

ESTTA Tracking number: **ESTTA891755**

Filing date: **04/23/2018**

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	EyeVerify Inc.
Granted to Date of previous extension	04/22/2018
Address	1740 Main Street, Suite 100 Kansas City, MO 64108 UNITED STATES

Attorney information	Kristen McCallion Fish & Richardson P.C. PO BOX 1022 Minneapolis, MN 55440-1022 UNITED STATES Email: tmdoctc@fr.com, mccallion@fr.com, rthomas@fr.com Phone: 212-765-5070
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Applicant Information

Application No	87524754	Publication date	10/24/2017
Opposition Filing Date	04/23/2018	Opposition Period Ends	04/22/2018
Applicant	ANKER TECHNOLOGY CO., LIMITED Rm 1318-19, Hollywood Commercial Center 610 Nathan Road, Mongkok Kowloon HONG KONG		

Goods/Services Affected by Opposition


Class 009. First Use: 0 First Use In Commerce: 0
Opposed goods and services in the class: apparatus for recording, transmission or reproduction of sound; wireless transmitters and receivers

Grounds for Opposition

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

U.S. Application No.	87359730	Application Date	03/06/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ZOLOZ		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Computer software and software applications for biometric user identity verification and authentication; computer software and software applications for user identity verification and authentication; downloadable software in the nature of a mobile application for biometric user identity verification and authentication; downloadable software in the nature of a mobile application for user identity verification and authentication; software development kits (SDK); Apparatus and instruments for the identification or automatic recognition of persons, finger or palm prints, characteristics of the iris, veins or voice, facial or body features or other biometric characteristics; computer software for the identification or automatic recognition of persons, finger or palm prints, characteristics of the iris, veins or voice, facial or body features or other biometric characteristics; systems consisting of apparatus and computer software for checking and identifying biometric data, namely, persons, finger or palm prints, characteristics of the iris, veins or voice, facial or body features; computers and computer software for biometric devices for identifying and authentication of persons; biometric system computer software for identifying and authentication of persons; computer software for detecting persons; computer software for interpreting finger or palm prints, characteristics of the iris, veins or voice, facial or body features or other biometric data for the purposes of identifying individuals; optical, optoelectronic or electroacoustic sensors for taking finger or palm prints, characteristics of the iris, veins or voice, facial or body features or other biometric characteristics; electronic card readers; magnetic coded card readers; smart card readers; biometric computer terminals; biometric electronic payment terminal; biometric electrical terminal blocks; electric locks or devices for controlling access to buildings; data processing equipment for checking finger or palm prints, characteristics of the iris, veins or voice, facial or body features or other biometric characteristics; computer systems consisting of computer and computer software for protecting information or communications in connection with checking finger or palm prints, characteristics of the iris, veins or voice, facial or body features or other biometric characteristics; computer software for processing the signal used for detecting and identifying persons or the biometric characteristics of persons in the field of security and controlling access; apparatus, instruments and computer software for detecting and identifying fraudulent documents; optoelectronic sensors for taking information on stationary and moving vehicles; fixed, portable and on-board data processing equipment for use on land, air or sea vehicles in connection with forensic security and transport applications for medico-legal applications; electronic terminals for the purposes of securing game, lottery or betting applications; optoelectronic sensors for gathering bar code, numbers and date information on game, lottery or betting tickets; electronic readers for checking and identifying digital data; devices, namely, electronic devices and computer software for checking and identifying digital data utilized by optical readers, microphones, gyroscopes, accelerometers and computer processors; apparatus and instruments for the authentication and identification of digital data utilized by optical readers, computer software and computer processors; reader</p>

	<p>computer software, computer terminals and electronic devices which authenticate and identify a machine-readable area on passports, visas, identity cards, driving licenses, health cards, voting cards, resident cards, permits to stay, professional health cards and other personal administrative documents that have an electronic chip that can transmit data for the purpose of verifying an individual's identity; electronic devices and computer software for identification, via a password, of an individual's identity; apparatus and instruments comprised of computer software, computer terminals and electronic readers for processing data, namely, for acquisition, verification, storage, generation of database and transmission of data; computer software for checking and identifying secured digital data by acquisition, processing, verification, storage, generation of database and transmission of data; apparatus and instruments for controlling data relating to a person's identity by acquisition, processing, verification, storage, generation of database and transmission of data; chip cards, namely, blank electronic chip cards and encoded chip cards for developing and loading applications onto user terminals; encoded electronic chip cards for access and communicating with data network users; equipment for processing data, namely, encoded electronic chip card terminals and parts for the aforementioned goods; computer programs and operating systems for chip cards, namely, software used in identification and detection systems for the purposes of identifying individuals, authentication of documents and locating and identifying of vehicles; apparatus for testing chip cards for testing their quality and proper operation; installations for handling chip cards, namely, chip card readers; apparatus for printing, namely, printers for printing identity cards, health cards, voting cards, resident cards, licenses, permits, and passports</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0</p> <p>Printed matter, namely, paper and cardboard for use in the manufacture of identity cards, telephone cards, checks, credit or bank cards, passports, visa documents, driving licenses, health cards, voting cards, resident cards, permits to stay, professional health cards and other personal administrative documents that comprise a machine-readable area; printed cards and personal administrative documents without magnetic coding of paper or cardboard for sale to issuing organizations, that comprise a machine-readable area, namely, identity cards, telephone cards, checks, credit cards, bank cards, passports, visa documents, driving licenses, health cards, voting cards, resident cards, permits to stay, and cards for indicating the credentials of medical professionals</p> <p>Class 038. First use: First Use: 0 First Use In Commerce: 0</p> <p>Telecommunications, namely, providing access to telecommunication networks and providing telecommunications connections to a global computer network; providing electronic telecommunication connections; providing telecommunication connections to the internet or databases; providing information about telecommunication and data communication; telecommunication consultation in the nature of technical consulting in the field of audio, text and visual data transmission and communication; consulting in the field of telecommunication services, namely, transmission of voice, data, and documents via telecommunications networks</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0</p> <p>Software as a service featuring software for biometric user identity verification and authentication; software as a service featuring software for user identity verification and authentication; services and advice in the field of controlling persons' access, namely, providing a secured-access, members only website featuring technology that gives members the ability to enter into a protected online area in order to conduct financial services activities or facilitate e-commerce transactions; design, research and development of computer programs and computer software for interpreting finger or palm prints, characteristics of the iris, veins, voice, facial and body features or other biometric characteristics in the fields of access control or authentication of persons; research, design and development of on-line computer software systems to check previous histories of per-</p>
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	<p>sons' past history and background; research, design and development of electronic data security systems to check previous histories of persons' past history and background; design, research and development of computer programs and computersoftware for electronic identification;automation services for computers, namely, data automation and collection service using proprietary software to evaluate, analyze and collect service data; conversion of data from physical to electronic media; design, installation, maintenance and updating of computer software for data processing; cryptography services; encoding of identity documents; advice, information and consultation in connection with the aforementioned services, namely, computer security consultancy, computer consultation in the field of computer security, information technology consultation, advice relating to the design of computer hardware and technical advice relating to operation of computers;electronic databases in the field of biometric electronic access data, biometric identification, identity verification and authentication</p> <p>Class 045. First use: First Use: 0 First Use In Commerce: 0</p> <p>Identification verification services, namely, providing authentication of personal identification information; personalbackground investigation services usingalpha-numeric and biometric data; consulting services, namely, consultation in the fields of product and document authentication and tracking, and brand monitoring and protection, to protect against counterfeiting, tampering, and diversion,and to ensure the integrity of genuine products and documents; identification verification services, namely, providing authentication of personal identification information via secure storage and transmitting such information via the Internet; personalization services for documents, namely, providing authentication ofpersonal identification information; providing user authentication services in e-commerce transactions</p>
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Related Proceedings	TTAB Opposition No. 91239408
Attachments	87359730#TMSN.png(bytes) Notice of Opposition ZOLO Logo.pdf(132212 bytes)
Signature	/Kristen McCallion/
Name	Kristen McCallion
Date	04/23/2018

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

In the matter of Application Serial No. 87/524,754
For the Mark ZOLO (& Design)
Published in the Official Gazette on October 24, 2017

EYEVERIFY INC.,

Opposer,

v.

ANKER TECHNOLOGY CO., LIMITED,

Applicant.

Opposition No.

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

EyeVerify Inc., a corporation duly organized and existing under the laws of the State of Delaware and having an address at 1740 Main Street, Suite 100, Kansas City, Missouri 64108, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer develops products and services in the field of biometric security, identification and authentication.
2. On March 6, 2017, Opposer filed, on an Intent-to-Use basis, Application Serial No. 87/359,730 for the mark ZOLOZ for use in connection with:

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