NETWORK; PROVIDING ADVICE IN THE FIELD OF CHILD CARE VIA A GLOBAL COMPUTER NETWORK. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 044. US 100 101. G & S: PROVIDING MEDICAL INFORMATION AND EXPERT ADVICE IN THE FIELDS OF PREGNANCY, CHILD-BIRTH, MATERNITY, BABY AND INFANT NUTRITION FOR PREGNANT WOMEN AND EXPECTANT PARENTS, AND NEWBORN/INFANT PARENTS VIA ONLINE AND MOBILE DEVICES; PROVIDING ADVICE IN THE FIELD OF HEALTH, NUTRITION AND LIFESTYLE WELLNESS DURING PREGNANCY VIA A GLOBAL COMPUTER NETWORK; PROVIDING ADVICE IN THE FIELD OF CHILDBIRTH. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

IC 045. US 100 101. G & S: PROVIDING ONLINE INFORMATION IN THE FIELDS OF WEDDING FASHION, WEDDING ETIQUETTE, WEDDING CEREMONIES; PROVIDING ADVICE IN THE FIELD OF PLANNING WEDDING CEREMONIES VIA A GLOBAL COMPUTER NETWORK; FASHION CONSULTING SERVICES VIA A GLOBAL COMPUTER NETWORK; PROVIDING ADVICE IN THE FIELD OF PERSONAL RELATIONSHIPS VIA A GLOBAL COMPUTER NETWORK; PROVIDING ONLINE INFORMATION IN REGARD TO RENTAL OF BANQUET AND SOCIAL FUNCTION FACILITIES FOR WEDDING CEREMONIES. FIRST USE: 20110600. FIRST USE IN COMMERCE: 20110600

**Standard
Characters
Claimed**

**Mark
Drawing
Code** (4) STANDARD CHARACTER MARK

**Serial
Number** 86947750

Filing Date March 21, 2016

**Current
Basis** 1A

**Original
Filing Basis** 1B

**Published
for** September 27, 2016

Opposition

**Registration
Number** 5656127

**Registration
Date** January 15, 2019

Owner (REGISTRANT) XO Group Inc. CORPORATION DELAWARE 195 Broadway, 25th Floor New York NEW YORK 10007

**Assignment
Recorded** ASSIGNMENT RECORDED

Attorney of Record Karol A. Kepchar

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Type of Mark TRADEMARK. SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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XO Marriage Conference

Word Mark **XO MARRIAGE CONFERENCE**

Goods and Services IC 041. US 100 101 107. G & S: Educational services, namely, conducting conferences, classes, seminars and workshops in the field of marriage, family and marriage relationships, conflict resolution, spirituality and Christian family values and distribution of educational materials in connection therewith; Providing a website featuring blogs and non-downloadable publications in the nature of articles, newsletters, brochures and study guides in the field(s) of marriage, family and marriage relationships, conflict resolution, spirituality and Christian family values. FIRST USE: 20140801. FIRST USE IN COMMERCE: 20140801

IC 045. US 100 101. G & S: On-line social networking services; Christian ministry services; Marriage counseling. FIRST USE: 20140801. FIRST USE IN COMMERCE: 20140801

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87273481

Filing Date December 19, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 30, 2017

Registration Number 5264493

Registration Date August 15, 2017

Owner (REGISTRANT) Marriage Today CORPORATION TEXAS Suite 213 115 Grand Avenue Southlake TEXAS 76092

Attorney of Steven Goodspeed

Record

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Type of Mark SERVICE MARK

Register PRINCIPAL

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