

ESTTA Tracking number: **ESTTA1213192**

Filing date: **06/03/2022**

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	SPYSCAPE LTD
Granted to date of previous extension	06/04/2022
Address	95 THE PROMENADE CHELTENHAM THIRD FLOOR GLOUCESTER, GL501HH UNITED KINGDOM
Attorney information	TRACY L. ZAWASKI GREER, BURNS & CRAIN LTD. 300 S. WACKER DRIVE SUITE 2500 CHICAGO, IL 60606 UNITED STATES Primary email: tmddocket@gbc.law Secondary email(s): tzawaski@gbc.law , anobis@gbc.law 312-987-2919
Docket no.	149036

Applicant information

Application no.	90079288	Publication date	04/05/2022
Opposition filing date	06/03/2022	Opposition period ends	06/04/2022
International registration no.	NONE	International registration date	NONE
Applicant	Polybius Games Ltd 31 CLARKIN AVENUE EAST KILBRIDE, GLASGOW, G759GS UNITED KINGDOM		

Goods/services affected by opposition

Class 014. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Clocks; Jewelry; Watches; Jewelry boxes; Jewelry cases; Key rings; Watch bands; Decorative key fobs; Non-monetary coins
Class 018. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Backpacks; Handbags; Knapsacks; Luggage; Purses; Umbrellas; Wallets; Book bags; Carry-on bags; Duffel bags; Fanny packs; Gym bags; Key cases; Leather bags; Leather handbags; School bags; Shoe bags for travel; Sports bags; Tote bags; Waist pouches; Wrist mounted carryall bags
Class 020. First Use: None First Use In Commerce: None


All goods and services in the class are opposed, namely: Cushions; Furniture; Mattresses; Pillows; Decorative mobiles; Figurines of wood, wax, plaster or plastic; Gift package decorations made of plastic; Hand fans; Mirrors; Party ornaments of plastic; Picture frames; Plastic cake decorations; Plastic novelty license plates; Statuettes of wood, wax, plaster or plastic; Windchimes; Interior window blinds
Class 021. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Beverageware; Dinnerware; Pitchers; Bath sponges; Bottle openers; Bottles, sold empty; Hair brushes; Hair combs; Lunch boxes; Lunch pails; Napkin holders; Napkin rings; Shaving brushes; Sun catchers; Toothbrush holders; Waste baskets; Electric toothbrushes; Insulated containers for food or beverages; Manual toothbrushes; Non-metal piggy banks; Serving trays; Vacuum bottles
Class 024. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Bath linen; Bed linen; Household linen; Kitchen linens; Plastic banners; Plastic flags; Plastic pennants; Plastic tablecovers; Sleeping bags; Table linen; Textile fabrics for use in making clothing and household furnishings
Class 028. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Balloons; Dolls; Puppets; Skateboards; Surfboards; Arcade games; Bean bag dolls; Bendable toys; Board games; Card games; Chess sets; Christmas tree ornaments; Coin-operated video games; Doll accessories; Elbow pads for athletic use; Hand held units for playing video games other than those adapted for use with an external display screen or monitor; Inflatable swimming pools; Inflatable toys; Jump ropes; Knee pads for athletic use; Mechanical action toys; Pinball games; Pinball-type games; Playing cards; Plush toys; Radio-controlled toy vehicles; Roller skates; Rubber balls; Snow boards; Snow sleds for recreational use; Soft sculpture toys; Stuffed toy animals; Surf fins; Swim boards for recreational use; Swim fins; Target games; Toy vehicles; Water squirting toys; Battery operated action toys; In-line skates; Scale model kits; Toy action figures and accessories therefor
Class 030. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Biscuits; Bread; Candy; Chocolate; Cocoa; Coffee; Cookies; Flour; Honey; Pastries; Rice; Spices; Sugar; Tea; Bubble gum; Candy bars; Chewing gum; Chocolate bars; Frozen custards; Frozen yogurt; Frozen confectionery containing ice cream; Granola-based snack bars; Ice cream; Ice cream bars; Ice cream sandwiches; Cereal based energy bars; Flavored ices; Processed cereals


Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b), 44(e) or 66(a)


Marks cited by opposer as basis for opposition


U.S. registration no.	4972532	Application date	10/08/2015
Register	Principal		
Registration date	06/07/2016	Foreign priority date	04/10/2015
Word mark	SPYSCAPE		
Design mark			
Description of mark	NONE		
Goods/services	Class 014. First use: First Use: None First Use In Commerce: None Precious metals and their alloys; jewellery; costume jewellery; precious stones; horological and chronometric instruments, namely, clocks and watches		
U.S. registration	5093830	Application date	10/08/2015

no.			
Register	Principal		
Registration date	12/06/2016	Foreign priority date	04/10/2015
Word mark	SPYSCAPE		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 016. First use: First Use: None First Use In Commerce: None</p> <p>Books in the field of spying and espionage, comics and magazines featuring spying and espionage; Printed matter, namely, newspapers, photographs, magazines, books, printed periodicals, newsletters, and brochures and all in the fields of spying and espionage; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, molds for modeling clay, plasters; paint brushes; typewriters and office requisites, namely, franking machines, paper trimmers, punches, rubber bands; Printed teaching materials in the field of spying and espionage; Plastic packaging wrap for commercial or industrial use; printers' type; printing blocks</p>		

U.S. registration no.	5093829	Application date	10/08/2015
Register	Principal		
Registration date	12/06/2016	Foreign priority date	04/10/2015
Word mark	SPYSCAPE		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None</p> <p>Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking in the nature of supervision, life-saving and teaching apparatus and instruments namely, tablet computers, laptop computers, computer screens, electronic display boards, electronic display screens</p>		


	and converters; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity namely, sensors, meters; apparatus for recording, transmission or reproduction of sound or images; magnetic datacarriers, recording discs; compact discs, DVDs and other digital recording media namely, video cassettes, and diskettesfeaturing songs for kids, songs linked with brands, karaoke, educational animated films in a variety of subject mattersfor all grade levels, educational shortmovies in a variety of subject matters for all grade levels and cartoons; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; Computer software for use in database management,use as a spreadsheet, word processing, in the field of spying and espionage; fire-extinguishing apparatus
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U.S. registration no.	4972533	Application date	10/08/2015
Register	Principal		
Registration date	06/07/2016	Foreign priority date	04/10/2015
Word mark	SPYSCAPE		
Design mark			
Description of mark	NONE		
Goods/services	Class 018. First use: First Use: None First Use In Commerce: None Leather and imitations of leather; animal skins, hides; trunks and travelling bags; handbags, rucksacks, purses; umbrellas, parasols and walking sticks; whips,harness and saddlery; clothing for animals		

U.S. registration no.	4972535	Application date	10/08/2015
Register	Principal		
Registration date	06/07/2016	Foreign priority date	04/10/2015
Word mark	SPYSCAPE		
Design mark			


Description of mark	NONE
Goods/services	Class 020. First use: First Use: None First Use In Commerce: None Furniture, mirrors, picture frames; garden furniture; pillows and cushions

U.S. registration no.	5093832	Application date	10/08/2015
Register	Principal		
Registration date	12/06/2016	Foreign priority date	04/10/2015

Word mark	SPYSCAPE
Design mark	

Description of mark	NONE
Goods/services	Class 021. First use: First Use: None First Use In Commerce: None Household or kitchen utensils, namely, kitchen tongs, dishes, serving trays, cookie jars, beverage glassware, works of art made from porcelain, ceramics, pottery, non-electric coffee pots and containers for household use; combs and cleaning, scrub, scouring, sponges; brushes for footwear, for billiard tables, for cleaning espionage equipment; brush-making materials; articles for cleaning purposes, namely, grill scrapers; steel wool; busts, mosaics, statues, work of art made of ceramics, glass, porcelain or earthenware; electric and non-electric toothbrushes

U.S. registration no.	5121884	Application date	10/08/2015
Register	Principal		
Registration date	01/17/2017	Foreign priority date	04/10/2015

Word mark	SPYSCAPE
Design mark	

Description of mark	NONE
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