

ESTTA Tracking number: **ESTTA1080570**

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

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	Oath Inc.
Granted to Date of previous extension	09/09/2020
Address	22000 AOL WAY DULLES, VA 20166 UNITED STATES
Attorney information	DAVID M. KELLY KELLY IP, LLP 1300 19TH STREET, NW, SUITE 300 WASHINGTON, DC 20036 UNITED STATES Primary Email: david.kelly@kelly-ip.com Secondary Email(s): linda.mcleod@kelly-ip.com, lit-docketing@kelly-ip.com No phone number provided.
Docket Number	6300.2102

Applicant Information

Application No.	88513806	Publication date	05/12/2020
Opposition Filing Date	09/09/2020	Opposition Period Ends	09/09/2020
Applicant	Shenzhen Tianzhuo Yaomei Technology Co., Ltd. -5-100, ZONE B, 5F, NO.1 PLAZA, HUANANCHENG, PINGHU ST., LONGGANG DIST., SHENZHEN, 518000 CHINA		

Goods/Services Affected by Opposition

Class 021. First Use: 2019/06/18 First Use In Commerce: 2019/06/18 All goods and services in the class are opposed, namely: Dental flossers; Electric face cleansing brushes; Electric tooth brushes; Electric toothbrush replacement heads; Electric toothbrushes; Electrical toothbrushes; Floss for dental purposes; Heads for electric toothbrushes; Oral care kit comprising toothbrushes and floss; Tooth brushes; Toothbrush holders; Toothbrushes; Toothbrushes, electric; Water apparatus for cleaning teeth and gums for home use
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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.	2507286	Application Date	02/12/1996
Registration Date	11/13/2001	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 020. First use: First Use: 2000/12/00 First Use In Commerce: 2000/12/00 [sleeping bags]</p> <p>Class 021. First use: First Use: 1998/04/00 First Use In Commerce: 1998/04/00 drink containers in the nature of waterbottles</p> <p>Class 028. First use: First Use: 1998/06/00 First Use In Commerce: 1998/06/00 [board games, bubble making wand and solution sets, balloons,] soccer balls, baseballs, footballs [, beach balls, beach toys namely, inflatable toys]</p>		

U.S. Registration No.	2273128	Application Date	05/25/1995
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1997/03/00 First Use In Commerce: 1997/03/00 [* computer software for use as a * screen saver]</p> <p>Class 021. First use: First Use: 1997/01/00 First Use In Commerce: 1997/01/00 housewares, namely cups and mugs</p> <p>Class 035. First use: First Use: 1998/06/10 First Use In Commerce: 1998/06/10 [demographic consultation services]</p>		

U.S. Registration No.	3060552	Application Date	05/28/1997
Registration Date	02/21/2006	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 014. First use: First Use: 2003/02/00 First Use In Commerce: 2003/02/00 [clocks]</p> <p>Class 016. First use: First Use: 2002/03/00 First Use In Commerce: 2002/03/00 wrapping paper, memo pads, playing cards, pens and pencils</p> <p>Class 018. First use: First Use: 2002/04/00 First Use In Commerce: 2002/04/00 umbrellas</p> <p>Class 021. First use: First Use: 2003/04/00 First Use In Commerce: 2003/04/00 cups [and lunch boxes]</p>		

	Class 024. First use: First Use: 2004/06/00 First Use In Commerce: 2004/06/00 towels Class 025. First use: First Use: 2003/02/00 First Use In Commerce: 2003/02/00 socks, [ties, boxer shorts,] T-shirts; headwear[; and footwear]
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U.S. Registration No.	2491498	Application Date	02/12/1996
Registration Date	09/18/2001	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/01/00 First Use In Commerce: 1999/01/00 [magnets and sunglasses] Class 014. First use: First Use: 1998/04/00 First Use In Commerce: 1998/04/00 [watches] Class 016. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 [[temporary tattoos; posters; calendars; daily, desktop, and] personal planners] Class 018. First use: First Use: 1998/10/00 First Use In Commerce: 1998/10/00 backpacks [and luggage tags]		

U.S. Registration No.	2243909	Application Date	05/25/1995
Registration Date	05/04/1999	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1996/03/00 First Use In Commerce: 1996/03/00 posters Class 025. First use: First Use: 1995/04/10 First Use In Commerce: 1995/04/10 shirts, sweatshirts, shorts, jackets, [visors,] and hats		

U.S. Registration No.	2482907	Application Date	09/29/1998
Registration Date	08/28/2001	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/11/00 First Use In Commerce: 2000/11/00 [Eyeglasses, namely, reading and computer glasses, and sun readers] Class 016. First use: First Use: 1999/07/00 First Use In Commerce: 1999/07/00 [Portfolios and folios, namely, stationery-type portfolios; planners, namely, daily, desktop, and] personal planners;[assignment books; notebooks; diaries;fat books, namely, oversized notebooks;writing pads;] [note pads in the formof		

	cubes;] [legal writing pads; papertext book covers; binders; pencil holders; zip- per folder packs sold empty; tabbed dividers for notebooks; printing papers, namely, business paper, copy paper, writing paper, computer paper, looseleafpaper, and stationery; school supplies,namely, pencils, decorative pen- cil top ornaments,] pens, [erasers; and office products,namely, desk top organ- izers, desk top rotary card files], [desk pads,] [desk stands and holders for pens, pencils, and ink, desk baskets for desk accessories, desk file trays, desk top stationery cabinets, and desk sets]
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U.S. Registration No.	3398836	Application Date	05/28/1997
Registration Date	03/18/2008	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2007/06/30 First Use In Commerce: 2007/06/30 [Sun block] Class 016. First use: First Use: 1998/02/28 First Use In Commerce: 1998/02/28 Paper and stationery items, namely, paper postcards, personal diaries[, and decorative pencil top ornaments] Class 024. First use: First Use: 2007/10/31 First Use In Commerce: 2007/10/31 Throw blankets		

U.S. Registration No.	2403227	Application Date	08/13/1998
Registration Date	11/14/2000	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1998/03/16 First Use In Commerce: 1998/03/16 Computer software for providing multiple-user access to computer networks; and computer software for use in creating and designing web sites Class 035. First use: First Use: 1995/08/01 First Use In Commerce: 1995/08/01 Online retail and [mail order] services in the field of general consumer mer- chandise; directory services to help locate people, places, organizations, phone numbers, home pages, and electronic mailaddress; promoting the web sites of others, namely, distributing advertising for others via an online electronic com- munications network Class 038. First use: First Use: 1994/06/00 First Use In Commerce: 1994/06/00 Telecommunications services, namely, providing telephone communications via computer networks; electronic transmission of data, images, and documents via computer terminals and networks; providing online facilities for real-time interac- tion with other computer users concerning topics of general interest and for play- ing games; and broadcasting services, namely, audio broadcasting, radio broad- casting, cable television broadcasting, television broadcasting, and video broad- casting Class 039. First use: First Use: 1997/11/10 First Use In Commerce: 1997/11/10 Making reservations and bookings for transportation and online reservations an-		

	<p>dbookings for transportation</p> <p>Class 042. First use: First Use: 1996/04/15 First Use In Commerce: 1996/04/15</p> <p>Computer services, namely, providing multiple-user access to computer networks for the transfer and dissemination of a wide range of information; providing a wide range of general interest information via computer networks; computer bulletin and message boards in the fields of general interest; design, creation, hosting, maintenance, consulting, and technical assistance in the fields of designing, creating, hosting, maintaining, operating, managing, advertising, and marketing of online commerce websites; making reservations and bookings for temporary lodging and online reservations and bookings for temporary lodging</p>
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U.S. Registration No.	2040222	Application Date	01/24/1996
Registration Date	02/25/1997	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1995/11/01 First Use In Commerce: 1995/11/01</p> <p>computer software for searching and retrieving information, sites, and other resources on computer networks; computer software, namely, a directory of information, sites, and resources available on computer networks</p> <p>Class 016. First use: First Use: 1995/11/01 First Use In Commerce: 1995/11/01</p> <p>[books regarding computer networks and searching and retrieving information, sites, and other resources on computer networks]</p> <p>Class 035. First use: First Use: 1995/08/01 First Use In Commerce: 1995/08/01</p> <p>promoting the goods and services of others by placing advertisements and promotional displays in an electronic site accessed through computer networks</p> <p>Class 042. First use: First Use: 1994/06/01 First Use In Commerce: 1994/06/01</p> <p>computer services, namely, creating indexes of information, sites, and other resources available on computer networks; searching and retrieving information, sites, and other resources available on computer networks for others; providing an online link to news, weather, sports, current events, and reference materials</p>		

U.S. Registration No.	4756660	Application Date	09/05/2013
Registration Date	06/16/2015	Foreign Priority Date	NONE
Word Mark	YAHOO!		
Design Mark			
Description of Mark	The mark consists of "YAHOO!" in a stylized format.		
Goods/Services	<p>Class 009. First use: First Use: 2013/09/30 First Use In Commerce: 2013/09/30</p> <p>Computer software to enable users to locate other game players and play games over communications networks; computer software for transmitting electronic mail; computer software for electronic messaging; computer software for electronic transmission of data, images, and documents via a global computer network; computer software for providing online chat rooms and electronic bulletin boards for transmission of messages among users in the field of general interest; computer software used to search, retrieve, index, and organize data; computer software used to enhance the performance and functionality of computer networks; computer software for searching and retrieving information,</p>		

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