

ESTTA Tracking number: **ESTTA693763**

Filing date: **09/03/2015**

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	Sonic Electronix		
Entity	Corporation	Citizenship	California
Address	9631 Topanga Canyon Place Chatsworth, CA 91311 UNITED STATES		

Attorney information	Tawnya Wojciechowski 19900 MacArthur Boulevard, Suite 1150 Irvine, CA 92612-8433 UNITED STATES tawnya@trwlawgroup.com Phone:9497014747		
----------------------	--	--	--

Applicant Information

Application No	86552479	Publication date	08/04/2015
Opposition Filing Date	09/03/2015	Opposition Period Ends	09/03/2015
Applicant	Lenntek Corporation 1610 Lockness Place Torrance, CA 90501 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2008/01/08 First Use In Commerce: 2008/01/08 All goods and services in the class are opposed, namely: Earphones; headphones; earphone and headphone cases; earphone accessories, namely, earphone seals, earphone hooks and earphone extension cables; earphone accessory kits, comprised of an earphone case, earphone seals, earphone hooks and an earphone extension cable; mobile phone cases; cell phone cases; smart phone cases; computer cases; tablet computer cases; notebook computer cases; laptop computer cases
--

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3602458	Application Date	10/13/2008
Registration Date	04/07/2009	Foreign Priority Date	NONE
Word Mark	SONICELECTRONIX		

Design Mark	SonicElectronix
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Online retail store services featuring consumer electronics and general consumer merchandise related to electronics

U.S. Registration No.	3682228	Application Date	08/16/2008
Registration Date	09/15/2009	Foreign Priority Date	NONE

Word Mark	SONICELECTRONIX.COM		
Design Mark	sonicelectronix.com		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/01/01 First Use In Commerce: 2000/01/01 Retail discount store services and online retail discount store services featuring consumer electronic systems for car,marine, and home use		

U.S. Application No.	86313784	Application Date	06/18/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SONIC ELECTRONIX		

Design Mark	
Description of Mark	The mark consists of A curved semi-circle around the letter "S" and the word "Sonic" above the word "Electronix".
Goods/Services	Class 035. First use: First Use: 2014/06/01 First Use In Commerce: 2014/06/01 On-line retail store services featuring consumer electronics and personal electronics for car, marine, home and personal use; Retail store services featuring consumer electronics and personal electronics for car, marine, home and personal use

Attachments	77591771#TMSN.png(bytes) 77548760#TMSN.png(bytes) 86313784#TMSN.png(bytes) Noitice of Opposition Sonix.pdf(14820 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	/trw/
Name	Tawnya Wojciechowski
Date	09/03/2015

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

In the matter of Application Serial No.: 86552479
Filed on March 4, 2015
Published in the Official Gazette on August 4, 2015

Sonic Electronix, Inc.,

Opposer,

Opposition No.:

v.

Lenntek Corporation,

Applicant.

NOTICE OF OPPOSITION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Opposer Sonic Electronix, Inc. ("Sonic"), a California corporation having its principal place of business at 9631 Topanga Canyon Place, Chatsworth, California 91311, believes that it will be damaged by the issuance of a registration for the mark SONIX ("Applicant's Mark"), as applied for in Application Serial No. 86552479 filed on March 4, 2015 by Applicant Lenntek Corporation ("Applicant"), a California corporation having its principal place of business at 1610 Lockness Place, Torrance, California 90501.

As grounds for opposition, Sonic alleges that:

1. Since Sonic opened its online doors in 2000, Sonic has continuously used the mark SONIC and SONIC ELECTRONIX in interstate commerce in the United States in connection with its goods and services as set forth in U.S. Registration No.: 3602458 (a "Registration") with the United States Patent and Trademark Office ("USPTO") for: Online

retail store services featuring consumer electronics and general consumer merchandise related to electronics,.

2. Sonic has registered and used the mark SONICELECTRONIX.COM which has issued into U.S. Registration No: 3682228 registered September 15, 2009 (a “Registration”), which is an incontestable trademark registration at the USPTO for which a Declaration of Continued Use under Section 8 and Affidavit of Incontestability under Section 15 was filed and accepted on April 15, 2015 for “Retail discount store services and online retail discount store services featuring consumer electronic systems for car, marine, and home use” (the “Consumer Electronics Store Services”).

3. Sonic has used the mark SONIC ELECTRONIX (two words) in a stylized logo format (U.S. Application No: 86313784 filed June 18, 2014 for “Retail discount store services and online retail discount store services featuring consumer electronic systems for car, marine, and home use” (the “Application”) A true and correct copy of the Registrations and Application referenced in paragraphs 1 through 3 are attached hereto as Exhibit A, and are incorporated by reference as though fully set forth herein.

4. In addition, Sonic owns common law rights in the SONIC mark dating from 2000 for Consumer Electronic Store Services. In addition, Sonic owns common law rights for marks used for various consumer electronic products, including computer accessories, speakers, amplifiers and other consumer electronic goods that it sells under several brands, including but not limited to Sonic Electronix. Sonic offers these consumer electronic products on its Consumer Electronic Store website located at the URL and domain name www.sonicelectronix.com. Collectively, all the marks referenced in paragraphs 1 through 4 are referred to herein as Sonic Marks.

5. The Sonic Marks are highly distinctive with regard to the Consumer Electronics Store Services, having acquired substantial distinctiveness over fifteen years of continuous use. Moreover, through Sonic’s widespread use of the Sonic Marks, its extensive and continuous media coverage, the high degree of consumer recognition of the Sonic Marks, Sonic’s large and loyal user base, the Sonic Marks have become well-known and exclusively associated with the Sonic business.

6. On March 04, 2015, Applicant filed an application to register Applicant's Mark on a use-basis (Section 1(a)), for the following goods in International Class 9: Earphones; headphones; earphone and headphone cases; earphone accessories, namely, earphone seals, earphone hooks and earphone extension cables; earphone accessory kits, comprised of an earphone case, earphone seals, earphone hooks and an earphone extension cable; mobile phone cases; cell phone cases; smart phone cases; computer cases; tablet computer cases; notebook computer cases; laptop computer cases, citing a first use date of January 8, 2008.

7. Applicant's Mark was published in the *Official Gazette* on August 4, 2015.

8. Applicant previously registered the mark SONIX under Registration No.: 3786611 on May 11, 2010 which was limited to "earphones and headphones" ("Prior Registration"). Sonic did not oppose the issuance of the Prior Registration of this mark, as it believed the mark to be descriptive of the goods and very limited in product scope. Applicant's new application covers a greatly expanded list of goods in the consumer electronics field, and Sonic believes that this expanded use of the mark will cause it damage and injury in the marketplace and will erode its rights to the exclusive use of its marks in the Consumer Electronics Retail Services and consumer electronics industry as a whole.

FIRST GROUND FOR OPPOSITION: LIKELIHOOD OF CONFUSION

9. Sonic incorporates by reference Paragraphs 1 through 7, inclusive, as if fully set forth herein.

10. Sonic began using its Sonic Marks at least as early as 2000, well prior to Applicant's filing date of its application to register Applicant's SONIX mark and well prior to the adoption of the mark used in the Prior Registration solely for earphones and headphones in 2008.

11. Applicant's SONIX is similar to Sonic's Marks in commercial impression.

12. Applicant's goods and services are offered through the same channel of trade as Sonic's goods and services, and a casual search on the internet for the mark SONIC or SONIX reveals the existence of both Applicant and Registrant.

