

ESTTA Tracking number: **ESTTA964642**

Filing date: **04/03/2019**

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	emoji company GmbH
Granted to Date of previous extension	04/03/2019
Address	Necklenbroicher Strasse 52-54 Meerbusch, 40667 GERMANY
Correspondence information	Marijan Hucke 1732 1st #27500 New York, NY 10128 UNITED STATES m.hucke@huckelaw.com, e.sal@huckelaw.com 646-396-0410

Applicant Information

Application No	88000430	Publication date	12/04/2018
Opposition Filing Date	04/03/2019	Opposition Period Ends	04/03/2019
Applicant	David, Shawn 211 Angie Way Bethlehem, GA 30620 UNITED STATES		

Goods/Services Affected by Opposition


Class 035. First Use: 2017/11/27 First Use In Commerce: 2017/11/27 All goods and services in the class are opposed, namely: Automobile dealerships


Grounds for Opposition

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


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5643568	Application Date	12/09/2016
Registration Date	01/01/2019	Foreign Priority Date	NONE
Word Mark	EMOJI		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 0 First Use In Commerce: 0 Furnace ash boxes; Heaters, electric, for feeding bottles; Bath tubs; Bath installations; Barbecues; Aquarium lights; Lighting installations for air vehicles; Lighting apparatus and installations, namely, lamps, not including nightlights; Lights for vehicles; Light-emitting diodes lighting fixtures; Lamps, not including nightlights; Ventilation hoods; Bed warmers; Anti-dazzle devices for automobiles, namely, light fitting shields for attachment to vehicle interior dome lights that narrow the path of light to passenger compartment for reading purposes; Motorcycle and bicycle lights; Vehicle reflectors; Vehicle headlights; Hair dryers; Taps, namely, faucets; Electric hand drying apparatus for washrooms; Hot air apparatus, namely, hot air blowers; Water heaters and heating boilers; Blankets, electric, not for medical purposes; Electric lamps, not including nightlights; Heating apparatus for defrosting windows of vehicles; Pressure cookers, electric; Chimney blowers; Diving lights; Immersion heaters; Electric toasters; Toilets; Toilet bowls; Toilet seats; Waffle irons, electric; Tobacco roasters; Pocket torches, electric, namely, electric torches for lighting; Pocket warmers, namely, non-electric and chemically-activated heating packets for warming hands not for medical use; Luminous house numbers

U.S. Registration No.	5489322	Application Date	12/09/2016
Registration Date	06/12/2018	Foreign Priority Date	NONE
Word Mark	EMOJI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 0 First Use In Commerce: 0 Motor buses; Cars; Automobile tires; Sleeping berths for vehicles; Saddle covers for bicycles or motorcycles; Covers for vehicle steering wheels; Ships; Motor homes; Tricycles not being toys; Shopping trolleys in the form of mobile carts; Hydroplanes; Non-skid devices for vehicle tires, namely, anti-skid chains for		

vehicle tires; Golf cars; Hot air balloons; Upholstery for vehicles; Yachts; Push-chairs; Stroller covers; Tilting-carts; Dump carts; Cycle cars, namely, motor cycles; Audible warning systems for cycles, namely, warning horns for motor-cycles; Head-rests for vehicle seats; Spray prevention flaps for vehicles, namely, mud flaps for vehicles; Aircraft; Air cushion vehicles; Air pumps for automobiles; Mopeds; Motorcycles; Paddles for canoes; Screws for ships, namely, ship propellers; Hub caps; Space vehicles; Pneumatic tires; Tires for vehicle wheels; Scooters, namely, motor scooters; Rearview mirrors; Oars; Rowlocks; Ships' hulls; Two-wheeled trolleys; Saddles for bicycles and motorcycles; Saddlebags adapted for bicycles; Clutches for land vehicles; Launches; Vehicle parts, namely, windshield wipers; Headlight wipers; Sleighs in the form of a vehicle for transport purposes; Mudguards; Anti-skid chains for vehicles; Snowmobiles; Fitted seat covers for vehicles; Funnels for locomotives; Human-powered vehicles in the form of trolleys and carts, not used as toys; Mudguards for two-wheeled motor vehicles or bicycles; Cycle mudguards, namely, bicycle mudguards; Adhesive rubber patches for repairing inner tubes; Safety belts for vehicle seats; Safety seats for children, for vehicles; Ski lifts; Ski carriers for cars; Sunblinds adapted for automobiles; Spikes for tires in the form of anti-skid studs for vehicle tires; Spoilers for vehicles; Sports cars; Suspension shock absorbers for vehicles; Vehicle shock absorbers; Shock absorbing springs for vehicles; Vehicle bumpers; Bumpers for automobiles; Caps for vehicle petrol tanks; Tractors; Handling carts; Valves for vehicle tires; Disengaging gear for boats, namely, rudder gear; Water vehicles, namely, boats; Seaplanes; Windscreens, namely, wind blockers to be affixed in the passenger area of land vehicles; Campers; Caravans, namely, recreational vehicles in the form of travel trailers; Bicycle stands

U.S. Registration No.	5415510	Application Date	12/09/2016
Registration Date	03/06/2018	Foreign Priority Date	07/28/2016
Word Mark	EMOJI		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Dietary supplements and dietetic preparations, namely, dietetic foods adapted for medical use; Hygienic preparations and articles, namely, Disinfectants for hygienic purposes, Deodorizing products, namely, all purpose deodorizer preparations for household, commercial and industrial use, disinfectant bathroom cleaners; Medical and veterinary preparations and articles, namely, Acne treatment preparations; Adrenal hormone preparations; Aerosol dispensers for medical use sold filled with allergy medications, hemostatic preparations and hair growth stimulants; Air deodorizing preparations; Air purifying preparations; All purpose deodorizing preparations for household, commercial or industrial use; All purpose disinfecting and deodorizing preparations; Amino acid preparations for medical purposes; Analgesic and muscle relaxant pharmaceutical preparations; Androgen preparations; Anti-arthritis compositions and preparations; Anti-cancer</p>		

preparations; Anti-inflammatory preparations; Anti-epileptic pharmaceutical preparations; Antidrowsiness treatment preparations; Anti-diabetic preparations; Anti-cavity dental coating preparations containing fluoride; Anti-sarcoma preparations; Anti-tuberculous preparations; Anti-uric preparations; Antibiotic preparations; Antifungal preparations; Antihemorrhoidal preparations; Antimicrobial hand-sanitizing preparations; Antiparasitic preparations; Antipyretic preparations; Antiseptic preparations; Athletes' foot preparations; Bacterial and bacteriological preparations for medical or veterinary purposes; Bacterial preparations for veterinary purposes; Bacterial preparations for medical and veterinary use; Bath preparations for medical purposes; Bath salts and bath preparations for medical purposes; Biological preparations for the treatment of cancer; Biostatic antimicrobial preparations for treating bacteria, mold, mildew, algae and yeast and for inhibiting growth of those organisms; Bowel evacuant preparations; Caffeine preparations for stimulative use; Cardiovascular pharmaceutical preparations; Chemical preparations for treating phylloxera; Chemical preparations for treating mildew; Chemical preparations for the diagnosis of pregnancy; Cold sore treatment preparations; Contact lens cleaning preparations; Contraceptive preparations; Cough treatment preparations; Dental preparations for disclosing plaque; Fertility enhancement preparations; Fumigation preparations for medical purposes; Diagnostic preparations for medical and veterinary use; Estrogen preparations; Medical preparations, namely, foot, hand and skin creams for diabetics; Hormonal preparations; Hand-sanitizing preparations; Medicated dermatological preparations and substances; Medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Medicated hair care preparations; Mineral preparations for medical purposes; Migraine treatment preparations; Menstrual symptom treatment preparations; Medicinal preparations for stimulating hair growth; Nasal spray preparations; Nail sanitizing preparations; Natural sleep aid preparations; Nausea treatment preparations; Preparation for the relief of pain; Pregnancy testing preparations, namely, pregnancy test kits for home use; Probiotic preparations for medical use; Pest control preparations and articles, namely, Pesticides; Nematode pesticide; Domestic pesticides; Agricultural pesticides; Pesticides for agricultural use; Granular repellent for burrowing pests; Thymol for use as a pesticide; Pesticides for indicate use, agricultural, commercial, industrial, domestic use; Biocides, germicides, bactericides, virucides, fungicides, insecticides, pesticides and herbicides; Freeze-dried food bait to attract flies for pest control purposes; Herbicides, insecticides, pesticides and fungicides for home, garden and lawn use and for professional use; Dental preparations and articles, namely, Dental polish; Dental waxes; Dental alloys; Dental blanks; Dental sealants; Dental adhesives; Medicated dental floss; Medicated dental rinses; Dental impression materials; Dental abrasives; Medicated anti-cavity dental rinses; Adhesives for dental and dentistry use; Food for babies; Dietary supplements for animals; Medical preparations for slimming purposes, namely, Slimming pills; Anti-oxidant food supplements; Appetite suppressants; Appetite suppressants for medical purposes; Medicated supplements for food-stuffs for animals; Asthmatic tea; Infant formula; Dietary fiber to aid digestion; Bee pollen for use as a dietary food supplement; Diabetic bread adapted for medical use; Diastase for medical purposes; Dietetic infusions for medical use; Dietetic beverages for babies adapted for medical purposes; Dietetic preparations adapted for medical use, namely, dietetic foods adapted for medical use; Herbal dietary supplements for persons special dietary requirements; Dietary supplements for pets in the nature of a powdered drink mix; Liquid vitamin supplements; Nutraceuticals for use as a dietary supplement; Royal jelly for medical purposes; Powdered fruit-flavored dietary supplement drink mix; Glucose for use as an additive to foods for medical purposes; Dietary supplements consisting primarily of calcium; Cod liver oil; Cod-liver oil capsules; Cod-liver oil drops; Liquid herbal supplements; Fish oil for medical purposes; Ground flaxseed fiber for use as a dietary supplement; Dietetic sugar for medical use; Dietetic foods adapted for medical use; Dietetic beverages adapted for medical purposes; Dietetic sugar substitutes for medical use; Nutritional supplement meal replacement bars for boosting energy; Protein dietary supplements; Propolis dietary sup-

plements; Linseed oil dietary supplements; Linseed dietary supplements; Royal jelly dietary supplements; Alginate dietary supplements; Albumin dietary supplements; Dietary supplemental drinks; Nutritional supplements; Multi-vitamin preparations; Calcium fortified candy, for medical purpose; Mineral dietary supplements for humans; Mineral food supplements; Melissa water for pharmaceutical purposes; Milk sugar, for medical purposes; Medicinal tea; Medicinal drinks; Lysine preparations; Mint for pharmaceutical purposes; By-products of the processing of cereals for medical purposes; Natural dietary supplements for treating claustrophobia; Powdered nutritional supplement drink mix; Dietary supplements for infants; Health food supplements for persons with special dietary requirements; Dietary supplements for controlling cholesterol; Food supplements; Dietary food supplements for humans; Wheat germ dietary supplements; Dietary supplements consisting of vitamins; Pollen dietary supplements; Lecithin dietary supplements; Casein dietary supplements; Yeast dietary supplements; Glucose dietary supplements; Enzyme dietary supplements; Food supplements consisting of amino acids; Wheat dietary supplements; Mineral nutritional supplements; Health food supplements made principally of vitamins; Health food supplements made principally of minerals; Vitamin preparations in the nature of food supplements; Prenatal vitamins; Vitamin preparations; Mixed vitamin preparations; Vitamin drinks, namely, Dietary supplemental drinks in the nature of vitamin and mineral beverages; Vitamins and vitamin preparations; Gummy vitamins; Vitamin D preparations; Vitamin C preparations; vitamin tablets; Vitamin B preparations; Vitamin A preparations; Vitamin and mineral supplements; Soy protein dietary supplements; Low-salt bread adapted for medical use; Lipotropic factor preparations; Diet capsules; Protein supplements for animals; Probiotic supplements; dietetic Sugar for medical purposes; Zinc supplement lozenges; Delivery agents in the form of coatings for tablets that facilitate the delivery of nutritional supplements; Delivery agents in the form of dissolvable films that facilitate the delivery of nutritional supplements; Nutritional supplements consisting primarily of zinc; Nutritional supplements consisting of fungal extracts; Nutritional supplements consisting primarily of magnesium; Dietary supplements consisting primarily of magnesium; Nutritional supplements consisting primarily of calcium; Nutritional supplements consisting primarily of iron; Dietary supplements consisting primarily of iron; Vitamin drops; Vitamin supplements; Deodorizers and air purifying preparations for carpets, shoes, automobiles and for household pet litter boxes; Disinfectants and antiseptics; medicated Eye-washes; Chemical preparations for sanitary purposes; Lubricant gels for personal use; Silicone-based personal lubricants; First-aid boxes, filled; Sanitary sterilising preparations; sterilising Cleaners for sterilising surgical instruments; Cleansing solutions for medical use; Compounds for sanitising eggs; Douching preparations for medical purposes; Sanitary preparations for medical purposes; Collyrium; Egg sanitizing preparations; Personal sexual lubricants; Water-based personal lubricants; Diapers for pets; Diagnostic preparations for medical purposes; Medical dressings

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

Hand-operated cutting tools and implements for treatment of materials, and for construction, repair and maintenance; Hand-operated retrieving tools and implements in the form of clamps for treatment of materials, and for construction, repair and maintenance; Lifting Tools, namely, Hand operated lifting jacks; kitchen knives and cutlery, namely, forks, spoons and flatware; Flat irons; Electric irons; Electric steam irons; Electric irons for styling hair; Electric hair straightening irons; Electric hair crimper; Tweezers; Manual clippers; Cuticle scissors; Farriers' knives; Nail clippers for personal use; Pedicure implements, namely, nail files, nail clippers, cuticle pushers, tweezers, nail and cuticle scissors; Scissors; Shears; Shear blades; Eyelash curlers; Eyelash separators; Hand tools, namely, Priming irons; Mountaineering pickels [ice axes]; hand-operated tin openers, non-electric; Diving knife holders; Miter vises being hand tools; Goffering irons; Palette knives; Thread snips; Ice picks; Ice axes; Ice hammers; Can openers, non-electric; Non-electric flat irons; Ratchets wrenches [hand tools]; Knives for

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