

ESTTA Tracking number: **ESTTA1169526**

Filing date: **11/01/2021**

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 parties oppose registration of the indicated application.

**Opposers Information**

|                                       |  |
|---------------------------------------|--|
| Name                                  | Midasplayer (Skills) Limited   |
| Granted to Date of previous extension | 10/31/2021   |
| Address                               | THE AMPERSAND BUILDING, 178 WARDOUR ST.<br>LONDON, W1F 8FY<br>UNITED KINGDOM |

|                                       |   |
|---------------------------------------|---|
| Name                                  | King.com Limited  |
| Granted to Date of previous extension | 10/31/2021  |
| Address                               | ARAGON HOUSE BUSINESS CENTRE, 4TH FLOOR<br>DRAGONARA ROAD<br>ST. JULIANS, STJ 3140<br>MALTA |

|                      |  |
|----------------------|--|
| Attorney information | SCOTT W. JOHNSTON<br>MERCHANT & GOULD P.C.<br>150 SOUTH FIFTH STREET, SUITE 2200<br>P.O. BOX 2910<br>MINNEAPOLIS, MN 55402<br>UNITED STATES<br>Primary Email: dockmpls@merchantgould.com<br>Secondary Email(s): sjohnston@merchantgould.com, slindemeier@merchantgould.com<br>612-332-5300 |
| Docket Number        | 17054.8UST1  |

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No.        | 88711113  | Publication date       | 05/04/2021 |
| Opposition Filing Date | 11/01/2021  | Opposition Period Ends | 10/31/2021 |
| Applicant              | International Fruit Genetics, LLC<br>8224 ESPRESSO DRIVE, SUITE 200<br>BAKERSFIELD, CA 93312<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**


Class 029. First Use: 0 First Use In Commerce: 0

|   |
|---|
| All goods and services in the class are opposed, namely: Preserved, dried and cooked fruits and vegetables; jellies, jams and compotes; milk and milk products, namely, flavoredmilk, yoghurt, and cream  |
| Class 030. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Confectionary, namely, chewing gum, chewy sweets, chocolate confections, boiledconfectionery made of sugar; hard confectionery made of sugar, jelly confections, lollipops; sherbet and sour lollies, toffee; ice cream; sorbet; edible ices; seasonings; spices; sauces; condiments for food and drink, being ketchup, mustard, barbeque sauce, and mayonnaise; custard |
| Class 031. First Use: 2015/04/15 First Use In Commerce: 2015/04/15<br>All goods and services in the class are opposed, namely: Fresh fruits and vegetables, not being apples; live plants, namely, fresh grapevines; parts of live plants not being of any apple species  |
| Class 032. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Beers; non-alcoholic carbonated and non-carbonated beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups for beverages; other non-alcoholic preparations for making beverages, namely, non-alcoholic fruit extracts used in the preparation of beverages   |
| Class 033. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Alcoholic beverages except beers; preparations for making alcoholic beverages, namely, alcoholic and non-alcoholic flavorings and essences for making alcoholicbeverages   |

## Grounds for Opposition

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

## Marks Cited by Opposer as Basis for Opposition

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 4535715  | Application Date      | 02/05/2013 |
| Registration Date     | 05/27/2014   | Foreign Priority Date | 08/08/2012 |
| Word Mark             | CANDY CRUSH  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | Class 009. First use: First Use: 0 First Use In Commerce: 0<br>[ Apparatus for recording, transmission or reproduction of sound or images; Blank magnetic data carriers and recording discs; Blank magnetic disks, pre-recorded magnetic disks featuring computer games; Compact discs, DVDs and video recordings featuring computer games; Calculating machines, Data processing equipment, namely, couplers, Computers; ] Computer game software for video and computer games; [ Video disks and video tapes with recorded an- |                       |            |

imated cartoons; Audiovisual teaching apparatus, namely, slide or photograph projection apparatus; Camcorders; Cameras; Cassette players; Compact disc players; Compact discs featuring video and computer games; ] Computer game programs; [ Computer keyboards; Computer memory hardware; Computer operating programs, recorded; Computer peripheral devices; Computer programmes, recorded for videogames; ] Computer programs for video games; [ Computer software, recorded for video games; ] Downloadable image files containing photographic images and artwork, text, and games; [ Downloadable musicfiles; Downloadable ring tones for mobile phones; DVD players; Downloadable electronic publications in the nature of websites, e-books, online magazines, online newspapers, electronic journals, blogs, podcasts and mobile applications in the field of computer and video games; Exposed photographic film; Headphones; Printed holograms; Juke boxes, musical; Laptop computers; Microphones; Baby monitors; Battery performance monitors; Computermonitors; ] Mouse pads; [ Notebook computers; Blank optical discs; Optical discs featuring computer and video games; Personal stereos; Portable media players; Portable telephones; Record players; Sound recording apparatus; Sound reproduction apparatus; Sound transmitting apparatus; Spectacle cases; Spectacle frames; Sunglasses; Tape-recorders; Teaching apparatus, namely, electronic teaching equipment in the nature of computers, multimedia projectors, and computer whiteboards; Telephone apparatus; Television apparatus for projection purposes; Blank USB flash drives; Blank video cassettes; Prerecorded video cassettes featuring computer games; Video game cartridges; Video recorders; ] Cases for telephones, computers, and other electronic mobile devices, namely, mobile computers, notebook computers, laptops, [ portable media players, MP3 players, personal digital assistants, global positioning system (GPS) apparatus, paging apparatus, ] mobile phones, cell phones, smartphones, portable telephones, [ radio pagers, pocket calculators, and electronic diaries; ] Computergames software; Computer game entertainment software; Downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; Video game software; Interactive multimedia computer game programs; Games software for use on mobile phones, tablets and other electronic mobile devices; [ Downloadable computer software for mobile phones, tablets and other electronic mobile devices in the field of social media; Downloadable software in the nature of a mobile application for use in the field of social media; ] Apps featuring computer games, namely, computer game software


Class 025. First use: First Use: 0 First Use In Commerce: 0

Clothing, namely, aprons, [ bandanas, bath robes, bathing caps, bathing suits, bathing trunks, beachwear, beach shoes, belts, bibs not of paper, boots, caps, headwear, coats, dresses, dressing gowns, ear muffs, football boots, gloves, hats, headbands, jackets, ] jumpers, pullovers, [ masquerade costumes, money belts, neckties, overalls, overcoats, pajamas, pants, paper hats for use as clothing, sandals, sarongs, ] shirts, [ shoes, ] short-sleeve shirts, [ shower caps, ski boots, ski gloves, skirts, sleep masks, slippers, slippers, ] socks, [ soles for footwear, stockings, suits, sun visors, ] sweaters, sweatshirts, [ swimsuits, ] tee-shirts, [ tights, trousers, under garments, underpants, underwear, uniforms, vests, waistcoats, wristbands; Footwear ]

Class 041. First use: First Use: 0 First Use In Commerce: 0

Educational services, namely, conducting classes, seminars, workshops in the field of [ computers, ] computer games; Training in the field of [ computers, ] computer games; Entertainment, namely, providing on-line computer games; Entertainment in the nature of computer games, namely, providing temporary use of non-downloadable computer games; Entertainment, namely, providing non-downloadable computer games online; Entertainment services, namely, providing temporary use of non-downloadable interactive games; Entertainment services, namely, providing temporary use of non-downloadable electronic games; Entertainment services, namely, providing a website featuring games and puzzles; Entertainment services, namely, providing online video games; [ Sporting and cultural activities, namely, in the field of computer games; Amuse-

ment parks; ] Arranging and conducting of workshops for educational purposes in the fields of [ computers, graphic arts, and ] video games; [ Providing casino and gambling facilities; Providing information relating to educational services; Educational examination; Electronic desktop publishing; Entertainment services, namely, live, televised and movie appearances by a professional entertainer; Film production, other than advertising films; Gambling services; ] Providing on-line computer games via a computer network; [ Games equipment rental; Operating lotteries;] Organization of [ sport and ] electronic games competitions; [ Party planning; Production of music; Entertainment, namely, production of television shows; Providing amusement arcade services; Hosting social entertainment events, namely, karaoke parties for others; ] Non-downloadable electronic publications in the nature of websites, [ e-books, ] online magazines, online newspapers, [ electronic journals, ] blogs [ , podcasts and mobile applications ] in the field of computer and video games; [ Publication of books; Publication of electronic books and journals on-line; ] Providing recreation facilities; [ Scriptwriting services; Writing of texts; ] Electronic games services provided by means of a global computer network; Entertainment services, namely, providing online electronic games for use on mobile phones, tablets and other electronic mobile devices; providing enhancements within online computer and electronic games; Entertainment services, namely, providing temporary use of non-downloadable single and multi-player electronic interactive games via the internet, electronic communication networks or via a global computer network; Multimedia publishing of software, specifically of computer game software, electronic games and video game software

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 6055823  | Application Date      | 09/22/2014 |
| Registration Date     | 05/19/2020   | Foreign Priority Date | NONE       |
| Word Mark             | CANDY CRUSH  |                       |            |
| Design Mark           |    |                       |            |
| Description of Mark   | The mark consists of the word "CANDY" with the letter "Y" connected to the letter "C" in the word "CRUSH"; a heart is above the word "CRUSH" and below the word "CANDY". |                       |            |
| Goods/Services        | Class 004. First use: First Use: 0 First Use In Commerce: 0  |                       |            |

Beeswax for use in the manufacture of cosmetics; electric nightlights; adhesive-bandages

Class 005. First use: First Use: 0 First Use In Commerce: 0

First aid kits; sticking plasters for medical use; Adhesive plasters for medical purposes; bandages

Class 008. First use: First Use: 0 First Use In Commerce: 0

Hand-operated tools and implements, namely, electric razors and clippers; hygienic and beauty implements for humans and animals, namely, cuticle scissors; Food preparation implements, namely, kitchen knives and cutlery; hand-operated tools and implements for the treatment of materials and for construction, repair and maintenance, namely, grinding wheels; agricultural, gardening and landscaping tools, namely, cultivators

Class 009. First use: First Use: 0 First Use In Commerce: 0

Apparatus for recording, transmission or reproduction of sound or images; Blank magnetic data carriers and recording discs; Blank magnetic disks, pre-recorded magnetic disks featuring computer games; Compact discs, DVDs and video recordings featuring computer games; Calculating machines, Data processing equipment, namely, couplers, Computers; Computer game software for video and computer games; Video disks and video tapes with recorded animated cartoons; Audiovisual teaching apparatus, namely, slide or photograph projection apparatus; Camcorders; Photographic Cameras; Cassette players; Compact disc players; Compact discs featuring video and computer games; Computer game programs; Computer keyboards; Computer memory hardware; Computer operating programs, recorded; Computer peripheral devices; Computer programmes, recorded for video games; Computer programs for video games; Computer software, recorded for video games; Downloadable image files containing photographic images and artwork, and text in the field of video and computer games; Downloadable music files; Downloadable ring tones for mobile phones; DVD players; Downloadable electronic publications in the nature of e-books, online magazines, online newspapers, electronic journals, and podcast transcripts in the field of computer and video games; Exposed photographic film; Headphones; Juke boxes, musical; Laptop computers; Microphones; Baby monitors; Battery performance monitors; Computer monitors; Mousepads; Notebook computers; Blank optical discs; Optical discs featuring computer and video games; Personal stereos; Portable media players; Portable telephones; Record players; Sound recording apparatus; Sound reproduction apparatus; Sound transmitting apparatus; Spectacle cases; Spectacle frames; Sunglasses; Tape recorders; Teaching apparatus, namely, electronic teaching equipment in the nature of computers, multimedia projectors, computer whiteboards; Telephone apparatus; Television apparatus for projection purposes; Blank USB flash drives; Blank videocassettes; Prerecorded video cassettes featuring computer games; Video game cartridges; Video recorders; Cases for mobile phones, tablets, laptop computers and netbooks, portable media players, cameras and other photographic equipment; Computer games software; Computer game entertainment software; Downloadable electronic game software for use on mobile phones, tablets and other electronic mobile devices; Video game software; Interactive multimedia computer game programs; Games software for use on mobile phones, tablets and other electronic mobile devices; Downloadable computer software for mobile phones, tablets and other electronic mobile devices in the field of social media for the creation and exchange of user-generated content, marketing research, and also for transmission of electronic communications and also for posting advertisements; Downloadable software in the nature of a mobile application for use in the field of social media for the creation and exchange of user-generated content, marketing research, and also for transmission of electronic communications and also for posting advertisements; Computer application software featuring video and computer games; Computer application software for mobile phones, portable media players, tablets, handheld computers and other electronic mobile devices, namely, software for video and com-

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