

ESTTA Tracking number: **ESTTA678438**

Filing date: **06/16/2015**

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	E-filliate, Inc.
Granted to Date of previous extension	06/17/2015
Address	11321 White Rock Road Rancho Cordova, CA 95742 UNITED STATES
Correspondence information	Stephen L. Davis Attorney of Record, CA Bar Member Davis & Leonard LLP 8880 Cal Center Dr., Suite 180 Sacramento, CA 95826 UNITED STATES sdavis@davisandleonard.com, vkul@davisandleonard.com Phone:9163629000

Applicant Information

Application No	86399442	Publication date	02/17/2015
Opposition Filing Date	06/16/2015	Opposition Period Ends	06/17/2015
Applicant	FLP LLC 2405 S. Roosevelt St. Tempe, AZ 85282 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2014/01/01 First Use In Commerce: 2014/01/01 All goods and services in the class are opposed, namely: Carrying cases for cell phones; Cell phone cases; Cell phone covers; Earphone accessories, namely, earphone cushions, earphone pads, cord management systems, earphone cases, and earphone extension cords; Earphones; Earphones and headphones; USB cables for cellphones

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4584753	Application Date	03/31/2011
Registration Date	08/12/2014	Foreign Priority Date	NONE

Word Mark	TECH & GO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2011/04/06 First Use In Commerce: 2011/05/11 USB cables, USB hubs, electronic card readers, electric patch cables, computer mice, keyboards; battery chargers, namely, wall chargers, car chargers, and USB chargers; AC/DC converters, USB adapters, earbuds, headphones, audio speakers; blank CDs and DVDs; flash media, namely, flash memory cards; power cables; audio and video cables and adapters, batteries and battery chargers; MP3 players and smart phone accessories, namely, headphones, signal splitters, speakers, electronic cables for syncing and charging MP3 players and smart phones, battery chargers, electronic docking stations, adapters, USB converters, and audio and video cables; cases, bags, stands, holsters, belt clips, straps, screen protectors, stylus, specially adapted for holding MP3 players and smart phones; camera accessories, namely, tripods, battery chargers, electronic cables for syncing and charging cameras, USB adapters; cases and bags specially adapted for holding cameras

Attachments	85282926#TMSN.png(bytes) effiliate tech 2 go opp fin.pdf(67238 bytes)
-------------	---

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	/Stephen L. Davis/
Name	Stephen L. Davis
Date	06/16/2015

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

E-FILLIATE, INC. Opposer v. FLP LLC Applicant	Opposition No.: Application No. 86399442 Mark: TECH 2 GO
---	--

NOTICE OF OPPOSITION

Opposer E-filliate, Inc., a Delaware corporation with a business address at 11321 White Rock Road, Rancho Cordova, California 95742, (“Opposer”) has been damaged by the above-identified application, and hereby opposes registration of the same.

The grounds for opposition are as follows:

1. Opposer is the owner of trademark Registration No. 4,584,753, attached hereto as Exhibit A, for the mark TECH & GO in connection with “USB cables, USB hubs, electronic card readers, electric patch cables, computer mice, keyboards; battery chargers, namely, wall chargers, car chargers, and USB chargers; AC/DC converters, USB adapters, earbuds, headphones, audio speakers; blank CDs and DVDs; flash media, namely, flash memory cards; power cables; audio and video cables and adapters, batteries and battery chargers; MP3 players and smart phone accessories, namely, headphones, signal splitters, speakers, electronic cables for syncing and charging MP3 players and smart phones, battery chargers, electronic docking stations, adapters, USB converters, and audio and video cables; cases, bags, stands, holsters, belt clips, straps, screen

protectors, stylus, specially adapted for holding MP3 players and smart phones; camera accessories, namely, tripods, battery chargers, electronic cables for syncing and charging cameras, USB adapters; cases and bags specially adapted for holding cameras” in International Class 9.

2. Since at least as early as April 6, 2011 Opposer has used its mark with those goods continuously throughout the United States.

3. Opposer’s TECH & GO mark has developed and represents valuable goodwill inuring to the benefit of Opposer and has acquired strong trademark significance to users of Opposer’s goods.

4. Applicant FLP, LLC (“Applicant”) is seeking to obtain under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the trademark TECH 2 GO for “Carrying cases for cell phones; Cell phone cases; Cell phone covers; Earphone accessories, namely, earphone cushions, earphone pads, cord management systems, earphone cases, and earphone extension cords; Earphones; Earphones and headphones; USB cables for cellphones” in International Class 9 (the “Subject Application”). The Subject Application is based on use in commerce pursuant to Sec. 1(a) of the Trademark Act, with a stated first use date and stated first use in commerce date of January 1, 2014.

5. On information and belief, Applicant’s goods are offered to the same general class of customers who use Opposer’s goods in connection with which Opposer has used and is using its TECH & GO mark.

6. The mark sought to be registered in the Subject Application is nearly identical to Opposer’s mark. The only difference is the use of “2” vs. “&”.

7. The goods set forth in the Subject Application are identical or closely related to the goods offered by Opposer in connection with its mark.

8. Because of the related nature of the parties' goods and the near identical marks, use and registration of the mark TECH 2 GO by Applicant, when applied to the goods in the Subject Application, is likely to cause confusion, mistake or deception that Applicant's goods are those of Opposer, or are otherwise endorsed, sponsored or approved by Opposer in violation of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes it will be damaged by registration of the mark in the Subject Application, asks that its opposition be sustained and that registration of the Subject Application for the goods set forth therein be refused.

A Notice of Opposition filing fee, in the amount of \$300.00 is being submitted herewith. Opposer herein appoints Stephen L. Davis as his attorney to transact all business in the United States Patent and Trademark Office relating to this matter with full

power of substitution. Please direct all correspondence to the law firm of Davis & Leonard, LLP, 8880 Cal Center Drive, Suite 180 Sacramento, CA 95826, Attention: Stephen L. Davis.

Respectfully submitted,

E-FILLIATE, INC.

By its attorneys,

Date: June 16, 2015

By: /Stephen L. Davis /
Stephen L. Davis
DAVIS & LEONARD LLP
8880 Cal Center Dr., Suite 180
Sacramento, CA 95826
Telephone: (916) 362-9000
sdavis@davisandleonard.com

EXHIBIT “A”

Attorney Name: Bradley P. Heisler

Docket Number: 11028.002

Correspondent

Correspondent Name/Address: MARK R LEONARD
Heisler & Associates
3017 Douglas Blvd., Suite 300
Roseville, CALIFORNIA 95661-3850
UNITED STATES

Phone: 916 781-6634

Fax: 916 645-7634

Correspondent e-mail: bheisler@heislerlaw.com

Correspondent e-mail No Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 12, 2014	REGISTERED-PRINCIPAL REGISTER	
Jul. 08, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Jul. 05, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	70633
Jul. 01, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 10, 2014	STATEMENT OF USE PROCESSING COMPLETE	66230
May 14, 2014	USE AMENDMENT FILED	66230
Jun. 06, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66230
May 14, 2014	TEAS STATEMENT OF USE RECEIVED	
May 14, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 06, 2014	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 24, 2014	TTAB RELEASE CASE TO TRADEMARKS	203399
Mar. 24, 2014	OPPOSITION TERMINATED NO. 999999	203399
Mar. 24, 2014	OPPOSITION DISMISSED NO. 999999	203399
Jan. 18, 2012	OPPOSITION INSTITUTED NO. 999999	203399
Aug. 19, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 19, 2011	PUBLISHED FOR OPPOSITION	
Jun. 29, 2011	NOTICE OF PUBLICATION	
Jun. 16, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jun. 16, 2011	ASSIGNED TO LIE	70633
Jun. 02, 2011	EXAMINER'S AMENDMENT MAILED	
Jun. 01, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 01, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 01, 2011	EXAMINERS AMENDMENT -WRITTEN	74786
Jun. 01, 2011	ASSIGNED TO EXAMINER	74786
Apr. 06, 2011	NOTICE OF PSEUDO MARK MAILED	
Apr. 05, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 04, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 05, 2014

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91203399](#)

Filing Date: Jan 16, 2012

Status: Terminated

Status Date: Mar 24, 2014

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: E-filliate, Inc.

Correspondent Address: MARK R LEONARD
DAVIS LEONARD LLP
8880 CAL CENTER DRIVE , SUITE 180
SACRAMENTO CA , 95661 3850
UNITED STATES

Correspondent e-mail: mleonard@davisandleonard.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TECH & GO	Registered	85282926	4584753

Plaintiff(s)

Name: iCourier Software Systems Ltd.

Correspondent Address: ALEX MATEESCO
ICOURIER SOFTWARE SYSTEMS LTD
155 288 EAST GEORGIA STREET
VANCOUVER BC , V6A4H8
CANADA

Correspondent e-mail: info@techandgo.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 18, 2012	Feb 27, 2012
3	PENDING, INSTITUTED	Jan 18, 2012	
4	ANSWER	Feb 24, 2012	
5	BOARD'S COMMUNICATION	Mar 30, 2012	
6	P'S MOTION FOR AN EXTENSION OF TIME	Apr 18, 2012	
7	P'S MOTION FOR AN EXTENSION OF TIME	Apr 27, 2012	
8	EXTENSION OF TIME GRANTED	Jun 12, 2012	
9	UNDELIVERABLE MAIL	Oct 02, 2012	
10	P'S MOTION FOR AN EXTENSION OF TIME	Nov 26, 2012	
11	D'S OPPOSITION/RESPONSE TO MOTION	Dec 03, 2012	
12	MOTION DENIED; TRIAL DATES REMAIN AS LAST RESET	Dec 26, 2012	
13	STIPULATION FOR AN EXTENSION OF TIME	Dec 26, 2012	
14	EXTENSION OF TIME GRANTED	Dec 27, 2012	
15	P'S MOTION FOR AN EXTENSION OF TIME	Jan 21, 2013	
16	D REQUEST FOR CORRECTION OF TRIAL SCHEDULE	Jan 22, 2013	
17	TRIAL DATES RESET	Feb 12, 2013	
18	P'S MOTION FOR AN EXTENSION OF TIME	Feb 26, 2013	
19	D MOT TO COMPEL DISCOVERY	Feb 28, 2013	
20	PROCEEDINGS RESUMED; TRIAL DATES RESET	Mar 05, 2013	
21	P MOT FOR EXT W/O CONSENT	Mar 15, 2013	
22	D OPP/RESP TO MOTION	Mar 21, 2013	
23	EXTENSION OF TIME GRANTED	Mar 29, 2013	
24	AMENDED FOOTNOTE	Apr 03, 2013	
25	P MOT FOR SUMMARY JUDGMENT	Apr 04, 2013	
26	P MOT FOR SUMMARY JUDGMENT	Apr 05, 2013	
27	PROCEEDINGS RESUMED	Apr 05, 2013	
28	P CERTIFICATE OF SERVICE	Apr 14, 2013	
29	D MOT TO COMPEL DISCOVERY	Jun 30, 2013	
30	P MOT FOR EXT W/ CONSENT	Jul 15, 2013	

31	D REPLY IN SUPPORT OF MOTION	Jul 28, 2013
32	TRIAL DATES RESET	Aug 16, 2013
33	P'S RETURNED MAIL	Sep 05, 2013
34	P MOT FOR EXT W/O CONSENT	Dec 30, 2013
35	D OPP/RESP TO MOTION	Jan 14, 2014
36	RESPONSE DUE	Feb 05, 2014
37	P REPLY IN SUPPORT OF MOTION	Feb 20, 2014
38	BD DECISION: DISMISSED W/ PREJ	Mar 24, 2014
39	TERMINATED	Mar 24, 2014
40	UNDELIVERABLE MAIL	Apr 21, 2014

Type of Proceeding: Extension of Time

Proceeding Number: [85282926](#)

Filing Date: Aug 18, 2011

Status: Terminated

Status Date: Jan 18, 2012

Interlocutory Attorney:

Defendant

Name: E-filliate, Inc.

Correspondent Address: BRADLEY P. HEISLER
HEISLER & ASSOCIATES
3017 DOUGLAS BLVD STE 300
ROSEVILLE CA , 95661-3850
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TECH & GO	Registered	85282926	4584753

Potential Opposer(s)

Name: iCourier Software Systems Ltd.

Correspondent Address: alex mateesco
iCourier Software Systems Ltd.
suite 180-288 georgia street (east)
vancouver , v6a4h8
CANADA

Correspondent e-mail: info@techandgo.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 18, 2011	
2	EXTENSION OF TIME GRANTED	Aug 19, 2011	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 15, 2011	
4	EXTENSION OF TIME GRANTED	Nov 15, 2011	

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant by mailing said copy, via U.S. Mail, postage prepaid on June 16, 2015 to FLP LLC, 2405 S. Roosevelt St., Tempe, Arizona 85282.

/Victoria Kulbidyuk/
Victoria Kulbidyuk