

ESTTA Tracking number: **ESTTA534316**

Filing date: **04/25/2013**

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	Feel the World, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1282 Elder Ave. Boulder, CO 80304 UNITED STATES		

Attorney information	David Mastbaum Law Office of David Mastbaum PO Box 806 Boulder, CO 80306 UNITED STATES dmast@mastlaw.com Phone:303-442-1580
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Applicant Information

Application No	85778259	Publication date	04/16/2013
Opposition Filing Date	04/25/2013	Opposition Period Ends	05/16/2013
Applicant	Heapsylon LLC PO Box 3324 Redmond, WA 980733324 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Anklets; Footwear; Socks

Grounds for Opposition

Other	Improper use of registration symbol occasioned by intent to deceive. Copelands' Enters., Inc. v. CNV, Inc., 945 F.2d 1563 (Fed. Cir. 1991)
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Attachments	003.tif (7 pages)(6805844 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	/David Mastbaum/
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Name	David Mastbaum
Date	04/25/2013

INTERNATIONAL CLASS: 25

PUBLISHED IN THE OFFICIAL GAZETTE ON: 16 April 2013

The grounds for the opposition are:

1. On 13 November 2012, Applicant filed an intent to use application (1(b)) to register the standard character mark "Sensoria" (Serial No. 85778259) without claim to any particular font, style, size, or color in International Class 25 for "Anklets; Footwear; Socks."

2. Opposer sells footwear and clothing. On 14 November 2012, Opposer filed an intent to use application (1(b)) to register the standard character mark "Sensori" (Serial No. 85779750) in International Class 25 for "Bottoms; Footwear; Sports caps and hats; Tops."

3. On 10 March 2013, the United States Patent and Trademark Office issued an Office Action about Opposer's trademark application (Serial No. 85779750) that said, in part, if Applicant's mark (Serial No. 85778259) registers, because the filing date of the application precedes Opposer's application (Serial No. 85779750), Opposer's mark may be refused registration because of the likelihood of confusion with Applicant's mark.

2. Applicant is using the mark "Sensoria" in a stylized/design format on its website www.heapsylon.com with the federal registration symbol ®. Ex. A. Applicant has not applied for or obtained a federal trademark registration for "Sensoria" in a stylized/design format. Applicant has a pending application for "Sensoria" (Serial No. 85778259) as a standard character mark. Applicant's use of the federal registration symbol on its website for the mark "Sensoria" in a stylized/design format is improper because it has not obtained a federal trademark registration for the mark. TMEP §§ 906, 906.02, 906.04; See 15 U.S.C. § 1111.

3. On information and belief, Applicant's improper use of the federal registration symbol ® for Sensoria in a stylized/design format is deliberate, and by such improper use Applicant

intends to deceive or mislead the purchasing public and others in the trade into believing that the mark, whether in standard character or stylized/design format, is registered. Accordingly, Applicant's use of the federal registration symbol ® for Sensoria is fraud, and registration should be denied. TMEP §§ 906, 906.02, 906.04; *See* 15 U.S.C. § 1111.

WHEREFORE, Opposer requests that this opposition be sustained, and Application Serial No. 85778259 be denied in all respects.

Dated: 25 April 2013

Respectfully submitted,

LAW OFFICE OF DAVID MASTBAUM

Attorneys for Opposer, Feel the World, Inc.

/David Mastbaum/

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Certificate of Electronic Filing

I certify that this Notice of Opposition with Exhibit A is being transmitted electronically via ESTTA to the United States Patent and Trademark Office on 25 April 2013.

/David Mastbaum/
David Mastbaum

Certificate of Service

I certify that a true and complete copy of the foregoing Notice of Opposition with Exhibit A has been served on Heapsylon, LLC, Applicant, by mailing said copy on 25 April 2013 via First Class Mail, postage prepaid, to:

Heapsylon, LLC
PO Box 3324
Redmond, WA 98073-3324

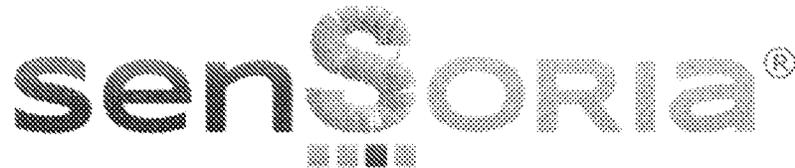
/David Mastbaum/
David Mastbaum

EXHIBIT A

Heapsylon

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Heapsylon Sensor Technology

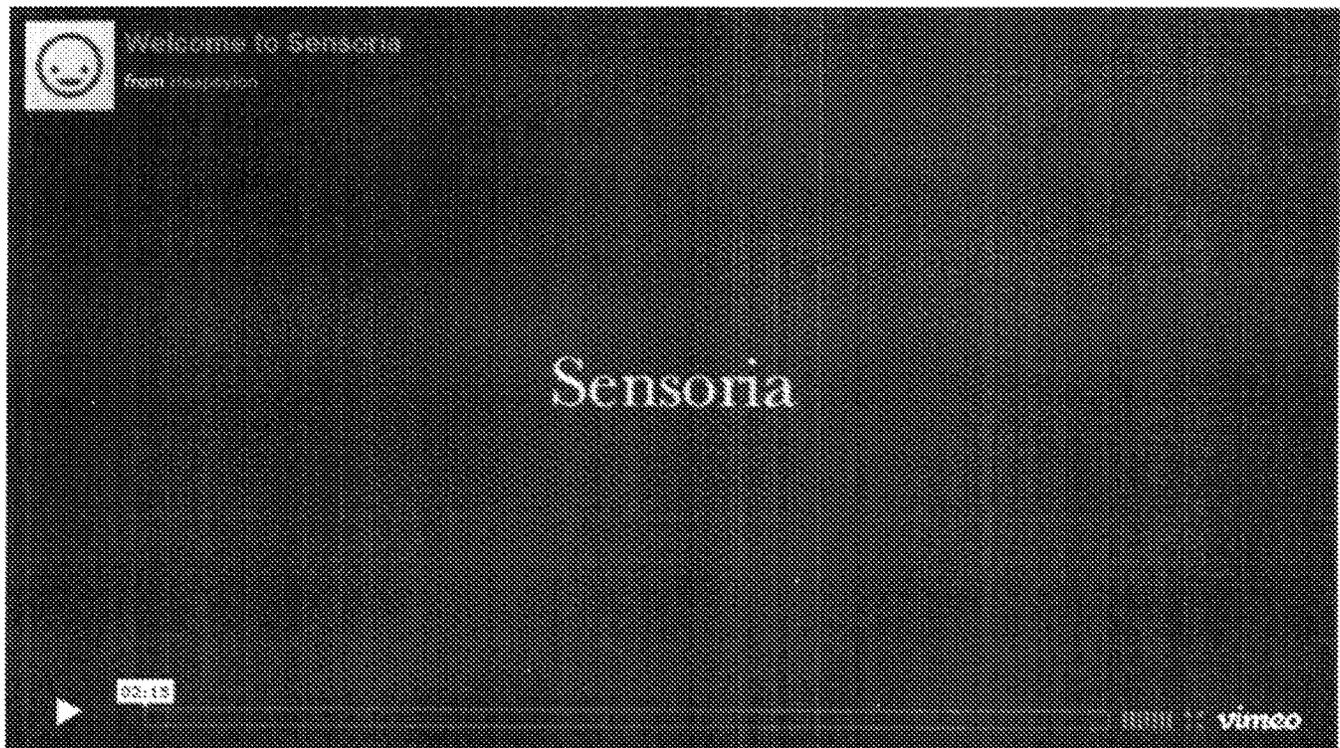


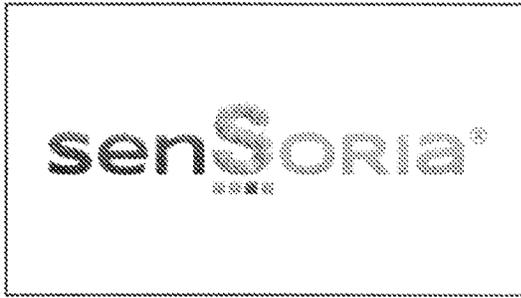
At Heapsylon we believe that in the near future each piece of clothing, garments and accessories will become computers. Heapsylon delivers on this vision by designing and developing body-sensing solutions that improve people's lives.

Heapsylon's products can track activity type and level, in-footwear pressure and other interesting data coming from your foot. We call our new products Sensoria. Sensoria is the part of the brain where all nerves in our body come together. That is what our smart socks do by connecting their sensors to any of your mobile or big screen devices. After over two years of research and development our new wearable devices for fitness and healthcare are now at prototype stage.

Check out our Sensoria Fitness and Sensoria Healthcare product stories and let us know what you think. They are the first prototypes of our new family of body-sensing wearable devices. Coming soon to a foot near you!

If you'd like to learn more please send us an email at [info\[at\]heapsylon.com](mailto:info[at]heapsylon.com).

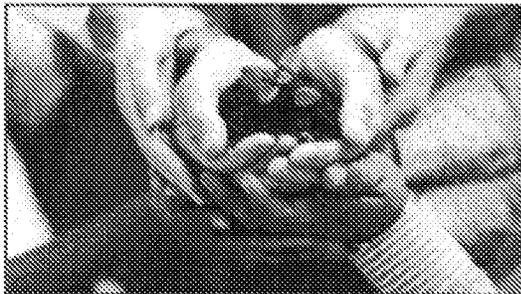




Sensoria Product Family

Sensoria is the part of the brain where all nerves in our body come together. That is what our smart socks do by connecting their sensors to any mobile or big screen device.

Our Core Tenets



Our Top Ten List

At Heapsylon we think that the new era of personal and wearable computing should be: *Transparent, Comfortable, Convenient, Unforgettable, Actionable, Powerful, Desirable, Social, Respectful, Always Connected*

Sensoria Healthcare



Diagnose fast complications

Every time you stand up or take a step you are generating valuable data that, *if properly analyzed, can produce meaningful views of your health and the way you use your whole body.*

Sensoria Fitness