

ESTTA Tracking number: **ESTTA1069424**

Filing date: **07/20/2020**

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	Beats Electronics, LLC
Granted to Date of previous extension	07/19/2020
Address	8600 HAYDEN PLACE CULVER CITY, CA 90232 UNITED STATES
Attorney information	MICHAEL G. KELBER NEAL, GERBER & EISENBERG LLP TWO NORTH LASALLE STREET SUITE 1700 CHICAGO, IL 60602 UNITED STATES Primary Email: trademarks@nge.com Secondary Email(s): mkelber@nge.com, afraker@nge.com, marden@nge.com, docketmail@nge.com 312-269-8000
Docket Number	022552.3738

**Applicant Information**

Application No.	88410084	Publication date	01/21/2020
Opposition Filing Date	07/20/2020	Opposition Period Ends	07/19/2020
International Registration No.	NONE	International Registration Date	NONE
Applicant	Microsoft Corporation ONE MICROSOFT WAY REDMOND, WA 980526399 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers in the nature of recording discs; calculating machines; satellites for scientific purposes; computers; computer hardware, robots, peripheral devices and downloadable computer software for collecting, processing, monitoring, analyzing, transmitting, storing and managing data relating to agriculture and farming and for making predictions about farming trends, yields, diseases, pests, and other threats to agricultural production; electronic devices, namely, mobile phones, cameras, aerial machines in the nature of meteorological</p>
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balloons, weather balloons and helium balloons, and sensors for collecting, processing, monitoring, analyzing, transmitting, storing and managing data relating to agriculture and farming; robots, computer hardware and downloadable software for connecting, operating and managing farms and agricultural projects using technologies that include the Internet of Things(IoT), blockchain, Software as a Service (SaaS), Platforms as a Service (PaaS) and artificial intelligence; wireless communication devices for voice, data, or image transmission; sensors and detectors for analyzing water, nutrients, crops,disease, farming methods and productionthreats relating to agriculture and farming; aerial and ground based plant-imaging machines for agricultural use, namely, cameras and imaging sensors; solar panels for the production of electricity; solar batteries

## Applicant Information

Application No.	88411078	Publication date	01/21/2020
Opposition Filing Date	07/20/2020	Opposition Period Ends	
International Registration No.	NONE	International Registration Date	NONE
Applicant	Microsoft Corporation ONE MICROSOFT WAY REDMOND, WA 980526399 UNITED STATES		

## Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity;apparatus for recording, transmission or reproduction of sound or images; blankmagnetic data carriers in the nature of recording discs; calculating machines; satellites for scientific purposes; computers; computer hardware, robots, peripheral devices and downloadable computer software for collecting, processing, monitoring, analyzing, transmitting, storingand managing data relating to agriculture and farming and for making predictions about farming trends, yields, diseases, pests, and other threats to agricultural production; electronic devices, namely, mobile phones, cameras, aerial machines in the nature of meteorological balloons, weather balloons and helium balloons, and sensors for collecting, processing, monitoring, analyzing, transmitting, storing and managing data relating to agriculture and farming; robots, computer hardware and downloadable software for connecting, operating and managing farms and agricultural projects using technologies that include the Internet of Things(IoT), blockchain, Software as a Service (SaaS), Platforms as a Service (PaaS) and artificial intelligence; wireless communication devices for voice, data, or image transmission; sensors and detectors for analyzing water, nutrients, crops,disease, farming methods and productionthreats relating to agriculture and farming; aerial and ground based plant-imaging machines for agricultural use, namely, cameras and imaging sensors; solar panels for the production of electricity; solar batteries

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3862142	Application Date	06/03/2008
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	BEATS		

Design Mark	<h1>BEATS</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/07/01 First Use In Commerce: 2008/07/01 headphones		

U.S. Registration No.	4035777	Application Date	06/03/2008
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	BEATS		
Design Mark	<h1>BEATS</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/09/07 First Use In Commerce: 2010/09/07 Audio speakers; loudspeakers		

U.S. Registration No.	4361690	Application Date	02/05/2009
Registration Date	07/02/2013	Foreign Priority Date	NONE
Word Mark	BEATS		
Design Mark	<h1>BEATS</h1>		

Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/09/07 First Use In Commerce: 2010/09/07 loudspeakers, audio speakers, car audiospeakers [, media players for automobiles, CD players for automobiles ] Class 025. First use: First Use: 2011/11/05 First Use In Commerce: 2011/11/05 [ T-shirts ]

U.S. Registration No.	4529746	Application Date	07/21/2009
Registration Date	05/13/2014	Foreign Priority Date	06/17/2009

Word Mark	BEATS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2008/07/01 First Use In Commerce: 2008/07/01 electronic cables, namely, audio electric cables and cable connectors; power cables and cable connectors; audio speakers for home theater systems Class 025. First use: First Use: 2011/11/05 First Use In Commerce: 2011/11/05 headgear, namely, caps, hats Class 041. First use: First Use: 2013/12/05 First Use In Commerce: 2013/12/05 Provision of live entertainment and recorded entertainment, namely, live musical performances by musical bands and DJs; musical entertainment in the nature of live visual and audio performances by musical groups and DJs; exhibitions, namely, exhibitions concerning music; musical entertainment in the nature of live visual and audio performances by musical groups and DJs; exhibitions, namely, exhibitions concerning music
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U.S. Registration No.	4537908	Application Date	02/05/2009
Registration Date	05/27/2014	Foreign Priority Date	NONE
Word Mark	BEATS		

Design Mark	<h1>BEATS</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2012/08/00 First Use In Commerce: 2012/08/00 Carrying cases for headphones

U.S. Registration No.	5448731	Application Date	02/03/2014
Registration Date	04/17/2018	Foreign Priority Date	NONE

Word Mark	BEATS
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Design Mark	<h1>BEATS</h1>
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 2011/12/31 First Use In Commerce: 2011/12/31 Speaker stands; Protective cases for speakers; Remote controls for speakers; Plug adaptors; Chargers for use with headphones and speakers; Carrying cases for headphones and portable speakers; Portable speaker mount for bicycles; Computer software, namely, software for updating wireless speakers and headphones; Handheld devices for controlling speakers; Computer software for use in controlling speakers, amplifiers; Downloadable audio and video recordings featuring music, music performances, and music videos; Prerecorded music, namely, digital downloads; Computer software for use in the delivery, distribution and transmission of digital music and entertainment- related audio, video, text and multimedia content
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U.S. Registration No.	4177191	Application Date	06/08/2010
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Registration Date	07/17/2012	Foreign Priority Date	NONE
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Word Mark	BEATS PRO
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