

ESTTA Tracking number: **ESTTA696120**

Filing date: **09/16/2015**

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	Kabushiki Kaisha Zoom		
Entity	Corporation	Citizenship	Japan
Address	4-4-3 Kanda-surugadai Chiyoda-ku Tokyo, 101-0062 JAPAN		

Attorney information	R. Glenn Schroeder Schroeder Law PC 110 Cooper Street #605 Babylon, NY 11702 UNITED STATES docket@schroederlawpc.com,gschroeder@schroederlawpc.com Phone:631-649-6109
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Applicant Information

Application No	86572377	Publication date	08/18/2015
Opposition Filing Date	09/16/2015	Opposition Period Ends	09/17/2015
Applicant	Hangzhou Rejoin Tech Co., Ltd Room 543, Building 5, NO.1197 Hangzhou City, CHINA		

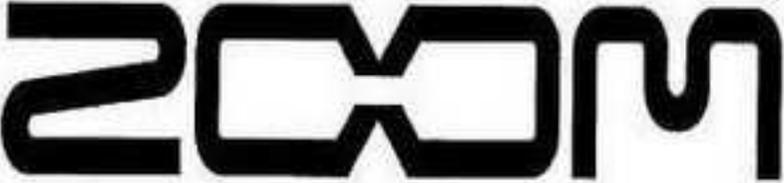
Goods/Services Affected by Opposition

<p>Class 009. First Use: 2014/11/12 First Use In Commerce: 2014/11/12 Opposed goods and services in the class: Computers; Tablet computer; Smartphones; Portable media players; Slide or photograph projection apparatus; Visual recordings and audiovisual recordings featuring music and animation; Optical apparatus, namely, a non-lethal security device that uses a light source to detect, warn, repel, temporarily blind, disorient, nauseate, disable, confuse, debilitate, stun, subdue, stop, or incapacitate persons or animals; Eyeglasses; Batteries, electric; Cameras; Reading machines for the blind and visually impaired, namely, an electronic device comprised of a microprocessor which is programmed to convert stored digital information into audible synthesized speech; Program controlled microprocessors for scanning written text and converting the scanned text into synthesized speech; Electrical and optical apparatus and instruments as well as parts thereof, namely, cameras, lenses for cameras, object lenses for cameras, zoom lenses for cameras, optical lenses, spectacles, spectacle frames, sunglasses, spectacle cases, binoculars, telescopes, magnifying glasses, opera glasses, monoculars, periscopes, electronic devices for reading, namely, electronic video reading aids in the nature of opto-electronic reading apparatus for the visually impaired, digital magnifiers in the nature of digital magnifying lenses, digital magnifying glasses, optical sensors, light emitting diodes (LEDs), LED displays</p>

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. Registration No.	3555352	Application Date	02/03/2006
Registration Date	12/30/2008	Foreign Priority Date	08/08/2005
Word Mark	ZOOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2005/07/00 First Use In Commerce: 2005/07/00 Guitars and bass effects processors; sound effects processors; multi-track recorders; computer software for sound data processing; sound mixers; microphones</p> <p>Class 015. First use: First Use: 2008/05/00 First Use In Commerce: 2008/05/00 Electronic musical instruments, namely, foot controllers for electronic musical instruments</p>		

Attachments	78806408#TMSN.png(bytes) 117-6_Notice_of_Opposition.pdf(89982 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	/r. glenn schroeder/
Name	R. Glenn Schroeder
Date	09/16/2015

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

In re Application Serial No. 86/572,377
Filed: March 23, 2015
Published for Opposition on August 18, 2015
Trademark: ZOOMAX USA and design

KABUSHIKI KAISHA ZOOM,

Opposer,

v.

HANGZHOU REJOIN TECH CO. LTD

Applicant.

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Opposition No.
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Commissioner for Trademarks
P.O. Box 1451
Alexandria , VA 22313-1451

NOTICE OF OPPOSITION

KABUSHIKI KAISHA ZOOM ("Opposer"), a Japanese corporation, with offices at 4-4-3 Kanda-surugadai, Chiyoda-ku, Tokyo 101-0062, Japan, believes that it will be damaged by registration of the mark shown in Serial No. 86/572,377 to HANGZHOU REJOIN TECH CO. LTD ("Applicant"), which application was published for opposition on August 18, 2015, and hereby opposes, through its attorneys, the registration of said mark for "Computers; Tablet computer; Smartphones; Portable media players; Slide or photograph projection apparatus; Visual recordings and audiovisual recordings featuring music and animation; Batteries, electric; Cameras; Electrical and optical apparatus and instruments as well as parts thereof, namely, cameras, lenses for cameras, object lenses for cameras, zoom lenses for cameras, optical lenses, spectacles, spectacle frames, sunglasses, spectacle cases, binoculars, telescopes, magnifying glasses, opera glasses, monoculars, periscopes, electronic devices for reading, namely, electronic video reading aids in the nature of opto-electronic reading apparatus for the visually impaired, digital magnifiers in the nature of digital magnifying lenses, digital magnifying glasses, optical sensors, light emitting diodes (LEDs), LED displays" in International Class 9.

As grounds for opposition it is alleged that:

1. Opposer is a Japanese corporation, with offices at 4-4-3 Kanda-surugadai, Chiyoda-ku, Tokyo 101-0062, Japan.
2. Opposer sells, and has sold, audio recorders; video recorders; multi-track recorders; audio interfaces; electronic effect pedals; guitar and bass effects processors; sound effects processors; computer software for sound and data processing; sound mixers; microphones; foot controllers; drum and rhythm machines; accessory packs; cables; remote controls; tripods and mounts; batteries and battery chargers; cases; and windscreens.
3. Opposer utilizes the marks ZOOM and ZOOM and design (hereinafter the "Trademarks"), as trademarks indicating the source of origin for its products.
4. Since prior to the filing date of the above-identified application, Opposer has been using the Trademarks in interstate commerce, either directly or through its U.S. distributors, in connection with the goods described in Paragraph 2.
5. Opposer is the owner of United States Registration No. 3,555,352 for the mark ZOOM and design as used in connection with guitars and bass effects processors; sound effects processors; multi-track recorders; computer software for sound data processing; sound mixers; and microphones, in International Class 9; and electronic musical instruments, namely, foot controllers for electronic musical instruments, in International Class 15. The foregoing registration is valid, and in full force and effect.
6. Opposer has expended substantial amounts of money, time and effort in advertising and promoting its Trademarks throughout the United States so that the public has come to associate and attribute usage of the Trademarks with Opposer.
7. Applicant's mark is confusingly similar to Opposer's Trademarks whereby use of Applicant's mark on the goods recited in Applicant's application will create a likelihood of confusion, mistake or deception among the purchasing public.

8. The goods identified in Applicant's application are related to the goods offered by Opposer (mentioned hereinabove in paragraphs 2) under the Trademarks, and to the goods listed in Opposer's registration identified hereinabove in paragraph 5, all of such goods being likely to travel through similar channels of trade.

9. The registration of Applicant's mark in connection with the goods specified in Applicant's application would be in direct conflict with the proper function of a trademark; that is, as a designation of the sole and exclusive origin of goods or services, considering Opposer's prior use of and registration of its Trademarks.

10. Opposer, as the owner of a valid federal trademark registration and as the prior user of such mark, will be damaged if registration of Applicant's mark is granted.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained, that the above-identified application be rejected and that the registration of the mark shown in Application Serial No. 86/572,377 be refused.

Respectfully submitted,
KABUSHIKI KAISHA ZOOM

Dated: 16 September 2015

By: /r. glenn schroeder/
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** has been served via first-class mail (with a courtesy copy via email) this 16th day of September 2015, upon the following:

Gong Xia
No. 259, Wensan Road
Room 606, No. 1 Changdi Torch Building
Hangzhou, Zhejiang
China
daisywzmark@gmail.com

/r. glenn schroeder/
R. Glenn Schroeder