

ESTTA Tracking number: **ESTTA1264341**

Filing date: **02/06/2023**

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	id Software LLC
Granted to date of previous extension	02/05/2023
Address	1500 NORTH GREENVILLE AVENUE, SUITE 700 RICHARDSON, TX 75081 UNITED STATES
Attorney information	JULIANNE A HENLEY SPARROW IP PLLC 1567 HIGHLANDS DRIVE NE, SUITE 110-290 ISSAQUAH, WA 98029 UNITED STATES Primary email: docket@sparrowip.com Secondary email(s): julianne@sparrowip.com, gillian@sparrowip.com, sachi@sparrowip.com, intertm@microsoft.com No phone number provided
Docket no.	

Applicant information

Application no.	97152770	Publication date	08/09/2022
Opposition filing date	02/06/2023	Opposition period ends	02/05/2023
Applicant	Novomatic AG WIENER STRASSE 158 GUMPOLDSKIRCHEN, 2352 AUSTRIA		

Goods/services affected by opposition

Class 009. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Recorded computer game software; Recorded computer gaming software for gambling; Recorded game software; Recorded video game software
Class 028. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Amusement game machines; Arcade game machines; Arcade video game machines; Electronic gaming machines, namely, devices which accept a wager; Gaming machines for gambling; Stand alone video game machines; Video game machines
Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Entertainment services, namely, providing games of chance via the Internet; Entertainment services, namely, providing online electronic games; Entertainment services, namely, providing online video games; Gaming services in the nature of

providing online casino games and games of chance; Providing on-line computer games; Provision of information relating to electronic computer games provided via the Internet

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition


U.S. registration no.	2032587	Application date	07/05/1994
Register	Principal		
Registration date	01/21/1997	Foreign priority date	NONE
Word mark	QUAKE		
Design mark			
Description of mark	NONE		
Goods/services	Class 028. First use: First Use: Aug 2, 1996 First Use In Commerce: Aug 2, 1996 computer software games and computer game programs		

U.S. registration no.	2248229	Application date	07/25/1997
Register	Principal		
Registration date	05/25/1999	Foreign priority date	NONE
Word mark	QUAKE II		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Dec 9, 1997 First Use In Commerce: Dec 9, 1997 computer game programs [and instructional manuals sold as a unit]		


U.S. registration no.	2254868	Application date	08/14/1997
Register	Principal		
Registration date	06/22/1999	Foreign priority date	NONE
Word mark	QUAKE		
Design mark			
Description of mark	NONE		
Goods/services	Class 016. First use: First Use: Nov 1996 First Use In Commerce: Nov 1996 printed matter, namely, books in the field of computer software game strategy and game playing hints		


U.S. registration no.	2265714	Application date	01/07/1998
Register	Principal		

Registration date	07/27/1999	Foreign priority date	NONE
Word mark	QUAKE II MISSION PACK: THE RECKONING		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: May 1998 First Use In Commerce: May 1998 computer software games and computer software game programs [with user manuals sold as a unit]		

U.S. registration no.	2336765	Application date	07/27/1998
Register	Principal		
Registration date	03/28/2000	Foreign priority date	NONE
Word mark	QUAKE III ARENA		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Nov 15, 1999 First Use In Commerce: Nov 15, 1999 computer software games and computer software game programs for entertainment uses with user manuals sold as a unit; and computer mouse pads		

U.S. registration no.	3477095	Application date	06/03/2005
Register	Principal		
Registration date	07/29/2008	Foreign priority date	NONE
Word mark	ENEMY TERRITORY: QUAKE WARS		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Oct 31, 2007 First Use In Commerce: Oct 31, 2007 computer software games, and computer software game programs for entertainment uses with user manuals sold as a unit		

U.S. registration no.	3128560	Application date	08/31/2005
Register	Principal		
Registration date	08/15/2006	Foreign priority date	NONE
Word mark	QUAKECON		
Design mark			
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: Feb 28, 1999 First Use In Commerce: Feb 28, 1999 arranging and conducting trade show exhibitions in the field of computers and computer software		

U.S. registration no.	3213821	Application date	06/03/2005
Register	Principal		
Registration date	02/27/2007	Foreign priority date	NONE
Word mark	QUAKE 4		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Nov 1, 2005 First Use In Commerce: Nov 1, 2005 computer software games, and computer software game programs for entertainment uses with user manuals sold as a unit Class 016. First use: First Use: Nov 1, 2005 First Use In Commerce: Nov 1, 2005 [posters,] printed guides featuring strategy for playing computer software games, and books featuring hints for playing computer software games		

U.S. registration no.	3941007	Application date	11/30/2007
Register	Principal		
Registration date	04/05/2011	Foreign priority date	NONE
Word mark	QUAKELIVE		
Design mark			

Description of mark	NONE
Goods/services	Class 009. First use: First Use: Feb 24, 2009 First Use In Commerce: Feb 24, 2009 Computer software games and computer software game programs for entertainment uses [with user manuals sold as a unit]

U.S. registration no.	2640422	Application date	05/10/2000
Register	Principal		
Registration date	10/22/2002	Foreign priority date	NONE
Word mark	QUAKE III: TEAM ARENA		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Jan 1, 2001 First Use In Commerce: Jan 1, 2001 computer software games and computer software game programs for entertainment uses with manuals sold as a unit [; and computer mouse pads]		

Attachments	75414792#TMSN.png(bytes) 75525453#TMSN.png(bytes) 76645959#TMSN.png(bytes) 76978430#TMSN.png(bytes) id Software - Novomatic - FRUITQUAKE Notice of Opposition US 2-6-23.pdf(186741 bytes) Annex A - FRUITQUAKE - 97152770 - TSDR Report.pdf(29381 bytes) Annex B - QUAKE marks TSDR Report .pdf(251630 bytes) Annex C - QUAKE marks - CoR .pdf(637381 bytes) Annex D - Wikipedia Wepgage - id Software.pdf(428140 bytes) Annex E - Wikipedia Wepgage - Quake video game.pdf(488075 bytes) Annex F - Novomatic US Portfolio.pdf(98086 bytes)
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Signature	/Julianne A. Henley/
Name	JULIANNE A HENLEY
Date	02/06/2023

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