

ESTTA Tracking number: **ESTTA1107510**

Filing date: **01/13/2021**

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		
Entity	Limited Liability Company	Citizenship	Delaware
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): docketmail@nge.com, mekelber@nge.com, afraker@nge.com, afuelleman@nge.com, marden@nge.com 312-269-8000		
Docket Number	022552.3747		

Applicant Information

Application No.	88941082	Publication date	12/15/2020
Opposition Filing Date	01/13/2021	Opposition Period Ends	01/14/2021
Applicant	SUPER MEGATRONIX LLC STE L 9305 HARWIN DR HOUSTON, TX 770361821 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: Audio equipment for vehicles, namely, loud speakers for automotive audio systems; Audio mixers; Audio mixing consoles; Cabinets for loud-speakers; Car stereos; Equalizers being audio apparatus; Megaphones; Microphones; Subwoofers; Woofers

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	3862142	Application Date	06/03/2008
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No.			
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	BEATS		
Design Mark			
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			
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			
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		
Design Mark			
Description of Mark	NONE		
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			
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		
Design Mark			
Description of Mark	NONE		
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		

U.S. Registration No.	4177191	Application Date	06/08/2010
Registration Date	07/17/2012	Foreign Priority Date	NONE
Word Mark	BEATS PRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14 Headphones; personal headphones for use with sound transmitting systems		

U.S. Registration No.	4176105	Application Date	07/21/2009
Registration Date	07/17/2012	Foreign Priority	06/17/2009

		Date	
Word Mark	BEATS BY DR. DRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14 [media players for automobiles; DVD players for automobiles; CD players for automobiles; digital audio players for automobiles;] audio speakers; car audio speakers; loudspeakers; [loudspeaker cabinets; horns for loudspeakers;] headphones ; personal headphones for use with sound transmitting systems [; media 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.	4572603	Application Date	07/21/2009
Registration Date	07/22/2014	Foreign Priority Date	06/17/2009
Word Mark	BEATS BY DR. DRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/10/16 First Use In Commerce: 2012/10/16 Audio speakers for home theater systems		

U.S. Registration No.	4314478	Application Date	02/27/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	BEATS STUDIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/07/01 First Use In Commerce: 2012/07/01 Headphones		

U.S. Registration No.	4314930	Application Date	03/09/2012
Registration Date	04/02/2013	Foreign Priority Date	09/12/2011
Word Mark	URBEATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 Headphones		

U.S. Registration No.	5387883	Application Date	11/09/2016
Registration Date	01/23/2018	Foreign Priority	05/25/2016

		Date	
Word Mark	BEATS X		
Design Mark			
Description of Mark	The mark consists of the stylized word "beats" with a broken line stylized letter "x" in superscript.		
Goods/Services	Class 009. First use: First Use: 2016/09/07 First Use In Commerce: 2017/02/10 Earphones; audio cables; battery chargers, charging cables, and power adaptors for use with earphones; carrying cases for earphones		

U.S. Registration No.	5188070	Application Date	04/04/2016
Registration Date	04/18/2017	Foreign Priority Date	10/15/2015
Word Mark	BEATS EP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2016/09/00 First Use In Commerce: 2016/09/00 audio speakers; loud speakers; earphones; headphones; microphones; electrical and electronic connectors, couplers, wires, cables, chargers, docks, docking stations, interfaces, and adapters for use with all of the aforesaid goods; covers, bags and cases adapted or shaped to contain audio players		

U.S. Registration No.	4937568	Application Date	09/09/2014
Registration Date	04/12/2016	Foreign Priority Date	NONE
Word Mark	POWERBEATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/09/00 First Use In Commerce: 2010/09/00 Earphones, audio cables		

U.S. Registration No.	6054617	Application Date	04/03/2019
Registration Date	05/12/2020	Foreign Priority Date	NONE
Word Mark	POWERBEATS PRO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2019/04/03 First Use In Commerce: 2019/05/10 Headphones; earphones; earbuds; batterychargers, charging cables for use with headphones, earphones, and earbuds; carrying cases for headphones, earphones, and earbuds; protective cases for headphones, earphones, and earbuds; protective covers, bags and cases adapted and shapedfor holding headphones, earphones, and earbuds		

U.S. Registration No.	4314931	Application Date	01/09/2012
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