

ESTTA Tracking number: **ESTTA873910**

Filing date: **01/29/2018**

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	Space Exploration Technologies Corp.
Granted to Date of previous extension	01/27/2018
Address	1 Rocket Road Hawthorne, CA 90250 UNITED STATES
Attorney information	Judd Lauter Cooley LLP 1299 Pennsylvania Ave., NW, Suite 700 Washington, DC 20001 UNITED STATES Email: jlauter@cooley.com, bhughes@cooley.com, trademarks@cooley.com

### Applicant Information

Application No	87040508	Publication date	11/28/2017
Opposition Filing Date	01/29/2018	Opposition Period Ends	01/27/2018
Applicant	Hawk House LLC c/o Stubbs Alderton & Markiles, LLP 15260 Ventura Boulevard, 20th Floor Sherman Oaks, CA 91403 UNITED STATES		

### Goods/Services Affected by Opposition

Class 012. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Land vehicles and structural parts therefor;  
Robotic transport vehicles

### Applicant Information

Application No	87040522	Publication date	11/28/2017
Opposition Filing Date	01/29/2018	Opposition Period Ends	
Applicant	Hawk House LLC c/o Stubbs Alderton & Markiles, LLP 15260 Ventura Boulevard, 20th Floor Sherman Oaks, CA 91403 UNITED STATES		


### Goods/Services Affected by Opposition


Class 039. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Transport, delivery and shipping of goods

## Grounds for Opposition

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

U.S. Registration No.	5176643	Application Date	08/02/2013
Registration Date	04/04/2017	Foreign Priority Date	NONE
Word Mark	HYPERLOOP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2017/01/00 First Use In Commerce: 2017/01/00 transportation services, namely, high-speed transportation of goods in tubes		

U.S. Application No.	86617512	Application Date	05/01/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HYPERLOOP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 0 First Use In Commerce: 0 Consulting and advisory services in the field of transportation; Providing a website featuring information in the field of transportation; Providing information in the field of transportation Class 042. First use: First Use: 0 First Use In Commerce: 0 Research, development, engineering and design services in the field of high		

	speed transportation of passengers and goods in tubes; Testing of high speed transportation systems of others to assure theviability of system designs; Consultingand advisory services in the field of transportation engineering and transportation technology
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Attachments	86027442#TMSN.png( bytes ) 86617512#TMSN.png( bytes ) SpaceX -- Notice of Opposition re LOOP.pdf(228724 bytes )
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Signature	/Judd Lauter/
Name	Judd Lauter
Date	01/29/2018

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

In the Matter of Application Serial No. 87/040,508  
For the Trademark LOOP  
Published in the *Official Gazette* on November 28, 2017

In the Matter of Application Serial No. 87/040,522  
For the Trademark LOOP  
Published in the *Official Gazette* on November 28, 2017

SPACE EXPLORATION TECHNOLOGIES	)	
CORP.,	)	
	)	
Opposer,	)	Opposition No.
	)	
v.	)	
	)	
HAWK HOUSE LLC,	)	
	)	
Applicant.	)	
	)	

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**CONSOLIDATED NOTICE OF OPPOSITION**

Opposer Space Exploration Technologies Corp. (“SpaceX”), a Delaware corporation having its principal place of business at 1 Rocket Road, Hawthorne, California 90250, believes that it will be damaged by the registration of the mark LOOP (the “LOOP Mark”) in connection with the goods and services identified in Application Serial Nos. 87/040,508 and 87/040,522 (the “Subject Applications”) filed by Applicant Hawk House LLC (“Applicant”), a Delaware limited liability company with an address of record at c/o Stubbs Alderton & Markiles, LLP, 15260 Ventura Boulevard, 20th Floor, Sherman Oaks, California 91403. As grounds for its opposition, SpaceX alleges as follows.

**SPACEX AND THE HYPERLOOP MARK**

1. Founded in 2002, SpaceX has revolutionized aerospace and terrestrial transportation by designing, manufacturing, and launching advanced rockets and spacecrafts, as

well as developing innovative high-speed terrestrial transportation solutions.

2. In August 2013, Elon Musk, the founder, CEO and lead designer of SpaceX, published his vision for a high-speed public transportation system using low-pressure tubes under the mark HYPERLOOP (the “HYPERLOOP Mark”). That month, SpaceX filed its first U.S. application to register the mark, and then subsequently began using the mark in commerce at least as early as 2017.

3. In addition to owning common law rights in the HYPERLOOP Mark, SpaceX owns the following U.S. trademark filings:

- HYPERLOOP (Reg. No. 5,176,643), registered on April 4, 2017, for “transportation services, namely, high-speed transportation of goods in tubes” in International Class 39; and
- HYPERLOOP (Serial No. 86/617,512), filed on May 1, 2015, for “consulting and advisory services in the field of transportation; providing a website featuring information in the field of transportation; providing information in the field of transportation” in International Class 39, and “research, development, engineering and design services in the field of high speed transportation of passengers and goods in tubes; testing of high speed transportation systems of others to assure the viability of system designs; consulting and advisory services in the field of transportation engineering and transportation technology” in International Class 42.

4. SpaceX has devoted substantial efforts and resources in promoting the services provided under the HYPERLOOP Mark.

5. As a result, the HYPERLOOP Mark has come to embody the valuable reputation and goodwill that SpaceX has earned in the marketplace for its innovative high-speed transportation services and technology.

#### **APPLICANT AND THE SUBJECT APPLICATIONS**

6. Through the Subject Applications, Applicant seeks to register the LOOP Mark in connection with the following goods and services: “land vehicles and structural parts therefor; robotic transport vehicles” in International Class 12; and “transport, delivery and shipping of

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