

ESTTA Tracking number: **ESTTA455428**

Filing date: **02/08/2012**

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	02/08/2012
Address	1601 Cloverfield Blvd, Suite 5000N Santa Monica, CA 90404 UNITED STATES

Attorney information	Michael G. Kelber Neal, Gerber & Eisenberg LLP Two North LaSalle Street, Suite 1700 Chicago, IL 60602 UNITED STATES mhall@ngelaw.com, llozada@ngelaw.com, mkelber@ngelaw.com Phone:312.269.8000
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Applicant Information

Application No	85322883	Publication date	10/11/2011
Opposition Filing Date	02/08/2012	Opposition Period Ends	02/08/2012
Applicant	Abady, Glen 1540 West Park Avenue Tinton Falls, NJ 07724 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Portable listening devices, namely, MP3 players and MP4 players, Audio Speakers, Earphones, Headphones, CD Players, Portable Radios and MP3 and MP4 accessories, namely, computer cables, FM transmitters, earphones, cases and speakers

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. Application No.	77786492	Application Date	07/21/2009
Registration Date	NONE	Foreign Priority Date	06/17/2009

Word Mark	BEATS BY DR. DRE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use:</p> <p>audio and video equipment, namely, digital audio players, digital video players, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, digital video players, portable digital audio players, portable digital video players; digital audio players for automobiles; digital video players for automobiles; MP3 players; MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment, namely, amplifiers, subwoofers, surround sound systems; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating, distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; electrical pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers; signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo receivers; stereo tuners; stereo amplifiers; audio equipment components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals; video equipment components, namely, component video cables, electronic scalers for video signals, electronic interconnectors for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, Fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus</p>

needles and also including cleaning solution and brushes; stereo players and equipment, namely, stereo tuners, stereo amplifiers, personal stereos; eyewear and sunglasses; headphones; computers; laptop computers; components for computers for enhancing their audio and video sound properties; computer software, namely software for processing digital music files and software for browsing or editing video, images and sound; computer software, namely software application for locating and identifying local music venues and live musical or dj performances; audio application software for computers; computer accessories, namely USB sticks, USB hubs, keyboards, computer monitors, computer mouse, and audio speakers for computers; electronic devices, namely, televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components therefor, personal headphones for use with sound transmitting systems; audio equipment, namely, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, portable digital audio players, digital audio players for automobiles; audio speakers for home theater systems; audio speakers for computers; audio recordings featuring music; computer software for processing digital music files; digital photo frames for displaying digital pictures, video clips and music; downloadable music via the Internet and wireless devices; downloadable MP3 or MP4 files, MP3 or MP4 recordings and downloadable pod casts featuring music, audio books and news broadcasts; video recordings featuring music; music-composition software; visual recordings and audio visual recordings featuring music; downloadable visual recordings featuring music and musical based entertainment; downloadable cellular phone ringtones; Apparatus for recording, transmission or reproduction of sound or images

Class 025. First use:

Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skullcaps, beanies

Class 038. First use:

Providing online electronic bulletin boards for transmission of messages among computer users concerning media, music, video, film, book and television; streaming of video content via a global computer network; streaming of audio content via a global computer network

Class 041. First use:

Nightclub services; dance club services; provision of live entertainment and recorded entertainment, namely, live musical performances by musical bands and DJs; entertainment services, namely, non-downloadable ringtones, pre-recorded music, video and graphics presented to mobile communications devices via a global computer network and wireless network; music studios, namely, sound recording studios; publishing services in the nature of music publishing; musical entertainment in the nature of live visual and audio performances by musical groups and DJs; exhibitions, namely, exhibitions concerning music; providing online music services, namely, providing non-downloadable prerecorded music via global computer network; entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia entertainment materials, providing on-line reviews of music performances, concerts, music albums and recordings and musical artists, providing nondownloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; providing

	podcasts in the field of music, providing webcasts in the field of music and other multimedia entertainment materials
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U.S. Application No.	85115875	Application Date	08/25/2010
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Registration Date	NONE	Foreign Priority Date	NONE
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Word Mark	POWERBEATS BY DR. DRE		
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Design Mark	<p>POWERBEATS BY DR. DRE</p>		
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Description of Mark	NONE		
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Goods/Services	<p>Class 009. First use: Audio and video equipment, namely, media players, DVD players, CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, docking stations; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment, namely, amplifiers, subwoofers, surround sound systems; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating, distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; electrical pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers. signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo players and equipment, namely, stereo tuners, stereo amplifiers; stereo receivers; personal stereos; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; audio and video components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals;. video equipment components, namely, component video cables, electronic scalers for video</p>		
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signals, electronic interconnecters for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; home theater equipment and components, namely, televisions, sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components; audio speakers for home theater systems; cellular phones, portable electronic devices and related accessories, namely, portable media players, portable DVD players, portable CD players, portable digital audio players, portable digital video players; portable MP3 players; portable MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; eyewear and sunglasses; headphones; computers; laptop computers; components for computers for enhancing their audio and video sound properties; computer software, namely, software for processing digital music files and software for browsing or editing video, images and sound; computer software, namely, software application for locating and identifying local music venues and live musical or DJ performances; audio application software for computers. computer accessories, namely, USB sticks, USB hubs, keyboards, computer monitors, computer mouse, and audio speakers for computers; electronic devices, namely, televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; personal headphones for use with sound transmitting systems; computers, digital equipment, namely, digital audio players, digital video players, digital audio players for automobiles; audio recordings featuring music; computer software for processing digital music files; digital photo frames for displaying digital pictures, video clips and music; downloadable music via the Internet and wireless devices; downloadable MP3 or MP4 files, MP3 or MP4 recordings and downloadable pod casts featuring music, audio books and news broadcasts; video recordings featuring music; music-composition software; visual recordings and audio visual recordings featuring music; downloadable visual recordings featuring music and musical based entertainment; downloadable cellular phone ringtones; Apparatus for recording, transmission or reproduction of sound or images

Class 025. First use:
 Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skullcaps, beanies

U.S. Application No.	85072253	Application Date	06/25/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	JUSTBEATS		

Design Mark	<h1 style="text-align: center;">JUSTBEATS</h1>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use:</p> <p>Audio and video equipment, namely, digital audio players, digital video players, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, digital video players, portable digital audio players, portable digital video players; digital audio players for automobiles; digital video players for automobiles; MP3 players; MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment, namely, amplifiers, subwoofers, surround sound systems; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating, distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; electrical pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers; signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo receivers; stereo tuners; stereo amplifiers; audio equipment components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals; video equipment components, namely, component video cables, electronic scalers for video signals, electronic interconnecters for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, Fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; stereo players and</p>

	<p>equipment, namely, stereo tuners, stereo amplifiers, personal stereos; eyewear and sunglasses; headphones; computers; laptop computers; electronic components for computers for enhancing their audio and video sound properties; computer software, namely, software for processing digital music files and software for browsing or editing video, images and sound; computer software, namely, software application for locating and identifying local music venues and live musical or DJ performances; audio application software for use in authoring, downloading, transmitting, receiving, editing, extracting, encoding, decoding, playing, storing, and organizing text, data, images, and audio files; computer accessories, namely, USB sticks being computer hardware, USB hubs, keyboards, computer monitors, computer mouse, and audio speakers for computers; electronic devices, namely, televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components therefor, personal headphones for use with sound transmitting systems; audio equipment, namely, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, portable digital audio players, digital audio players for automobiles; audio speakers for home theater systems; audio speakers for computers; audio recordings featuring music; computer software for processing digital music files; digital photo frames for displaying digital pictures, video clips and music; downloadable music via the Internet and wireless devices; downloadable MP3 or MP4 files, MP3 or MP4 recordings and downloadable pod casts featuring music, audio books in the field of music and news broadcasts; video recordings featuring music; music-composition software; visual recordings and audio visual recordings featuring music; downloadable visual recordings featuring music and musical based entertainment; downloadable cellular phone ringtones; Apparatus for recording, transmission or reproduction of sound or images</p> <p>Class 025. First use:</p> <p>Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skullcaps, beanies</p>
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U.S. Application No.	77899410	Application Date	12/22/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DIDDY BEATS		
Design Mark			
Description of	NONE		

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Goods/Services	<p>Class 009. First use:</p> <p>Audio and video equipment including audio players, video players, media players, DVD players, CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers, signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo players and equipment, namely, stereo tuners, stereo amplifiers; stereo receivers; personal stereos; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; audio and video components, namely limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals;. video equipment components, namely, component video cables, electronic scalars for video signals, electronic interconnectors for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; home theater equipment and components, namely televisions, sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components; audio speakers for home theater systems; cellular phones, portable electronic devices and related accessories, namely portable media players, portable DVD players, portable CD players, portable digital audio players, portable digital video players; portable MP3 players; portable MP4 players; protective carrying cases for portable music players; personal digital assistants (PDA); smart phones; cell phones; headsets for mobile phones; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; eyewear and sunglasses; headphones; computers; laptop computers; components for computers for enhancing their audio and video sound properties; computer hardware; computer software; audio application software for computers; computer accessories; electronic devices, including televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; personal headphones for use with sound transmitting systems; digital equipment, namely digital audio players, digital video players, digital audio players for automobiles, speakers for computers; audio recordings featuring music; computer software for processing digital music files; digital photo frames for displaying digital pictures, video clips and music; downloadable music via the Internet and wireless devices;</p>

	<p>downloadable MP3 or MP4 files, MP3 or MP4 recordings and downloadable pod casts featuring music, audio books and news broadcasts; video recordings featuring music; music-composition software; visual recordings and audio visual recordings featuring music; downloadable visual recordings featuring music and musical based entertainment; downloadable cellular phone ringtones; Apparatus for recording, transmission or reproduction of sound or images</p> <p>Class 025. First use:</p> <p>Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skullcaps, beanies</p>
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U.S. Application No.	77896218	Application Date	12/17/2009
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	IBEATS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use:</p> <p>Audio and video equipment, namely, digital audio players, digital video players, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, digital video players, digital audio players for automobiles; digital video players for automobiles; MP3 players; MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smartphones; headsets for mobile telephones; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment, namely, amplifiers, subwoofers, surround sound systems; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electroacoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; electronic effects pedals for use with musical instruments; musical juke boxes; musical instrument adaptors; musical</p>
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instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers, signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo players and equipment, namely, stereo tuners, stereo amplifiers; stereo receivers; personal stereos; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; audio and video components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals; video equipment components, namely, component video cables, electronic scalars for video signals, electronic interconnecters for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; home theater equipment and components, namely, televisions, sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components therefor; audio speakers for home theater systems; cellular phones, portable electronic devices and related accessories, namely, portable media players, portable DVD players, portable CD players, portable digital audio players, portable digital video players; portable MP3 players; portable MP4 players; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; eyewear and sunglasses; headphones; computers; laptop computers; components for computers for enhancing their audio and video sound properties, namely, video boards and sound boards; computer hardware; computer software and downloadable computer software for use in recording, organizing, transmitting, manipulating, reviewing text, data, audio files and video files, music mixing software for use on cell phones and computers; computer accessories, namely, USB sticks, USB hubs, keyboards, computer monitors, computer mouse, audio speakers for computers; electronic devices, namely, televisions, radios, MP3 players, MP4 players, video disc player, digital video player and audio players, namely, televisions, radios, MP3 players, MP4 players, video disc players and digital video players, all with sound elements; personal headphones for use with sound transmitting systems; digital equipment, namely, digital audio players, digital video players, digital audio players for automobiles, speakers for computers; audio recordings featuring music; computer software for processing digital music files; digital photo frames for displaying digital pictures, video clips and music; downloadable music via the Internet and wireless devices; downloadable MP3 or MP4 files, MP3 or MP4 recordings and downloadable pod casts featuring music, audio books and news broadcasts; video recordings featuring music; music-composition software; visual recordings and audio visual recordings featuring music; downloadable visual recordings featuring music and musical based entertainment; downloadable cellular phone ring tones

Class 025. First use:

Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skull caps, beanies

Class 038. First use:

Providing online bulletin boards for transmission of messages among users in the fields of media, music, video, film, book and television; streaming of video

	<p>material via a global computer network; streaming of audio material via a global computer network</p> <p>Class 041. First use:</p> <p>Night Club services; dance club services; provision of live entertainment and pre-recorded music, namely, live musical performances by musical bands and DJs; entertainment services, namely, non-downloadable ringtones, pre-recorded music, video and graphics presented to mobile communications devices via a global computer network and wireless network; music studios, namely, sound recording studios; publishing services in the nature of music publishing; musical entertainment in the nature of live visual and audio performances by musical groups and DJs; organization of exhibitions for musical entertainment, namely, exhibitions concerning music; providing online music services, namely, providing non-downloadable prerecorded music via global computer network; entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia entertainment materials, providing on-line reviews of music performances, concerts, music albums and recordings and musical artists, providing nondownloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; providing podcasts in the field of music, providing webcasts in the field of music and other multimedia entertainment materials</p>
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U.S. Application No.	77786522	Application Date	07/21/2009
Registration Date	NONE	Foreign Priority Date	06/17/2009
Word Mark	BEATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2008/07/01 First Use In Commerce: 2008/07/01 (Based on Use in Commerce) headphones; (Based on Intent to Use) audio and video equipment, namely, digital audio players, digital video players, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, digital video players, portable digital audio players, portable digital video players; digital audio players for automobiles; digital video players for automobiles; MP3 players; MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment, namely, amplifiers, subwoofers, surround sound systems; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems</p>		

comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating, distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; electrical pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers; signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo receivers; stereo tuners; stereo amplifiers; audio equipment components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals; video equipment components, namely, component video cables, electronic scalers for video signals, electronic interconnectors for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, Fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; stereo players and equipment, namely, stereo tuners, stereo amplifiers, personal stereos; eyewear and sunglasses; computers; laptop computers; components for computers for enhancing their audio and video sound properties; computer software, namely, software for processing digital music files and software for browsing or editing video, images and sound; computer software, namely, software application for locating and identifying local music venues and live musical or dj performances; audio application software for computers; computer accessories, namely, USB sticks, USB hubs, keyboards, computer monitors, computer mouse, and audio speakers for computers; electronic devices, namely, televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components therefor, personal headphones for use with sound transmitting systems; audio equipment, namely, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, portable digital audio players, digital audio players for automobiles; audio speakers for home theater systems; audio speakers for computers; audio recordings featuring music; computer software for processing digital music files; digital photo frames for displaying digital pictures, video clips and music; downloadable music via the Internet and wireless devices; downloadable MP3 or MP4 files, MP3 or MP4 recordings and downloadable pod casts featuring music, audio books and news broadcasts; video recordings featuring music; music-composition software; visual recordings and audio visual recordings featuring music; downloadable visual recordings featuring music and musical based entertainment; downloadable cellular phone ringtones; Apparatus for recording, transmission or reproduction of sound or images

Class 025. First use:

(Based on Intent to Use) Clothing, namely, blouses, dresses, bottoms, coats,

	<p>foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skullcaps, beanies</p> <p>Class 038. First use: (Based on Intent to Use) Providing online electronic bulletin boards for transmission of messages among computer users concerning media, music, video, film, book and television; streaming of video content via a global computer network; streaming of audio content via a global computer network</p> <p>Class 041. First use: (Based on Intent to Use) Nightclub services; dance club services; provision of live entertainment and recorded entertainment, namely, live musical performances by musical bands and DJs; entertainment services, namely, non-downloadable ringtones, pre-recorded music, video and graphics presented to mobile communications devices via a global computer network and wireless network; music studios, namely, sound recording studios; publishing services in the nature of music publishing; musical entertainment in the nature of live visual and audio performances by musical groups and DJs; exhibitions, namely, exhibitions concerning music; providing online music services, namely, providing non-downloadable prerecorded music via global computer network; entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia entertainment materials, providing on-line reviews of music performances, concerts, music albums and recordings and musical artists, providing non downloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; providing podcasts in the field of music, providing webcasts in the field of music and other multimedia entertainment materials</p>
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U.S. Application No.	77664171	Application Date	02/05/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2008/07/01 First Use In Commerce: 2008/07/01 (Based on Use in Commerce) Headphones (Based on Intent to Use) microphones; audio and video electric cables and connectors; sound and video recording apparatus; portable telephones and accessories, namely, cell phones, smart phones, headsets for mobile phones; compact disc players and equipment, namely, CD players, portable CD players; record players; stereo players and equipment, namely, high fidelity stereo systems comprising</p>		

	<p>amplifiers, loudspeakers, receivers and tuners; stereo receivers; stereo tuners; stereo amplifiers; eyewear and sunglasses; protective carrying cases for audio equipment, namely, portable music players, namely, MP3 players, CD players, DVD players, MP3 players; audio speakers, car audio speakers, loudspeakers, audio equipment, namely, audio players, media players, portable media players, DVD players, portable DVD players, media players for automobiles, CD players for automobiles, digital audio players, portable digital audio players, horns for loudspeakers, electric actuators, surround sound systems, pre-amplifiers, amplifiers, sound amplifiers, audio amplifiers, high fidelity stereo systems comprising amplifiers, loudspeakers, receivers and tuners, subwoofers, signal separating distributing, generating and converting circuits all for audio signals, audio video signals; electro acoustic transducers, audio mixers, electronic audio mixers, sound mixers, sound mixers with integrated amplifiers, acoustic conduits, acoustic couplers, acoustic coupling devices, acoustic membranes, acoustic meters, acoustic separation units, apparatus for wireless transmission of acoustic information, electric pickups for use with musical instruments, musical juke boxes, musical instrument adaptors; musical instrument amplifiers, musical instrument connectors, signal bells, sound locating instruments, namely, sound alarms, sound level meters; laptop computer carrying cases; carrying cases for headphones</p> <p>Class 018. First use: Leather goods, namely, bags, briefcases, sport bags, luggage, briefcase type portfolios, handbags, wallets, carrying cases, key cases, credit card cases, business card cases, travel cases, suitcases</p> <p>Class 025. First use: Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear, namely, boots, shoes, slippers, sneakers; headgear, namely, caps, hats, visors</p>
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U.S. Application No.	77837774	Application Date	09/29/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CLUB BEATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: Audio and video equipment, namely, media players, DVD players, CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, audio speakers; car audio speakers; loudspeakers; racks for loudspeakers; stands specially adapted for stereos and audio speakers, namely,</p>		

floor stands and table tops for loudspeakers; surround sound systems; amplifiers, subwoofers; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners; signal processors, namely, signal separating, distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; electrical pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; projection screens; automatic switchboards; automatic turnstiles; stereo receivers; stereo tuners; stereo amplifiers; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; stereo players and equipment, namely, stereo tuners, stereo amplifiers; audio and video components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals. video equipment components, namely, component video cables, electronic scalars for video signals, electronic interconnectors for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; home theater equipment and components, namely, televisions, sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components therefor; audio speakers for home theater systems; cellular phones, portable electronic devices and related accessories, namely, portable media players, portable DVD players, portable CD players, portable digital audio players, portable digital video players; portable MP3 players; portable MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; portable telephones and accessories, namely, cases for cellular telephones, decorative charms for cellular telephones, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for portable telephones; compact disc players; personal stereos; televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; personal headphones for use with sound transmitting systems; personal computers, digital equipment, namely, digital audio players, digital video players, digital audio players for automobiles; digital video players for automobiles; computer hardware, computer peripherals, namely, USB sticks, USB hubs, keyboards, computer monitors, computer mouse, audio speakers for computers, computer software and downloadable computer software for use in recording, organizing, transmitting, manipulating, reviewing text, data, audio files and video files, music mixing software for use on cellphones and computers

Class 025. First use:

Clothing, namely, blouses, dresses, bottoms, coats, foul weather gear, gloves, hosiery, jackets, jeans, lingerie, mittens, neckties, neckwear, nightwear, pajamas, pants, pullovers, rainwear, robes, scarves, shirts, shorts, skirts, skorts, socks, sweatshirts, sweaters, swimwear, T-shirts, track suits, undergarments, vests, polo shirts, sweat pants, jerseys, belts; footwear; headgear, namely, caps, hats, visors, skullcaps, beanies

Class 035. First use:

Retail store services and online retail store services in the field of consumer electronics, clothing, footwear and headgear

	<p>Class 038. First use: Providing online bulletin boards in the fields of media, music, video, film, book and television for the transmission of messages among users; streaming of video content via a global computer network; streaming of audio content via a global computer network</p> <p>Class 041. First use: Provision of live entertainment, namely, live musical performances by musical bands and DJs; providing non-downloadable pre-recorded entertainment, namely, live musical performances by musical bands and DJs; live musical performances by musical bands and DJs; entertainment services, namely, non-downloadable ringtones, pre-recorded music, video and graphics to mobile communications devices via a global computer network and wireless network; music studios, including sound recording studios; publishing services in the nature of music publishing; musical entertainment in the nature of live visual and audio performances by musical groups and DJs; conducting entertainment exhibitions concerning music; providing online music services, namely, providing non-downloadable pre-recorded music via global computer network; entertainment services, namely, providing a website featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials in the fields of music and entertainment, providing online reviews in the fields of music and entertainment, entertainment services, namely, providing pre-recorded music, information in the field of music, and commentary and articles about music, all online via a global computer network, providing pod casts in the field of music, providing web casts in the field of music and other multimedia materials, featuring music and entertainment</p>
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U.S. Application No.	77757822	Application Date	06/11/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HEARTBEATS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: audio and video equipment, namely, digital audio players, digital video players, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, digital video players, portable digital audio players, portable digital video players; digital audio players for automobiles; digital video players for automobiles; MP3 players; MP4 players; protective carrying cases for portable music players; cell phones; personal digital assistants (PDA); smart phones; headsets for mobile phones; audio speakers; car audio speakers; loudspeakers; loudspeaker cabinets; horns for loudspeakers; racks for loudspeakers; electric actuators; stands specially</p>		

	<p>adapted for stereos and audio speakers, namely, floor stands and table tops for loudspeakers; surround sound systems; audio equipment, namely, amplifiers, subwoofers, surround sound systems; pre-amplifiers; amplifiers; sound amplifiers; audio amplifiers; racks for amplifiers; high-fidelity stereo systems comprised of amplifiers, loudspeakers, receivers and tuners, signal processors, namely, signal separating, distributing, generating and converting circuits all for audio signals, video signals or audio-video signals; electro acoustic transducers; audio mixers; electronic audio mixers; sound mixers; sound mixers with integrated amplifiers; acoustic conduits; acoustic couplers; acoustic coupling devices; acoustic membranes; acoustic meters; acoustic separation units; apparatus for wireless transmission of acoustic information; wave reflectors for acoustic speakers, lighting apparatus, and air flow devices; electrical pickups for use with musical instruments; musical juke boxes; musical instrument adaptors; musical instrument amplifiers; musical instrument connectors; metronomes; time clocks being time recording devices; teleprinters; scales; micrometers; signal bells, sound locating instruments, namely, sound alarms, sound level meters; projection screens; automatic switchboards; automatic turnstiles; stereo receivers; stereo tuners; stereo amplifiers; audio equipment components, namely, limiters and compressors, boxes specially adapted for housing audio equipment, software to control and improve audio equipment sound quality; video equipment, namely, video receivers, combination video players and recorders, digital video recorders, distribution amplifiers for video signals; video equipment components, namely, component video cables, electronic scalers for video signals, electronic interconnecters for video signals; microphones; electronic cables, namely, audio and video electric cables and cable connectors; power cables and cable connectors; sound and video recording apparatus; portable telephones and accessories, namely, headsets, cases for cellular telephones, decorative charms for cellular telephones, fitted plastic films known as skins for covering and providing a scratch proof barrier or protection for telephones and accessories; compact disc players; record players and equipment, namely, needles for record players, electrical phonograph record turntable cartridges, phonographic record cleaning kits comprised primarily of replacement stylus needles and also including cleaning solution and brushes; stereo players and equipment, namely, stereo tuners, stereo amplifiers, personal stereos; eyewear and sunglasses; headphones; electronic devices, namely, televisions, radios, MP3 players, MP4 players, video players and audio players, all with sound elements; sound systems and sound elements for televisions and radios comprised of surround sound systems, sound systems comprising remote controls, amplifiers, loudspeakers and components therefor, personal headphones for use with sound transmitting systems; audio equipment, namely, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, portable digital audio players, digital audio players for automobiles; audio speakers for home theater systems; downloadable cellular phone ringtones via the internet and wireless devices</p>
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U.S. Application No.	77490193	Application Date	06/03/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEATS		

Design Mark	<h1>BEATS</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: Audio equipment, namely, media players, portable media players, DVD players, portable DVD players, CD players, portable CD players, media players for automobiles, DVD players for automobiles, CD players for automobiles, digital audio players, portable digital audio players, digital audio players for automobiles, mobile phones containing digital audio players; audio components, namely, power cables and cables for the transmission of sounds and images

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

Word Mark	BEATS
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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
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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.	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		

Attachments	77786492#TMSN.jpeg (1 page)(bytes) 85115875#TMSN.jpeg (1 page)(bytes) 85072253#TMSN.jpeg (1 page)(bytes) 77899410#TMSN.jpeg (1 page)(bytes) 77896218#TMSN.jpeg (1 page)(bytes) 77786522#TMSN.jpeg (1 page)(bytes) 77664171#TMSN.jpeg (1 page)(bytes) 77837774#TMSN.jpeg (1 page)(bytes) 77757822#TMSN.jpeg (1 page)(bytes) 77490193#TMSN.jpeg (1 page)(bytes) DRBEATNOTICEOFOPP.pdf (6 pages)(56628 bytes) 77980257#TMSN.jpeg (1 page)(bytes) 77982434#TMSN.jpeg (1 page)(bytes) 77980836#TMSN.jpeg (1 page)(bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Luis M. Lozada/
Name	Luis M. Lozada
Date	02/08/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:
Application Serial No. 85/322,883
Published in the *Official Gazette*
October 11, 2011

BEATS ELECTRONICS, LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
GLEN ABADY ,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Beats Electronics, LLC (“Opposer”), a limited liability company organized under the laws of Delaware doing business at 1601 Cloverfield Boulevard, Santa Monica, California 90404, believes that it will be damaged by the registration of the Dr. Beat mark in International Class 9, as shown in Application Serial No. 85/322,883 filed by Applicant, Glen Abady (“Applicant”) and hereby opposes the same and requests that registration to Applicant be refused.

As grounds for its opposition, Opposer alleges that:

1. Applicant seeks to register the mark Dr. Beat for use in International Class 9 in connection with headphones (hereinafter “the DR. BEAT Mark”) under 15 U.S.C. § 1051(1)(b), based on an intent to use.

2. Opposer has obtained the necessary extensions of time in which to file this Notice of Opposition. Accordingly, this Notice of Opposition is being timely submitted.

3. Opposer is the owner of a valid and subsisting U.S. Registration, Nos. 3,862,142 and 4,035,777 for the mark BEATS for “audio equipment, namely headphones,” “headphones,” and “audio speakers; loudspeakers,” respectively, and U.S. Registration No. 3,921,110 for the mark HEARTBEATS for “personal headphones for use with sound transmitting systems; headphones.”

4. Opposer is the owner of the applications listed below, which were all filed prior to Applicant’s May 17, 2011 filing date for the DR. BEAT Mark, and all cover goods that are either identical or closely related to the subject goods.

Mark	Application Serial No.	Filing Date	Representative Goods
BEATS BY DR. DRE	77/786,492	July 21, 2009	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones for use with sound transmitting systems.
POWERBEATS BY DR. DRE	85/115,875	August 25, 2010	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones for use with sound transmitting systems.
JUSTBEATS	85/072,253	June 25, 2010	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones for use with sound transmitting systems.
DIDDY BEATS	77/899,410	December 22, 2009	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones

			for use with sound transmitting systems.
IBEATS	77/896,218	December 17, 2009	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones for use with sound transmitting systems.
BEATS	77/786,522	July 21, 2009	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones for use with sound transmitting systems.
BEATS	77/664,171	February 5, 2009	Headphones; compact disc players and equipment, namely CD players, portable CD players; MP3 players; audio equipment, namely, media players, portable media players, digital audio players.
CLUB BEATS	77/837,774	September 29, 2009	CD players; media players; portable digital audio players; portable MP3 players, MP3 players, MP4 players; personal headphones for use with sound transmitting systems.
HEARTBEATS	77/757,822	June 11, 2009	Audio and video equipment including audio players, media players, DVD players, CD players, MP3 players, MP4 players; headphones; personal headphones for use with sound transmitting systems.
BEATS	77/490,193	June 3, 2008	media players, portable media players, CD players, digital audio players, mobile phones containing digital audio players

5. Applicant's advertising and intended use of the DR. BEAT Mark will inevitably reach the same consumers that Opposer targets with the use of its BEATS marks.

6. Consumers, upon seeing the DR. BEAT Mark used in connection with Applicant's headphones are likely to mistakenly believe that such a term, and the headphones provided in connection with it, originated or are connected with, sponsored by, associated with, or licensed or approved by Opposer. Thus, the registration and use by Applicant of the DR. BEAT Mark in connection with headphones is likely to cause confusion, mistake, or deception in violation of 15 U.S.C. § 1052(d).

7. In light of Opposer's widespread advertising, promotion and use of its BEATS marks, Applicant's selection of a term confusingly similar to Opposer's pre-existing family of BEATS marks suggests that Applicant intends to trade off the goodwill and recognition associated with Opposer's BEATS family of marks.

8. Applicant's selection of the terms "Dr." and "Beat" also suggests that Applicant intends to trade off, or cause confusion with, the goodwill and recognition of Dr. Dre and his association with Opposer.

9. If a registration is issued to Applicant for the DR. BEAT Mark, the confusion with Opposer's BEATS marks would result in damage and injury to Opposer and to the public.

WHEREFORE, Opposer respectfully requests that its Opposition be sustained and Application Serial No. 85/322,883 be refused registration.

Please charge the fee of \$300 and any additional fees related to this matter to Deposit
Account No. 502261.

Respectfully Submitted
Beats Electronics, LLC

Date: February 8, 2012

By: /Luis M. Lozada /
Michael G. Kelber
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Chicago, IL 60602
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(312)269-1747 Facsimile

CERTIFICATE OF TRANSMISSION

I, Luis M. Lozada, hereby certify that the foregoing *Notice of Opposition* is being electronically transmitted via the Electronic System for Trademark Trials and Appeals (“ESTTA”) at <http://esta.uspto.gov/> on the date noted below:

Date: February 8, 2012

By: / Luis M. Lozada/
One of the Attorneys for Beats Electronics, LLC

Michael G. Kelber
Luis M. Lozada

Neal, Gerber & Eisenberg LLP
Two North LaSalle Street, Suite 1700
Chicago, Illinois 60602-3801
(312) 269-8000

CERTIFICATE OF SERVICE

I, Luis M. Lozada, state that I served a copy of the foregoing *Notice of Opposition*, via first class U.S. mail, postage pre-paid, upon Applicant:

Alan A. Heller
HELLER, HOROWITZ & FEIT, P.C.
292 Madison Ave
New York, NY 10017-6307

in accordance with Trademark Rule §§ 2.201 and 2.119 on this 8th day of February 2012.

 / Luis M. Lozada /
Luis M. Lozada