

ESTTA Tracking number: **ESTTA688297**

Filing date: **08/07/2015**

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	Guangzhou Shiyuan Electronics Co., Ltd. (CVTE)
Granted to Date of previous extension	08/12/2015
Address	No. 192 Kezhu Road Science Park Guangzhou, Guangdong Province, 510663 CHINA

Attorney information	B. Brett Heavner Finnegan 901 New York Ave. NW Washington, DC 20001 UNITED STATES docketing@finnegan.com, b.brett.heavner@finnegan.com, qingyu.yin@finnegan.com, TTAB-Legal-Assistants@finnegan.com Phone:202-408-4000
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Applicant Information

Application No	86447533	Publication date	04/14/2015
Opposition Filing Date	08/07/2015	Opposition Period Ends	08/12/2015
Applicant	SHENZHEN CITY ZHENXIN TECHNOLOGY LTD F2-208, Bldg.177, CHUANGYE GARDEN, SHENZHEN, GUANGDONG,, CHINA		

Goods/Services Affected by Opposition

Class 009. First Use: 2013/10/18 First Use In Commerce: 2013/10/18 All goods and services in the class are opposed, namely: Cameras; Cases for photographic apparatus; Cinematographic cameras; Electric conductor rails; Flashlights for use in photography; Lens filters; Lens hoods; Photographic slide transparencies; Photography darkroom lamps; Portable telephones; Shutter releases; Shutters; Smartphones; Speed indicators; Telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; Tripods

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
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Attachments	8-7-15 Notice of Opposition - SEEWO 86447533.pdf(290565 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	/B. Brett Heavner/
Name	B. Brett Heavner
Date	08/07/2015

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

<p>GUANGZHOU SHIYUAN ELECTRONICS CO., LTD. (CVTE),</p> <p align="center">Petitioner,</p> <p align="center">v.</p> <p>SHENZHEN CITY ZHENXIN TECHNOLOGY LTD,</p> <p align="center">Registrant.</p>	<p>Opposition No.:</p> <p>Application No.: 86447533</p> <p>Mark: SEEWO</p>
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NOTICE OF OPPOSITION

Guangzhou Shyiuian Electronics Co. Ltd. (CVTE), a corporation organized and existing under the laws of China, having a place of business at No. 192 Kezhu Rd. Science Park, Guangzhou, Guangdong Province, China 510663 (hereinafter "CVTE"), believes that it will be damaged by the registration of the SEEWO mark depicted in Application No. 86447533, and hereby opposes same. As grounds for opposition, CVTE alleges as follows upon actual knowledge with respect to CVTE's own acts, and upon information and belief as to other matters:

Factual Background

1. Shenzhen City Zhenxin Technology Ltd Corporation ("Applicant"), a China corporation having a place of business at F2-208, Building 177, Chuangye Garden, Minzhi Street, Longhua New District, Shenzhen, Guangdong Province, China, is listed as the owner of Application No. 86447533 for the mark SEEWO in connection with "cameras; cases for photographic apparatus; cinematographic cameras; electric conductor rails; flashlights for use in photography; lens filters; lens hoods; photographic slide transparencies; photography darkroom lamps; portable telephones; shutter releases; shutters; smartphones; speed indicators;

telecommunications and data networking hardware, namely devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; tripods.”

2. Since long before Applicant’s U.S. filing date, and alleged date of first use, and at least as early as 2012, CVTE has used the SEEWO trademark in China and various other countries to identify its video screens, touch screens, and wall mounted touch screens.

3. CVTE’s SEEWO brand has been in the top 1 or 2 brands of video screens in China for at least the past three years, making up between approximately 11.3% and 21.3% of all video screen sales per unit in China during that period..

4. CVTE’s SEEWO brand name is a famous brand in China’s electronics industry, and in Guangdong Province specifically.

5. CVTE has regularly exhibited its SEEWO brand video screen products in the United States since 2012, promoting the SEEWO brand at trade shows in Las Vegas, Orlando, New York, and San Antonio and has therefore established a well-known reputation in the electronics industry in the United States.

6. On information and belief, Applicant had first-hand knowledge of CVTE’s ownership and use of the SEEWO name and mark prior to the filing date of Application No. 86447533 and any date of first use alleged therein.

False Suggestion of a Connection 43 U.S.C. § 1052(a)

7. Applicant’s SEEWO mark is the same or a close approximation of CVTE’s previously used name and identifier SEEWO, and will be recognized by the relevant public such that it points uniquely and unmistakably to CVTE.

8. CVTE is not connected with Applicant or the goods offered or sold by Applicant under the SEEWO mark.
9. CVTE's name and identifier SEEWO is so well-known and famous that when Applicant uses SEEWO in connection with the identified goods, a false connection with CVTE will be presumed.
10. Applicant's mark SEEWO consists of matter which falsely suggests a connection with CVTE under Section 2(a) of the Lanham Act, as amended 15 U.S.C. § 1052(a).

**Applicant's Claims In Signing, Filing,
and Prosecuting Application No. 86447533**

11. On November 7, 2014, Applicant signed Application No. 86447533 alleging that it was the owner of the SEEWO trademark.
12. On November 7, 2014, Applicant signed Application No. 86447533 declaring that to Applicant's knowledge no other person had the right to the SEEWO mark such that when used in connection with the other person's goods it would be likely to cause confusion or mistake or to deceive.
13. Applicant alleged in Application No. 86447533 that the SEEWO mark was in use in commerce for all of the listed goods as of the November 6, 2014 filing date.
14. Applicant submitted as specimens of use photographs allegedly consisting of cameras displaying the SEEWO mark.

15. Applicant also alleged in Application No. 86447533 that it had first used the SEEWO mark in commerce in connection with the listed goods on or before October 18, 2013.

16. On November 7, 2014, Shen Shu Juan signed a declaration supporting Application No. 86447533 stating that that “all statements made of [his] own knowledge are true,” and that “all statements made on information and belief are believed to be true.”

**Applicant’s Claims in Application
No. 86447533 Were Intentionally False And Misleading**

17. At the time Applicant signed and filed Application No. 86447533 and supporting declaration, Applicant knew that CVTE was the rightful owner of the SEEWO mark, and its claim of ownership was intentionally false and misleading, or was in reckless disregard of the truth.

18. At the time Applicant signed and filed Application No. 86447533 and supporting declaration, Applicant knew that any use of the SEEWO mark on Applicant’s goods would be likely to cause confusion or mistake or to deceive consumers with respect to CVTE’s SEEWO products, and Applicant’s declaration to the contrary was intentionally false and misleading, or was in reckless disregard of the truth.

19. Applicant was not offering “cameras; cases for photographic apparatus; cinematographic cameras; electric conductor rails; flashlights for use in photography; lens filters; lens hoods; photographic slide transparencies; photography darkroom lamps; portable telephones; shutter releases; shutters; smartphones; speed indicators; telecommunications and data networking hardware, namely devices for

transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; tripods” under the SEEWO mark in commerce as of the November 7, 2014 filing date for Application No. 86447533, and Applicant’s declaration to the contrary was intentionally false and misleading, or was in reckless disregard of the truth.

20. Applicant was not offering “cameras; cases for photographic apparatus; cinematographic cameras; electric conductor rails; flashlights for use in photography; lens filters; lens hoods; photographic slide transparencies; photography darkroom lamps; portable telephones; shutter releases; shutters; smartphones; speed indicators; telecommunications and data networking hardware, namely devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols; tripods” under the SEEWO mark in commerce on or before the October 18, 2013 first use date alleged in Application No. 86557533, and Applicant’s declaration to the contrary was intentionally false and misleading, or was in reckless disregard of the truth.

21. The specimens Applicant submitted with Application No. 86447533 are not accurate representations of any products sold in commerce by Applicant, but rather are manipulated photographs of products manufactured by non-parties with the SEEWO mark superimposed upon the photographs. Applicant’s submission of bogus specimens was intentionally false and misleading, or was in reckless disregard of the truth.

22. The above misstatements are material and, upon information and belief, the PTO accepted and relied on those material misstatements and declarations in approving Application No. 86447533 for publication.

23. Applicant, in failing to disclose the foregoing facts to the PTO, intended to deceive the PTO in order to procure a registration to which it was not entitled.

24. In light of the above allegations, Applicant has committed fraud on the PTO.

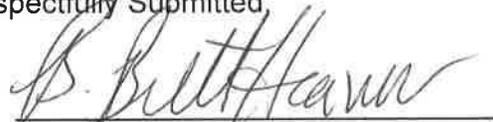
WHEREFORE, CVTE believes that it will be damaged by the registration of the mark shown in Application No. 86447533, and requests that the registration be refused and the opposition be sustained.

A filing fee has been submitted electronically. If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account No. 06-0916.

Respectfully Submitted,

Dated: August 7, 2015

By:



B. Brett Heavner
FINNEGAN HENDERSON FARABOW
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

Attorneys for Opposer
GUANGZHOU SHIYUAN
ELECTRONICS CO., LTD. (CVTE),

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Notice of Opposition was served, via U.S. Mail, postage prepaid, on this 7th day of August 2015 on counsel for Applicant at the following address of record:

Tony Tune
10685B Hazelhurst Dr # 6254
Houston, Texas 77043-3238