

ESTTA Tracking number: **ESTTA1119657**

Filing date: **03/10/2021**

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                                  | GoPro, Inc.  |
| Granted to Date of previous extension | 03/10/2021   |
| Address                               | 3025 CLEARVIEW WAY<br>SAN MATEO, CA 94402<br>UNITED STATES   |
| Attorney information                  | CONNIE L. ELLERBACH<br>FENWICK & WEST LLP<br>801 CALIFORNIA STREET<br>MOUNTAIN VIEW, CA 94041<br>UNITED STATES<br>Primary Email: trademarks@fenwick.com<br>Secondary Email(s): lwilliams@fenwick.com<br>650-988-8500 |
| Docket Number                         | 23769-70009  |

**Applicant Information**

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No.        | 90018168   | Publication date       | 11/10/2020 |
| Opposition Filing Date | 03/10/2021   | Opposition Period Ends | 03/10/2021 |
| Applicant              | Chengdu CORNTREE Technology Co., Ltd.<br>ROOM 912, BLOCK B, TENCENT BUILDING,<br>TIANFU THIRD STREET, HIGH-TECH ZONE,<br>CHENGDU, SICHUAN, 610041<br>CHINA |                        |            |

**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: Data and word processors; Downloadable computer game software via a global computer network and wireless devices; Downloadable computer software for use as a spreadsheet, word processing; Downloadable electronic game software for use on mobile and cellular phones, handheld computers; Downloadable electronic game software for wireless devices; Downloadable facilities management software to control building environment, access and security systems; Downloadable mobile applications for managing bank accounts, editing photos, making restaurant reservations; Downloadable software for use in database management, for use as a spreadsheet, for word processing; Downloadable video and computer game programs; Multimedia software recorded on CD-ROM featuring product description; Downloadable cloud-computing software for deploying virtual machines to a cloud computing platform, managing virtual machines on a cloud computing platform; Downloadable software in the nature of a mobile application

for use in database management, for use as spreadsheet, for word processing

## Grounds for Opposition

|   |                                    |
|---|------------------------------------|
| Priority and likelihood of confusion  | Trademark Act Section 2(d)         |
| 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 disrepute | Trademark Act Section 2(a)         |

## Marks Cited by Opposer as Basis for Opposition

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 3308141   | Application Date      | 02/18/2004 |
| Registration Date     | 10/09/2007  | Foreign Priority Date | NONE       |
| Word Mark             | HERO  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | Class 009. First use: First Use: 2004/09/15 First Use In Commerce: 2004/09/15 Photographic equipment, namely, [ film cameras and ] digital camera, camera housings and cases, and camera straps |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 5375974  | Application Date      | 08/26/2013 |
| Registration Date     | 01/09/2018   | Foreign Priority Date | NONE       |
| Word Mark             | HERO   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 009. First use: First Use: 2004/09/15 First Use In Commerce: 2004/09/15 Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 5341604  | Application Date      | 03/23/2015 |
| Registration Date     | 11/21/2017   | Foreign Priority Date | NONE       |
| Word Mark             | HEROCAST   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 009. First use: First Use: 2015/04/13 First Use In Commerce: 2015/04/13 portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, wireless adapters, power adapters, adapter rings for attaching objects to cameras, mounting devices for photographic equipment; cases for photographic apparatus |                       |            |

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4993752  | Application Date      | 08/26/2013 |
| Registration Date     | 07/05/2016   | Foreign Priority Date | NONE       |
| Word Mark             | GOPRO BE A HERO.   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | The mark consists of the large words "GoPro" positioned above the smaller terms "Be a HERO." to the left of four small rectangles.   |                       |            |
| Goods/Services        | <p>Class 009. First use: First Use: 2008/07/17 First Use In Commerce: 2008/07/17<br/> Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computer networks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data</p> <p>Class 038. First use: First Use: 2009/03/11 First Use In Commerce: 2009/03/11<br/> Video broadcasting; streaming of video material on the internet; broadcasting of audio and video content and programming over the internet; electronic delivery of images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for others via global and local computer networks and via mobile electronic devices; streaming user generated photographic and video content via a website on the internet and via mobile electronic devices</p> <p>Class 041. First use: First Use: 2006/03/00 First Use In Commerce: 2006/03/00<br/> Photographic and video services, namely, photographic and video capture; providing non-downloadable online audio, audiovisual, multimedia, picture and video content, for educational purposes in the field of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing educational services, namely, conducting classes in the fields of photography, videography, computer hardware and software applications; providing training, instruction, instructional tips and advice in the field of photography, videography; providing content retrievable via the internet, namely, online non-downloadable photos and video content for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; providing online audio, audiovisual, multimedia, picture and video content for entertainment and educational purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conser-</p> |                       |            |

vation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, via a wireless network, providing electronic entertainment content, namely, providing online non-downloadable educational audio, audiovisual, multimedia and video content in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy, and providing a website featuring non-downloadable photographs and videos featuring images, videos, multimedia files, and other digital data for educational and entertainment purposes in the fields of media, news, politics, education, entertainment, sports, culture, comedy, business, healthy living and lifestyle, wellness, fashion, personal beauty, current events, environmental conservation and sustainability issues, food, finance, technology, travel, books, fine arts, music, art, science, literature, leisure, gaming, religion, performing arts and philanthropy; organizing community sporting and cultural events, and organizing regional, state-wide and national sporting events, namely, cycling, mountain biking, motorcycle and car racing, skateboard, skiing, ski jumping, snowboarding, skydiving, surfing, diving, swimming, rafting, kayaking, rock climbing, and running; entertainment services, namely, providing a website featuring non-downloadable photographic, audio, video and multimedia presentations in the fields of technology, travel, entertainment news, sports, fitness, recreational activities, current events news, special interest features in the fields of nature, people in entertainment, art, pop culture, adventure sports, music and photography; providing a website featuring non-downloadable audio and video content for entertainment and educational purposes in the fields of technology, travel, entertainment, sports, fitness, recreational activities, news, special interest features in the field of science, nature, entertainment, art, pop culture, adventure sports, music and photography; providing an online searchable database in the fields of photography and videography for educational and entertainment purposes featuring instructional information, images, videos, multimedia files, and other digital data in the fields of photography and videography for subject matter related to technology, travel, entertainment, sports, fitness, recreation, news, special interest features in the fields of science, nature, people, art, pop culture, adventure sports, music and photography; on-line library services, namely, providing electronic library services which feature photographs and videos via an on-line computer network; photography and videography services, namely, providing photographic and video content for third parties to use in the creation of television programs, television commercials, motion pictures and films; providing online journals, namely, blogs, for sharing thoughts, ideas, experiences, comments, tips, techniques, and advice in the field of photography and videography; providing conferences, seminars, workshops and tutorials in the field of photography and videography for entertainment and educational purposes

Class 042. First use: First Use: 2011/03/28 First Use In Commerce: 2011/03/28

Providing a web hosting platform for uploading, downloading, storing, managing, distributing, editing and sharing photographic, video and multimedia content of third parties; providing temporary use of online non-downloadable software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Providing temporary use of on-line non-downloadable cloud computing software for use in uploading, downloading, storing, distributing, managing, editing and sharing photographic, video and multimedia content via local and global computer networks and via mobile devices; Peer-to-browser photo sharing services, namely, providing a website featuring technology enabling users to upload, view, and download digital photos and videos; Providing a web site featuring temporary use of non-downloadable software allowing web site users to upload on-line videos for sharing with others for

|  |  |
|--|--|
|  | entertainment purposes; Providing a web site that gives computer users the ability to upload, exchange and share photos, videos and video logs; Computer services, namely, providing searchplatforms to allow users to locate, access, copy, transmit, edit, and share photographic, video and multimedia content;file sharing services, namely, providing a website featuring technology enabling users to download electronic files containing user generated photos and videosin the field of general interest; hosting on-line web facilities for others fordatabases and libraries of third parties in the field of photography and videography |
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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 86746671   | Application Date      | 09/03/2015 |
| Registration Date    | NONE   | Foreign Priority Date | NONE       |
| Word Mark            | HERO   |                       |            |
| Design Mark          |  |                       |            |
| Description of Mark  | NONE   |                       |            |
| Goods/Services       | Class 009. First use: First Use: 0 First Use In Commerce: 0<br>Camera accessories, namely, mounts, smart mounts, straps, rigs, holders, harnesses, brackets; related equipment for holding, mounting, positioning and maneuvering cameras, namely, stabilizers and harnesses |                       |            |

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|----------------------|--|-----------------------|------------|
| U.S. Application No. | 87642291   | Application Date      | 10/11/2017 |
| Registration Date    | NONE   | Foreign Priority Date | NONE       |
| Word Mark            | BE A HERO  |                       |            |
| Design Mark          |  |                       |            |
| Description of Mark  | NONE   |                       |            |
| Goods/Services       | Class 009. First use: First Use: 0 First Use In Commerce: 0<br>Photographic equipment, namely, cameras, digital cameras, video cameras; portable handheld electronic devices for recording, storage, transmission or reproduction of photographic, video and multimedia content; cases, housings, and accessories for cameras, namely, batteries, lenses, digital photo viewers, wireless adapters, power adapters, adapter rings for attaching objects to cameras, remote controls, microphones, SD cards, photographic flash units, mounting devices for photographic equipment, tripods and camera straps; cases and bags for photographic apparatus; computer software for use in connection with photographic and video equipment and cameras, namely, software for taking, capturing, managing, processing, operating, viewing, storing, editing, arranging, combining, sharing, manipulating, modifying, commenting on, transmitting and displaying data, images, videos, multimedia files, and other digital data; desktop and mobile photo and video editing software; computer software and software applications for use in uploading, downloading, editing, storing, distributing and sharing photographic and video content via global and local computernetworks and via mobile devices; downloadable multimedia files containing digital audio and video files featuring user generated images, videos, multimedia files, and other digital data<br><br>Class 038. First use: First Use: 0 First Use In Commerce: 0<br>Video broadcasting; streaming of video material on the internet; broadcasting of audio and video content and programming over the internet; electronic deliveryof images and photographs via a global computer network and via mobile electronic devices; electronic transmission and streaming of digital media content for |                       |            |

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