

ESTTA Tracking number: **ESTTA551805**

Filing date: **08/01/2013**

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	Flashforge Technologies Corporation Limited		
Entity	Corporation	Citizenship	China
Address	855 Xianyuan Road Jinhua, 321000 CHINA		

Attorney information	Matthew H. Swyers, Esq. The Trademark Company 344 Maple Avenue West, Suite 151 Vienna, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com Phone:8009068626
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Applicant Information

Application No	85859047	Publication date	07/16/2013
Opposition Filing Date	08/01/2013	Opposition Period Ends	08/15/2013
Applicant	Franklin, Michael 8079 conroy road Orlando, FL 32835 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Printers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	FLASHFORGE (and Design)		
Goods/Services	printers, 3D Printers, and printer products		

Attachments	NOO.pdf(95069 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	/Matthew H. Swyers/
Name	Matthew H. Swyers, Esq.
Date	08/01/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the Matter of Serial No. 85/859,047 for the trademark application:
FLASHFORGE

Flashforge Technology Corporation Limited,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. _____
	:	
Michael Franklin,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

COMES NOW Flashforge Technology Corporation Limited, a Foreign Corporation with a principal place of business located at 855 Xianyuan Road, Jinhua, Zhejiang, China, 321000 (hereinafter, “Opposer”), by counsel, The Trademark Company, and states that it believes it will be damaged by the registration of the trademark FLASHFORGE as more fully set forth in Intent-to-Use Application Serial No. 85/859,047, as filed for by Michael Franklin (hereinafter “Applicant”) and, accordingly, hereby opposes the granting of said registration.

As grounds for this opposition, it is alleged that:

1. Since at least as early as 2011, Flashforge Technologies Corporation Limited (referred to as “Opposer”) has been and now is engaged in the production and sale of printers, printer products, and 3D Printers (hereinafter “Opposer’s Goods).

2. Opposer has been using the mark FLASHFORGE (and Design) (“Opposer’s Mark”) in connection with Opposer’s Goods in commerce since at least as early as 2012 in the United States.

3. Opposer has been using the mark FLASHFORGE (and Design) (“Opposer’s Mark”) in connection with Opposer’s Goods in commerce since at least as early as 2011 in China.

4. Opposer has been using the mark FLASHFORGE (and Design) (“Opposer’s Mark”) in connection with Opposer’s Goods in commerce since at least as early as 2013 in Europe.

5. Opposer is the owner of European Trademark Registration No. 011/744,703 for the mark FLASHFORGE (and Design) filed on April 17, 2013 and published on May 16, 2013 for use in connection with Opposer’s Goods.

6. Opposer is the owner of European Trademark Registration No. 011/744,653 for the mark FLASHFORGE (and Design) filed on April 17, 2013 for use in connection with Opposer’s Goods.

7. Opposer is the owner of the Chinese Trademark Registration for the mark FLASHFORGE 3D PRINTER (and Design) filed on May 15, 2012 for use in connection with Opposer’s Goods.

8. As a result of Opposer’s continuous use of Opposer’s Mark and the high quality of its goods, Opposer has established an excellent quality in identifying and distinguishing Opposer’s goods.

9. On or about February 25, 2013, Applicant filed an Intent-to-Use Trademark Application to register the trademark FLASHFORGE (hereinafter “Applicant’s Mark”) used in connection with “printers” covered in International Class 9. (hereinafter “Applicant’s Goods”). This application was assigned Application Serial No. 85/859,047.

10. Upon information and belief, the Applicant's application was filed on an Intent-to-Use basis, and has yet to be used in commerce.

11. There is no issue of priority. Upon information and belief, Applicant has not acquired rights in Applicant's Mark before Opposer acquired rights in Opposer's Mark.

12. Upon information and belief, Applicant's goods will be offered to the same classes of consumers and at least through some of the same channels of trade as Opposer's goods. As applied to Applicant's goods, Applicant's Mark so resembles the Opposer's Mark that it is likely to cause confusion, or cause to mistake, or to deceive as to the source of the goods.

13. Opposer has spent time and money and effort in promoting its goods under its Mark, which are associated exclusively with Opposer and its goods. The goodwill of the business connected with the use of, and symbolized by, Opposer's Mark is an asset of incalculable value.

14. Upon information and belief, registration of Applicant's Mark will diminish and dilute the distinctive quality of Opposer's Mark. One viewing Applicant's Mark will associate the mark with Opposer's goods, resulting in damage to Opposer.

15. Opposer will be damaged by the registration of Applicant's Mark for the goods identified in US Serial No. 85/859,047 as a result of the aforementioned confusion, mistake, and deception.

16. By reason of the foregoing, Applicant is not entitled to registration of Applicant's Mark, Serial No. 85/859,047 in International Class 9.

WHEREFORE, Opposer respectfully requests that the Application, Serial No. 85/859,047 be rejected, that no registration be issued thereon to Applicant and that this opposition be sustained in favor of the Opposer.

Respectfully submitted this 1st day of August, 2013.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

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Counsel for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the Matter of Serial No. 85/859,047 for the trademark application:
FLASHFORGE

Flashforge Technology Co.,Ltd,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. _____
	:	
Michael Franklin,	:	
	:	
Applicant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 1st day of August, to be served, via first class mail, postage prepaid, upon:

RAJ ABHYANKER, ESQ.
RAJ ABHYANKER, P.C.
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MOUNTAIN VIEW, CALIFORNIA 94040-2462

/Matthew H. Swyers/
Matthew H. Swyers