

ESTTA Tracking number: **ESTTA1134635**

Filing date: **05/18/2021**

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	Apple Inc.
Granted to Date of previous extension	05/19/2021
Address	ONE APPLE PARK WAY CUPERTINO, CA 95014 UNITED STATES
Attorney information	J. DAVID MAYBERRY KILPATRICK TOWNSEND & STOCKTON LLP 1114 AVENUE OF THE AMERICAS 21ST FLOOR NEW YORK, NY 10036 UNITED STATES Primary Email: dmayberry@kilpatricktownsend.com Secondary Email(s): dmayberry@kilpatricktownsend.com, sstadler@kilpatricktownsend.com, agarcia@kilpatricktownsend.com, tmad- min@kilpatricktownsend.com 212-775-8700
Docket Number	

Applicant Information

Application No.	90040778	Publication date	01/19/2021
Opposition Filing Date	05/18/2021	Opposition Period Ends	05/19/2021
Applicant	Shenzhen Guardian Bao Communication Co., Ltd. 203, BLOCK A, SHENNAN GARDEN SKIRT BLDG. KEYUAN ROAD, YUEHAI STREET, NANSHAN DIST SHENZHEN, 518000 CHINA		

Goods/Services Affected by Opposition


Class 009. First Use: 2020/06/29 First Use In Commerce: 2020/06/29 All goods and services in the class are opposed, namely: Cameras; Computers; Eyeglasses; Radios; Scales; Batteries; Earphones and headphones; Electronic collars to train animals; Protective films adapted for smartphones; Rechargeable batteries; Smartphones; Smartwatches; USB cables; USB charging ports; USB hubs; Burglar alarms; Mobilephones
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3669402	Application Date	09/26/2006
Registration Date	08/18/2009	Foreign Priority Date	NONE
Word Mark	IPHONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2007/01/09 First Use In Commerce: 2007/01/29 handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and otherdigital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant,electronic organizer, electronic notepad, and camera		

U.S. Registration No.	3736978	Application Date	01/08/2007
Registration Date	01/12/2010	Foreign Priority Date	NONE
Word Mark	IPHONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Telecommunication access services; communication by computer; transmission of data and of information by electronic means; provision of telecommunications connections to computer databases and the Internet; electronic transmission of streamed and downloadable audio and video files via computer and other communicationsnetworks; delivery of messages by electronic transmission; provision		

	of telecommunications connections to electronic communications networks, for transmission or reception of audio, video or multimedia content
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U.S. Registration No.	3746840	Application Date	12/15/2007
Registration Date	02/09/2010	Foreign Priority Date	06/22/2007
Word Mark	IPHONE		
Design Mark			
Description of Mark	The mark consists of a design of an apple with a bite removed.		
Goods/Services	<p>Class 009. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Handheld mobile digital electronic devices for the sending and receiving of telephone calls, electronic mail, and other digital data, for use as a digital format audio player, and for use as a handheld computer, personal digital assistant, electronic organizer, electronic notepad, and camera</p> <p>Class 028. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Handheld unit for playing electronic games</p> <p>Class 038. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Telecommunication access services; communication by computer; transmission of data and of information by electronic means; provision of telecommunications connections to computer databases and the Internet; electronic transmission of streamed and downloadable audio and video files via computer and other communications networks; delivery of messages by electronic transmission; provision of telecommunications connections to electronic communications networks, for transmission or reception of audio, video or multimedia content</p>		

U.S. Registration No.	3870782	Application Date	01/08/2007
Registration Date	11/02/2010	Foreign Priority Date	09/27/2006
Word Mark	IPHONE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Full line of parts for mobile telephones; mobile phone accessories, namely, mobile telephone covers, mobile telephone cases, batteries, rechargeable batteries, battery chargers, chargers for electric batteries, headphones, stereo headphones, in-ear headphones, stereo speakers, audio speakers for home, personal stereo speaker apparatus, microphones, car audio adapters, headsets, remote controls, connection cables, power adapters, docking stations, and adapter plugs

U.S. Registration No.	3870783	Application Date	01/08/2007
Registration Date	11/02/2010	Foreign Priority Date	NONE
Word Mark	IPHONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Retail store services and retail store services provided via communications networks all featuring handheld mobile digital electronic devices and other consumer electronics, computer software, accessories, and carrying cases for such devices; product demonstrations provided via communications networks		

U.S. Registration No.	3877185	Application Date	09/26/2006
Registration Date	11/16/2010	Foreign Priority Date	NONE
Word Mark	IPHONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29		

	<p>Computer gaming machines, videophones, prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely, operating system programs, data synchronization programs, and application development computer software programs for personal and handheld computers; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld services from a data store on or associated with personal computer or a server; software for the synchronization of data between a remote station or device and a fixed or remote station or device</p> <p>Class 028. First use: First Use: 2008/07/10 First Use In Commerce: 2008/07/10 Hand-held unit for playing electronic games</p>
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U.S. Registration No.	4368745	Application Date	01/08/2007
Registration Date	07/16/2013	Foreign Priority Date	NONE
Word Mark	IPHONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 039. First use: First Use: 2007/06/29 First Use In Commerce: 2007/06/29 Computerized data storage and retrieval services for digital text, data, image, audio, and video works; information and consultation in connection therewith		

U.S. Registration No.	4372727	Application Date	01/08/2007
Registration Date	07/23/2013	Foreign Priority Date	NONE
Word Mark	IPHONE		
Design Mark			
Description of Mark	NONE		

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