

ESTTA Tracking number: **ESTTA595645**

Filing date: **03/31/2014**

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	Beats Electronics LLC
Granted to Date of previous extension	03/30/2014
Address	1601 Cloverfield Blvd., Suite 5000N Santa Monica, CA 90404 UNITED STATES

Attorney information	Michael Kelber & Lawrence E. James, Jr. Neal, Gerber & Eisenberg LLP Two North LaSalle Street, Suite 1700 Chicago, IL 60602 UNITED STATES mkelber@ngelaw.com, ljames@ngelaw.com, kspicer@ngelaw.com, knye@ngelaw.com, mbenson@ngelaw.com, DocketMail@ngelaw.com Phone:312-269-8000
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Applicant Information

Application No	85717284	Publication date	10/01/2013
Opposition Filing Date	03/31/2014	Opposition Period Ends	03/30/2014
Applicant	Threaks GmbH Alexanderstra�e 1 Hamburg, DEX 20099 DEX		

Goods/Services Affected by Opposition

Class 009. First Use: 2012/05/01 First Use In Commerce: 2012/07/01
All goods and services in the class are opposed, namely: Downloadable electronic game programs

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3862142	Application Date	06/03/2008
Registration Date	10/12/2010	Foreign Priority Date	NONE
Word Mark	BEATS		

Design Mark	<h1>BEATS</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2008/07/01 First Use In Commerce: 2008/07/01 headphones

U.S. Registration No.	4035777	Application Date	06/03/2008
Registration Date	10/04/2011	Foreign Priority Date	NONE
Word Mark	BEATS		
Design Mark	<h1>BEATS</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2010/09/07 First Use In Commerce: 2010/09/07 Audio speakers; loudspeakers		

U.S. Registration No.	4361690	Application Date	02/05/2009
Registration Date	07/02/2013	Foreign Priority Date	NONE
Word Mark	BEATS		

Design Mark	<h1>BEATS</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/09/07 First Use In Commerce: 2010/09/07 loudspeakers, audio speakers, car audiospeakers, media players for automobiles, CD players for automobiles Class 025. First use: First Use: 2011/11/05 First Use In Commerce: 2011/11/05 T-shirts

U.S. Registration No.	3921110	Application Date	06/11/2009
Registration Date	02/15/2011	Foreign Priority Date	NONE

Word Mark	HEARTBEATS		
Design Mark	<h1>HEARTBEATS</h1>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2009/09/16 First Use In Commerce: 2009/09/16 personal headphones for use with sound transmitting systems; headphones		

U.S. Registration No.	4177191	Application Date	06/08/2010
Registration Date	07/17/2012	Foreign Priority Date	NONE
Word Mark	BEATS PRO		

Design Mark	BEATS PRO
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14 Headphones; personal headphones for usewith sound transmitting systems

U.S. Registration No.	4173065	Application Date	06/25/2010
Registration Date	07/10/2012	Foreign Priority Date	NONE

Word Mark	JUSTBEATS
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Design Mark	JUSTBEATS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14 headsets for mobile phones; headphones;personal headphones for use with sound transmitting systems

U.S. Registration No.	4176105	Application Date	07/21/2009
Registration Date	07/17/2012	Foreign Priority Date	06/17/2009
Word Mark	BEATS BY DR. DRE		

Design Mark	BEATS BY DR. DRE
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14 media players for automobiles; DVD players for automobiles; CD players for automobiles; digital audio players for automobiles; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; headphones; personal headphones for use with sound transmitting systems; media players for automobiles Class 025. First use: First Use: 2011/11/05 First Use In Commerce: 2011/11/05 T-shirts

U.S. Registration No.	4198937	Application Date	12/17/2009
Registration Date	08/28/2012	Foreign Priority Date	NONE

Word Mark	IBEATS
Design Mark	IBEATS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/10/14 First Use In Commerce: 2010/10/14 Headsets for mobile telephones; headphones; personal headphones for use with sound transmitting systems

U.S. Registration No.	4314478	Application Date	02/27/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	BEATS STUDIO		

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