

ESTTA Tracking number: **ESTTA1131710**

Filing date: **05/05/2021**

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	05/05/2021
Address	3025 CLEARVIEW WAY SAN MATEO, CA 94402 UNITED STATES
Attorney information	CONNIE ELLERBACH FENWICK & WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 UNITED STATES Primary Email: trademarks@fenwick.com Secondary Email(s): lwilliams@fenwick.com 650-988-8500
Docket Number	23769-70005

Applicant Information

Application No.	90100241	Publication date	01/05/2021
Opposition Filing Date	05/05/2021	Opposition Period Ends	05/05/2021
Applicant	Chen, Meifeng ROOM 601,LADDER 1,NO.4,LANE 145,LIUYI EAST ROAD,HANDONG STREET,HANJIANG DIST. PUTIAN, 361023 CHINA		

Goods/Services Affected by Opposition

Class 009. First Use: 2020/04/22 First Use In Commerce: 2020/04/22


All goods and services in the class are opposed, namely: Cameras; Megaphones; Scanners; Baby monitors; Car video recorders; Computer hardware and peripheral devices; Computer monitors; Electric sensors; Electrical plugs and sockets; Electronic timers; Laser rangefinders; Loudspeakers, headphones, microphones and CD players; Portable digital electronic scales; Portable videocameras with built-in videocassette recorders; Protective films adapted for smartphones; Protective industrial face masks; Smartwatch straps; Soundbar speakers; Wireless cellular phone headsets; Wireless chargers

Grounds for Opposition

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

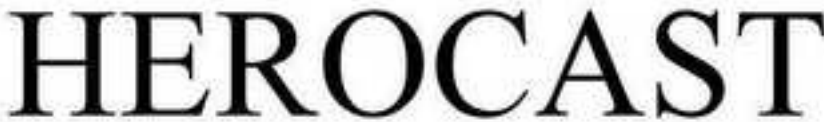
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
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Marks Cited by Opposer as Basis for Opposition


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 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 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 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 life-</p>

style, 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, 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 soft-

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