

ESTTA Tracking number: **ESTTA749363**

Filing date: **05/31/2016**

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	Microsoft Corporation		
Entity	Corporation	Citizenship	Washington
Address	One Microsoft Way Redmond, WA 98052 UNITED STATES		

Attorney information	Holly M. Simpkins Perkins Coie LLP 1201 Third Ave., Ste. 4900 Seattle, WA 98101 UNITED STATES hsimpkins@perkinscoie.com, gstanton@perkinscoie.com, wrava@perkinscoie.com, jstarr@perkinscoie.com Phone:206-359-8000		
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### Applicant Information

Application No	86034200	Publication date	05/24/2016
Opposition Filing Date	05/31/2016	Opposition Period Ends	06/23/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	LG Electronics Inc. 20 Yeouido-dong Yeongdeungpo-gu Seoul 150-721, KOREA, REPUBLIC OF		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Mobile phones; Computer application software for mobile phones for receiving and transmission of message in the nature of data, text, language, sound, image and video; Cameras
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### 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

U.S. Registration No.	4407849	Application Date	03/09/2012
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	WINDOWS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 Wireless communications devices, namely, mobile phones, cellular telephones, personal digital assistants, and hand-held computers; computer software for wireless telecommunications for use with wireless devices; computer operating system software for wireless communication devices Class 038. First use: First Use: 2005/05/00 First Use In Commerce: 2005/05/00 Telecommunications services, namely, offering personal communications services via wireless networks

U.S. Registration No.	4389703	Application Date	09/29/2011
Registration Date	08/20/2013	Foreign Priority Date	NONE

Word Mark	WINDOWS PHONE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 Wireless communications devices, namely, mobile phones, cellular telephones, personal digital assistants, and hand-held computers; computer software for wireless telecommunications for use with wireless devices

Attachments	85565790#TMSN.png( bytes ) 85979589#TMSN.png( bytes ) 2016-05-31 Notice of Opposition.pdf(239873 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	s/Holly M. Simpkins/s
Name	Holly M. Simpkins
Date	05/31/2016

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

Microsoft Corporation,

Opposer,

v.

LG Electronics Inc.,

Applicant.

Opposition No.:

Mark: SLIDE WINDOW

Serial No. 86,034,200

Filing Date: August 9, 2013

Published: May 24, 2016

**NOTICE OF OPPOSITION**

Opposer Microsoft Corporation (“Opposer” or “Microsoft”), which has its principal place of business at One Microsoft Way, Redmond, Washington 98052, believes that it would be damaged by registration of the mark SLIDE WINDOW as shown in United States Trademark Application Serial No. 86,034,200 filed by LG Electronics Inc. (“Applicant”) and published for opposition on May 24, 2016. Opposer opposes the application.

The grounds for this Opposition are as follows:

1. Opposer is in the business, inter alia, of developing and marketing computer software and related goods and services including wireless communications devices.
2. Commencing as early as October 18, 1983, Opposer has used and continues to use the mark WINDOWS in connection with developing and marketing computer programs, computer peripherals and related goods and services.
3. Opposer uses its WINDOWS mark and formatives thereof on a family of computer programs, computer peripherals, handheld computers, wireless communication devices, system products and other products and services. Opposer uses a family of WINDOWS marks in connection with such goods and services.

4. Opposer owns the following U.S. Trademark Registrations, among others:

<u>Mark</u>	<u>Registration No.</u>	<u>Int'l Class(es)</u>
WINDOWS	4,407,849	9, 38
WINDOWS PHONE	4,389,703	9

5. Opposer's WINDOWS and WINDOWS PHONE marks symbolize the extensive goodwill and consumer recognition that have been developed by Opposer through substantial sales of products and services under those marks and through substantial and extensive advertising, promoting and popularizing of its WINDOWS and WINDOWS PHONE marks in the United States.

6. As a result of Opposer's use and advertising, Opposer's WINDOWS mark is a famous mark in the United States and is recognized as identifying the high-quality software programs, computer peripherals, handheld computers, wireless communication devices and other goods and services of Opposer. The WINDOWS mark and the associated goodwill are valuable assets of Opposer.

7. Applicant seeks to register the mark SLIDE WINDOW for, among other things, mobile phones and computer application software for mobile phones, in International Class 9.

8. Applicant's goods are identical to the goods and services marketed and sold by Opposer under Opposer's WINDOWS and WINDOWS PHONE marks.

9. Applicant's proposed mark SLIDE WINDOW for Applicant's goods is confusingly and deceptively similar to Opposer's WINDOWS and WINDOWS PHONE marks for Opposer's goods and services, such that the trade and purchasing public are likely to be confused by and deceived into believing that the goods and services sold and marketed in connection with Applicant's SLIDE WINDOW mark originate with or are otherwise authorized by, sponsored by, licensed by or associated with Opposer.

10. In view of the similarity of the parties' respective marks and the identical nature of the goods and services, Applicant's use of its proposed mark is likely to cause confusion, or to cause mistake or to deceive.

11. Applicant's proposed SLIDE WINDOW mark dilutes and is likely to dilute Opposer's famous WINDOWS mark.

12. Opposer's WINDOWS mark was a famous mark before Applicant adopted its SLIDE WINDOW mark.

13. By reason of all of the foregoing, Opposer would be greatly damaged by the registration of Applicant's SLIDE WINDOW mark for the goods described in Applicant's application.

WHEREFORE, Opposer prays that this Opposition be sustained, the application denied and the mark refused registration.

Correspondence Address

Please direct all communications to:

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DATED this 31st day of May 2016.

Respectfully submitted,

By s/Holly M. Simpkins  
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William C. Rava  
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CERTIFICATE OF SERVICE

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service with sufficient postage as first class mail on May 31, 2016, in an envelope addressed to Robert J. Kenney, Birch Stewart Kolasch & Birch, LLP, P.O. Box 747, Falls Church, VA 22040-0747.

Signature June Starr

Print Name: June Starr