

ESTTA Tracking number: **ESTTA762381**

Filing date: **08/03/2016**

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	Enjin Pte Ltd.
Granted to Date of previous extension	08/03/2016
Address	16 Raffles Quay #33-03Hong Leong Bldg Singapore, 048581 SINGAPORE

Attorney information	Mark Terry 801 Brickell Avenue Suite 900 Miami, FL 33131 UNITED STATES mark@terryfirm.com
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Applicant Information

Application No	86067975	Publication date	04/05/2016
Opposition Filing Date	08/03/2016	Opposition Period Ends	08/03/2016
International Registration No.	NONE	International Registration Date	NONE
Applicant	The QT Company LTD Helsinki, 00380 FINLAND		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer operating system software for accessing and using cloud computing networks; network operating software; computer software development tools for computer programmers; website development software; computer software that provides web-based access to applications and services through a web operating system or portal interface; computer software for developing and operating cloud computer networks and applications; computer software for use in database management; and computer software platforms for cloud computing networks and applications</p>
<p>Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Training and educational services in the nature of workshops, seminars, classes, related to cloud computing software and software development tools</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing on-line non-downloadable operating software for accessing and using acloud computing network; providing on-line non-downloadable software for software development and website development; providing on-line non-downloadable</p>

software for operating and maintaining computer networks and services; application service provider (asp), namely, providing, hosting, managing, developing, and maintaining applications, software, websites, and databases via cloud computing; computer consulting services, namely, providing technical information in the fields of design, development, programming, selection, and implementation of computers, computer software, and computer networks; design and development services relating to software, namely, customization of computer software; consulting in the field of cloud computing networks and applications

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86692772	Application Date	07/14/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ENJIN		
Design Mark			
Description of Mark	The mark consists of The word "ENJIN" written in stylized font.		
Goods/Services	<p>Class 009. First use: First Use: 2009/05/23 First Use In Commerce: 2009/05/23</p> <p>Application software, namely, content management software for online gaming communities; communications processing computer software, namely, software used for the control of voice controlled information and communication devices; computer game software; computer software games programs downloaded via the internet; computer programs for customising and editing personalised features in computer games; computer graphics software; computer programs for producing computer graphics; computer software, namely, software development tools for the creation of computer game applications and user interfaces; computer software programs for creating gaming communities, clans and guilds, gamer profiles and website plugins; downloadable computer software applications, namely, computer software applications for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software downloaded from the internet namely, computer software applications for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software products, namely, computer software for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software programs, namely, computer software applications for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software for uploading, downloading, accessing, posting, displaying, linking or</p>		

	<p>sharing electronic media via computer, the internet and other communication networks; computer software programs for social networking; interactive computer software, namely, computer software for creating gaming communities, clans and guilds, gamer profiles; computer programs relating to the creation of graphic images; computer programs relating to the manipulation of graphic images; computer interfaces for use with detecting and analysing voices; voice processing systems comprised of speech recognition circuits, speech synthesizers, and speech scramblers and de-scramblers; interactive entertainment software for use with computers, namely, computer game clan and guild and gamer profile creation software</p> <p>Class 041. First use: First Use: 2009/05/23 First Use In Commerce: 2009/05/23 Electronic publication of information in the nature of electronic publications on a wide range of topics, including online and over a global computer network; electronic publishing services, namely, publishing of text and graphic works of others via the internet and other communications networks featuring website development, computer games, online community clan, and guild and gaming themes; publication of multimedia material online; electronic publishing of blogs of others; weblog services, namely, blogs featuring computer and video game features, gaming community clans and guilds, gaming themes and website development; provision of interactive online entertainment in the nature of photographic, interactive games and other multimedia materials accessible on the internet on gaming community clans and guilds; and non-downloadable game services provided online from a computer network</p> <p>Class 042. First use: First Use: 2009/05/23 First Use In Commerce: 2009/05/23 Design of computer databases; computer software advisory services; computer software design; computer software development; computer software engineering; computer software programming services; design and development of computer software for others; design of computer software; writing of computer software; non-downloadable software for social networking; creating and designing web pages for others; creating and designing web pages for others, including creating virtual communities for registered users to interact and participate in discussions in the field of computer games, video games and gaming communities, guilds and themes; interactive hosting services for users to publish and share content and images online; computer services, namely, providing an interactive web site featuring technology that allows users to collect, store, manage, deliver and showcase electronic content; creating and maintaining weblogs for others; hosting of weblogs; online provision of web-based applications for creating gaming websites, internet forums and website plugins; web site design; voice server hosting; and social media hosting</p>
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U.S. Application No.	86692729	Application Date	07/14/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ENJIN		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2009/03/01 First Use In Commerce: 2009/03/01 Application software, namely, content management software for online gaming communities; communications processing computer software, namely, software used for the control of voice controlled information and communication devices; computer game software; computer software games programs downloaded via the internet; computer programs for customising and editing personalised features in computer games; computer graphics software; computer programs for producing computer graphics; computer software, namely, software development tools for the creation of computer game applications and user interfaces; computer software programs for creating gaming communities, clans and guilds, gamer profiles and website plugins; downloadable computer software applications, namely, computer software applications for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software downloaded from the internet namely, computer software applications for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software products, namely, computer software for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software programs, namely, computer software applications for creating gaming communities, clans and guilds, gamer profiles and website plugins; computer software for uploading, downloading, accessing, posting, displaying, linking or sharing electronic media via computer, the internet and other communication networks; computer software programs for social networking; interactive computer software, namely, computer software for creating gaming communities, clans and guilds, gamer profiles; computer programs relating to the creation of graphic images; computer programs relating to the manipulation of graphic images; computer interfaces for use with detecting and analysing voices; voice processing systems comprised of speech recognition circuits, speech synthesizers, and speech scramblers and de-scramblers; interactive entertainment software for use with computers, namely, computer game clan and guild and gamer profile creation software</p> <p>Class 041. First use: First Use: 2009/03/01 First Use In Commerce: 2009/03/01 Electronic publication of information in the nature of electronic publications on a wide range of topics, including online and over a global computer network; electronic publishing services, namely, publishing of text and graphic works of others via the internet and other communications networks featuring website development, computer games, online community clan, and guild and gaming themes; publication of multimedia material online; electronic publishing of blogs of others; weblog services, namely, blogs featuring computer and video game features, gaming community clans and guilds, gaming themes and website development; provision of interactive online entertainment in the nature of photographic, interactive games and other multimedia materials accessible on the internet on gaming community clans and guilds; and non-downloadable game services provided online from a computer network</p> <p>Class 042. First use: First Use: 2009/03/01 First Use In Commerce: 2009/03/01 Design of computer databases; computer software advisory services; computer software design; computer software development; computer software engineering; computer software programming services; design and development of computer software for others; design of computer software; writing of computer software; non-downloadable software for social networking; creating and designing web pages for others; creating and designing web pages for others, including creating virtual communities for registered users to interact and participate in discussions in the field of computer games, video games and gaming communities, guilds and themes; interactive hosting services for users to publish and share content and images online; computer services, namely, providing an interactive web site featuring technology that allows users to collect, store, manage, deliver and showcase electronic content; creating and maintaining weblogs for</p>

	others; hosting of weblogs; online provision of web-based applications for creating gaming websites, internet forums and website plugins; web site design; voice server hosting; and social media hosting
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Attachments	86692772#TMSN.png(bytes) 86692729#TMSN.png(bytes) Notice of Opposition - EnginIO.pdf(32424 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	/Mark Terry/
Name	Mark Terry
Date	08/03/2016

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

Enjin Pte. Ltd.		
(Opposer)		
v.		
The QT Company, Ltd.		Application Ser. No: 86067975
(Applicant)		Filing Date: Sept. 18, 2013
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NOTICE OF OPPOSITION

Opposer, Enjin Pte. Ltd., a limited company based in Singapore (hereinafter referred to as “Opposer”), believes it will be damaged by the registration of the proposed mark ENGIN.IO set forth in Application Ser. No: 86067975 and therefore opposes the proposed registration of the same.

As grounds for this opposition, it is alleged that:

1. Opposer is a well-known and successful provider of application software, electronic publishing services and designer of computer software (among other things), in connection with the ENJIN word mark and the ENJIN design mark (collectively referred to as the “ENJIN Marks”). Opposer’s existing and actual business in this regard includes marketing and sales in multiple states of the United States. Opposer has been expending, and will continue to expend, significant time and resources effectuating the aforementioned business plans.

2. Opposer is the owner of pending U.S. trademark application Serial No. 86692772 for the ENJIN word mark, and pending U.S. trademark application Serial No. 86692729 for the ENJIN design mark, both trademark applications covering application software, namely, content management software for online gaming communities, and communications processing computer

software, namely, software used for the control of voice controlled information and communication devices (among other things) in International Class 009, electronic publication of information in the nature of electronic publications on a wide range of topics, including online and over a global computer network, and electronic publishing services, namely, publishing of text and graphic works of others via the internet and other communications networks featuring website development, computer games, online community clan, and guild and gaming themes in International Class 41, and design of computer databases, computer software advisory services, computer software design, computer software development in International Class 42. The aforementioned applications were filed on July 14, 2015 and comprise use-based trademark applications with dates of use dating back over 7 years to 2009.

3. Opposer has received Office Actions in application Serial Nos. 86692772 and 86692729.

4. The existence of Application Ser. No. 86067975 for the ENGIN.IO mark, was identified by the Examining Attorney (with regard to Opposer's trademark applications 86692772 and 86692729) thus preventing Opposer from being permitted to register the ENJIN Marks in connection with the aforementioned goods and services in International Classes 009, 041 and 042. Application Ser. No. 86067975 was filed by The QT Company (hereafter the "Applicant") on Sept. 18, 2013 and does not provide any dates of first use.

5. If Applicant is permitted to register the mark of Application Ser. No. 86067975, that registration would continue to be available for use by the Examining Attorney to prevent Opposer from being able to register and protect the ENJIN Marks in connection with the aforementioned goods and services in International Classes 009, 041 and 042.

6. Opposer's inability to obtain a registration for the ENJIN Marks in connection with services in International Classes 009, 041 and 042 severely impairs its ability to move forward with its current business plans and jeopardizes the time and resources already expended on the development and ongoing use of Opposer's goods and services bearing the ENJIN Marks.

7. Opposer asserts no bona fide intent to use the ENGIN.IO mark by Applicant as grounds for opposition to the subject Application Ser. No. 86067975. Upon information and belief, Applicant had no bona fide intent to use the ENGIN.IO mark (under Section 1(b) of the Lanham Act) in connection with the goods and services identified in its Application Ser. No. 86067975, namely, in International Classes 009, 041 and 042 when Applicant filed the subject trademark application.

8. Opposer further asserts that the mark of Application Ser. No. 86067975 is likely to cause confusion with Opposer's ENJIN Marks that is, and has been, in use since before Applicant filed its own trademark application.

10. Opposer has used in commerce its ENJIN Marks before Applicant's 2013 filing date.

11. Applicant's ENGIN.IO mark so resembles Opposer's prior used ENJIN Marks, as to be likely, when applied to Opposer's services, to cause confusion, to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

12. Therefore, Opposer will be damaged by the registration of the mark of Application Ser. No. 86067975 by Applicant. Moreover, if Applicant is permitted to obtain a registration based on Application Ser. No. 86067975, supported by no use in connection with goods and services in International Classes 009, 041 and 042, Applicant will be afforded presumptive rights to exclusively use the ENGIN.IO mark in this fashion, thereby impairing

Opposer's current and active business plans to continue to use, develop and market its goods and services using the ENJIN Marks. Indeed, registration of the mark of Application Ser. No. 86067975 will adversely affect Opposer's ability to prosecute its trademark applications 86692772 and 86692729 and effectuate its business plan.

WHEREFORE, Opposer deems that it will be damaged by registration of the Application Ser. No. 86067975 and opposed said trademark application.

By: /MARK TERRY/

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this NOTICE OF OPPOSITION is being electronically filed using the Electronic System for Trademark Trials and Appeals (ESTTA) on Aug. 3, 2016, and has been transmitted via regular mail to Applicant The QT Company LTD COMPANY FINLAND Valimotie 21 Helsinki FINLAND 00380.

Signature: /MARK TERRY/
Mark Terry, Esq.