

ESTTA Tracking number: **ESTTA576829**

Filing date: **12/16/2013**

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 | Border Stylo, LLC |
| Granted to Date of previous extension | 12/15/2013 |
| Address | 21051 Warner Center Lane Suite 140 Woodland Hills, CA 91367 UNITED STATES |

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| Correspondence information | Border Stylo, LLC 21051 Warner Center Lane Suite 140 Woodland Hills, CA 91367 UNITED STATES eric.bergasa@gmail.com |
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Applicant Information

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|--------------------------------|--|---------------------------------|------------|
| Application No | 85723835 | Publication date | 06/18/2013 |
| Opposition Filing Date | 12/16/2013 | Opposition Period Ends | 12/15/2013 |
| International Registration No. | NONE | International Registration Date | NONE |
| Applicant | Google Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043 GERMANY | | |

Goods/Services Affected by Opposition

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| <p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer hardware; computer peripherals; wearable computer peripherals; computer hardware for remotely accessing and transmitting data; computer peripherals for remotely accessing and transmitting data; computer peripherals for mobile devices for remotely accessing and transmitting data, namely, peripherals worn on the head for mobile devices for remotely accessing and transmitting data; computer hardware for displaying data and video; computer peripherals for displaying data and video; computer peripherals for mobile devices for displaying data and video, namely, peripherals worn on the head for mobile devices for displaying data and video; downloadable computer software, namely, downloadable mobile application for setting up, configuring, and controlling wearable computer hardware and wearable computer peripherals</p> |
| <p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing online non-downloadable software for setting up, configuring, and controlling wearable computer hardware and wearable computer peripherals</p> |

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

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3797151 | Application Date | 03/23/2009 |
| Registration Date | 06/01/2010 | Foreign Priority Date | NONE |
| Word Mark | GLASS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 2010/02/08 First Use In Commerce: 2010/02/08 Computer software for enabling users to create customizable text and visual effects on existing websites, and to enable the viewing and sharing of digital images, information and data available on global computer networks; computer software to enable browsing of websites | | |

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 3883602 | Application Date | 03/23/2009 |
| Registration Date | 11/30/2010 | Foreign Priority Date | NONE |
| Word Mark | WRITE ON GLASS | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 2010/02/08 First Use In Commerce: 2010/02/08 Computer software for enabling users to create customizable text and visual effects on existing websites, and to enable the viewing and sharing of digital images, information and data available on global computer networks; computer | | |

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| | software to enable browsing of websites |
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| Attachments | 77697375#TMSN.jpeg(bytes) 77697379#TMSN.jpeg(bytes) opposition.pdf(1541470 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 | /Gregory S. Bernabeo/ |
| Name | Saul Ewing LLP |
| Date | 12/16/2013 |

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

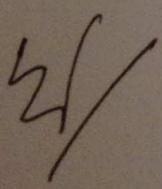
| | | |
|--------------------|---|----------------------------------|
| _____ |) |) |
| BORDER STYLO, LLC, |) |) |
| |) |) |
| Opposer, |) | Opposition No. _____ |
| |) |) |
| v. |) | Application Serial. No. 85723835 |
| |) |) |
| GOOGLE, INC. |) | Opposed Mark:GOOGLE |
| |) |) |
| GLASS |) |) |
| |) |) |
| Applicant. |) |) |
| _____ |) |) |

NOTICE OF OPPOSITION

Opposer, Border Stylo, LLC ("Opposer"), a California limited liability company having a place of business at Suite 140, 21051 Warner Center Lane, Woodland Hills, California 91367, believes that it will be damaged by registration of the mark GOOGLE GLASS, shown in U.S. Application Serial No. 85/723,835 (the "Opposed Mark" shown in the "Opposed Application"), filed by Google, Inc. ("Applicant"), and hereby opposes the same.

The Opposed Mark is GOOGLE GLASS for use in connection with the following goods and services:

- In International Class 9 "Computer hardware; computer peripherals; wearable computer peripherals; computer hardware for remotely accessing and transmitting data; computer peripherals for remotely accessing and



- transmitting data; computer peripherals for mobile devices for remotely accessing and transmitting data, namely, peripherals worn on the head for mobile devices for remotely accessing and transmitting data; computer hardware for displaying data and video; computer peripherals for displaying data and video; computer peripherals for mobile devices for displaying data and video, namely, peripherals worn on the head for mobile devices for displaying data and video; downloadable computer software, namely, downloadable mobile application for setting up, configuring, and controlling wearable computer hardware and wearable computer peripherals"; and
- In International Class 42 "Providing online non-downloadable software for setting up, configuring, and controlling wearable computer hardware and wearable computer peripherals."

Applicant filed the Opposed Application on September 7, 2012, and it published for opposition on June 18, 2013. Opposer requested extensions of time to oppose the Opposed Application, which the Board granted, extending the deadline to December 16, 2013, December 15, 2013 being a Sunday.

As grounds for opposition, it is alleged that:

1. Opposer is the owner a family of GLASS-formative trademarks, as shown in the following table of United States trademark registrations and applications (collectively, the "GLASS Family Marks"):

| MARK | REG. NO. | CLASS/GOODS |
|----------------|-----------|--|
| GLASS | 3,797,151 | Class 9 -- Computer software for enabling users to create customizable text and visual effects on existing websites, and to enable the viewing and sharing of digital images, information and data available on global computer networks; computer software to enable browsing of websites |
| WRITE ON GLASS | 3,883,602 | Class 9 -- Computer software for enabling users to create customizable text and visual effects on |

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| | | existing websites, and to enable the viewing and sharing of digital images, information and data available on global computer networks; computer software to enable browsing of websites. |
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2. Opposer also owns common law rights in the GLASS Family Marks for use in connection with the goods identified in the registrations listed above.

3. Opposer's rights precede the filing date of the Opposed Application; precede any priority date associated with the Opposed Application; and precede Applicant's first use, if any, of the Opposed Mark.

Likelihood of Confusion

Section 2(d) of The Lanham Act; 15 U.S.C. §1052(d)

4. Opposer hereby incorporates the foregoing paragraphs as fully set forth herein.

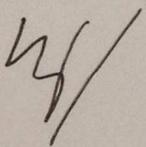
5. The Opposed Mark so resembles Opposer's GLASS Family Marks as to be likely, when used in connection with the goods and services identified in the Opposed Application, to cause confusion, or to cause mistake, or to deceive.

6. The Opposed Mark shares a common appearance, sound and meaning with Opposer's GLASS Family Marks.

7. Upon information and belief, the Opposed Application identifies goods and services that are related to the goods offered by the Opposer under the GLASS Family Marks.

8. Upon information and belief, Opposer and Applicant both serve the same consumers.

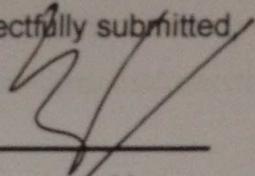
9. Accordingly, the Trademark Trial and Appeal Board should refuse registration under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

 WHEREFORE, Opposer prays that this opposition be sustained, and that Serial

No. 85/723,835 be rejected, and that no registration be issued thereon to Applicant.

Dated: December 16, 2013

Respectfully submitted,



Eric Bergasa, Manager
Border Stylo, LLC