

ESTTA Tracking number: **ESTTA1088821**

Filing date: **10/14/2020**

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	Uber Technologies, Inc.
Granted to Date of previous extension	10/14/2020
Address	1455 MARKET STREET, 4TH FLOOR SAN FRANCISCO, CA 94103 UNITED STATES
Attorney information	SALLY M. ABEL FENWICK & WEST LLP 801 CALIFORNIA STREET SILICON VALLEY CENTER MOUNTAIN VIEW, CA 94041 UNITED STATES Primary Email: trademarks@fenwick.com 6509888500
Docket Number	34819-71528

**Applicant Information**

Application No.	88794519	Publication date	06/16/2020
Opposition Filing Date	10/14/2020	Opposition Period Ends	10/14/2020
Applicant	Robert Kocher 1880 VIRGINIA AVE MCLEAN, VA 22101 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: Biometric identification apparatus

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disreputable	Trademark Act Section 2(a)

ute	
Other	common law rights

### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3977893	Application Date	11/05/2010
Registration Date	06/14/2011	Foreign Priority Date	NONE
Word Mark	UBER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of motorized vehicles</p> <p>Class 038. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Telecommunications services, namely, routing calls, SMS messages, and push-notifications to local third-party motorizedvehicle dispatchers in the vicinity of the caller using mobile phones</p> <p>Class 039. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Providing a website featuring information regarding transportation services and-bookings for transportation services</p> <p>Class 042. First use: First Use: 2010/10/28 First Use In Commerce: 2010/10/28 Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and dispatching motorized vehicles to customers</p>		

U.S. Registration No.	4837495	Application Date	02/20/2014
Registration Date	10/20/2015	Foreign Priority Date	NONE
Word Mark	UBERX		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of motorized vehicles</p> <p>Class 038. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Telecommunications services, namely, routing calls, SMS messages, and push-notifications to local third-party motorizedvehicle operators in the vicinity of the caller using mobile phones</p> <p>Class 039. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Providing a website featuring information regarding transportation services and-bookings for transportation services; transport by motorized vehicles; travel arrangement, namely, arranging vehicle transportation</p> <p>Class 042. First use: First Use: 2012/07/04 First Use In Commerce: 2012/07/04 Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and for dispatching motorized vehicles to customers; design anddevelopment of computer software</p>		

U.S. Registration No.	4856316	Application Date	04/11/2014
Registration Date	11/17/2015	Foreign Priority Date	NONE
Word Mark	UBERRUSH		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07  Computer software for coordinating transportation and delivery services; computer software for providing information on transportation and delivery services; computer software for the scheduling and dispatch of motorized vehicles, couriers, and messengers; computer software for planning, scheduling, controlling, monitoring, and providing information on transportation of assets and goods; computer software for providing information concerning pick-up and delivery of assets and goods in transit; computer software that enables customers to communicate with motorized vehicle operators, couriers, and messengers; computer software that enables customers to manage and track pickup and delivery of assets and goods</p> <p>Class 038. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07  Telecommunications services, namely, routing calls, text messages, and push-notifications to local third-party motorized vehicle operators, couriers, and messengers in the vicinity of the caller using mobile phones; telecommunications services, namely, routing calls, text messages, and push-notifications to customers</p> <p>Class 039. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07  Providing a website featuring information regarding transportation and delivery services and bookings for transportation and delivery services; transport by motorized vehicles; pick-up, transportation, delivery, and storage of goods, packages, parcels, and messages; travel arrangement, namely, arranging vehicle transportation; courier services; messenger services; document delivery; express delivery of goods, packages, and messages by motorized vehicles; providing information concerning pick-up and delivery of assets and goods in transit; transportation reservation services; transportation consulting services; transportation of assets and goods</p> <p>Class 042. First use: First Use: 2014/04/07 First Use In Commerce: 2014/04/07  Providing temporary use of online non-downloadable software for providing transportation and delivery services, bookings for transportation and delivery services and for dispatching motorized vehicles, couriers, and messengers to customers; providing temporary use of online non-downloadable software for planning, scheduling, controlling, monitoring, and providing information on transportation of assets and goods; providing temporary use of online non-downloadable software for providing information concerning pick-up and delivery of assets and goods in transit; providing a web site featuring non-downloadable software that enables customers to communicate with motorized vehicle operators, couriers, and messengers; providing a web site featuring non-downloadable software that enables customers to manage and track pickup and delivery of assets and goods; design and development of computer software</p>		

U.S. Registration No.	5042023	Application Date	02/20/2015
Registration Date	09/13/2016	Foreign Priority Date	NONE
Word Mark	UBER EATS		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2015/12/09 First Use In Commerce: 2015/12/09 Computer software for engaging and coordinating transportation services; computer software for engaging and coordinating delivery services</p> <p>Class 035. First use: First Use: 2016/06/09 First Use In Commerce: 2016/06/09 Advertising and promotional services; business management; business administration; business administration in the field of transport and delivery; business management services in the field of transport and delivery; computerized food and grocery ordering services; computerized ordering service featuring consumer goods of others, food, and groceries; on-line ordering service featuring consumer goods of others, food, and groceries; office functions; on-line retail store services featuring consumer goods of others, food, and groceries; on-line grocery store services; comparison shopping services; monitoring, managing and tracking of package shipments; monitoring and tracking of package shipments to ensure on-time delivery for business purposes; business management consulting services in the field of transportation and delivery; providing a web-based system and online portals in the field of consumer-to-business commerce for consumers to enter, manage and modify their consumer preference information for use by merchants to create and manage offers for delivery to consumers</p> <p>Class 038. First use: First Use: 2015/12/09 First Use In Commerce: 2015/12/09 Telecommunications services, namely, routing calls, SMS messages, and push-notifications to local third-party motorized vehicle operators and food and grocery delivery agents in the vicinity of the caller using mobile phones; telecommunications services, namely, routing calls, SMS messages and push-notifications to retail and delivery services; telecommunications</p> <p>Class 039. First use: First Use: 2015/12/09 First Use In Commerce: 2015/12/09 Providing a website featuring information regarding delivery services and bookings for delivery services; transport; packaging and storage of goods; food delivery; parcel delivery; transport and delivery of goods; message delivery; express-delivery of goods by vehicles; providing information concerning collection and delivery of assets in transit; delivery services; temporary storage of deliveries; transportation and delivery services by road; providing information and tracking information to third parties regarding pickup and delivery status via Internet access and telephone; follow-up services, namely, providing electronic tracking of packages to others</p> <p>Class 042. First use: First Use: 2016/06/09 First Use In Commerce: 2016/06/09 Providing temporary use of online non-downloadable software for providing transportation and delivery services, bookings for transportation and delivery services and for dispatching motorized vehicles to customers; design and development of computer software</p>

U.S. Registration No.	5525494	Application Date	10/27/2016
Registration Date	07/24/2018	Foreign Priority Date	NONE
Word Mark	UBER ELEVATE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 039. First use: First Use: 2016/10/25 First Use In Commerce: 2016/10/25 Providing a website featuring information in the field of transportation</p> <p>Class 041. First use: First Use: 2017/04/25 First Use In Commerce: 2017/04/25 Educational services, namely, conferences, summits, and seminars in the field</p>		

	of transportation		
U.S. Registration No.	5670781	Application Date	05/29/2015
Registration Date	02/05/2019	Foreign Priority Date	NONE
Word Mark	UBERPOOL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2014/08/04 First Use In Commerce: 2014/12/02 Computer software for coordinating transportation services, namely, software for the automated scheduling and dispatch of motorized vehicles; computer software for use by motorized vehicle operators and passengers and potential passengers for ridesharing</p> <p>Class 039. First use: First Use: 2014/08/04 First Use In Commerce: 2014/12/02 Providing a website featuring information regarding transportation services and bookings for transportation services; transport, packaging and storage of goods; travel arrangement for others</p> <p>Class 042. First use: First Use: 2014/08/04 First Use In Commerce: 2014/12/02 Providing temporary use of online non-downloadable software for providing transportation services, bookings for transportation services and for dispatching motorized vehicles to customers; providing temporary use of online non-downloadable software for use by motorized vehicle operators and passengers and potential passengers for ridesharing</p>		

U.S. Registration No.	5704139	Application Date	07/24/2017
Registration Date	03/19/2019	Foreign Priority Date	NONE
Word Mark	UBER PRESENTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 041. First use: First Use: 2017/04/21 First Use In Commerce: 2017/04/21 Entertainment services in the nature of development, creation, production, distribution, and post-production of motion pictures and multimedia entertainment content; Film and video production; Providing a website featuring entertainment information in the field(s) of videos and films; Providing a website featuring non-downloadable videos in the fields of entertainment and documentaries</p>		

U.S. Registration No.	5801036	Application Date	08/03/2017
Registration Date	07/09/2019	Foreign Priority Date	NONE
Word Mark	UBER AI LABS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2017/10/00 First Use In Commerce: 2017/10/00 Computer software, namely, software for machine learning; downloadable webinars, tutorial sessions and seminars in the field of machine learning; down-</p>		

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