

ESTTA Tracking number: **ESTTA771857**

Filing date: **09/20/2016**

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	SIGNET		
Entity	Corporation	Citizenship	France
Address	Technopole Izarbel, 1 allée Theodore Monod Batiment Odeo, Bidart, 64210 FRANCE		

Attorney information	Rebecca Gan WENDEROTH LLP 1030 15th Street, NW, Suite 400 East Washington, DC 20005 UNITED STATES rgan@wenderoth.com, wlp@wenderoth.com, cemon@wenderoth.com Phone:202-721-8227
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Applicant Information

Application No	86974445	Publication date	09/06/2016
Opposition Filing Date	09/20/2016	Opposition Period Ends	10/06/2016
Applicant	Internet Promise Group LLC 2390 Crenshaw Blvd. Ste 239 Torrance, CA 90501 UNITED STATES		

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: Computer hardware and software systems for controlling the electric batteries for electric vehicles
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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.	3691534	Application Date	10/14/2008
Registration Date	10/06/2009	Foreign Priority Date	NONE
Word Mark	TIMEZERO		

Design Mark	<h1>TimeZero</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2008/04/07 First Use In Commerce: 2008/04/07 Software programs for use in maritime navigation

Attachments	77591908#TMSN.png(bytes) Notice of Opposition ZERO TIME-86974445.pdf(128922 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	/rgan/
Name	Rebecca Gan
Date	09/20/2016

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

SIGNET,

Opposer,

v.

INTERNET PROMISE GROUP LLC,

Applicant.

Opposition No. _____

Application Serial No. 86/974,445

Mark: **ZERO TIME**

NOTICE OF OPPOSITION

SIGNET (hereinafter referred to as the “Opposer”), is a corporation duly organized in France, with its principal place of business located at: Technopole Izarbel, 1 allée Théodore Monod, Bâtiment Odeo, 64210 Bidart, France.

Internet Promise Group LLC (hereinafter referred to as the “Applicant”), is a limited liability company duly organized in the State of California, with its principal place of business located at: 2390 Crenshaw Blvd., Ste. 239, Torrance, California 90501, United States.

Opposer believes that it will be damaged by the issuance of a registration for the trademark “ZERO TIME,” in standard characters, for all of the goods in International Class 9, as identified in U.S. Trademark Application Serial No. 86/974,445 (hereinafter also referred to as “Applicant’s Mark”), filed on April 13, 2016; and, therefore, opposes the same.

As grounds for this opposition, Opposer, through counsel, alleges as follows:

FACTUAL BACKGROUND

1. Opposer is an internationally recognized and renowned company which, *inter alia*, creates and develops software programs. Opposer's programs and products are available worldwide, including in the United States.
2. Opposer is the owner of U.S. Trademark Registration No. 3,691,534 for "TIMEZERO" (hereinafter also referred to as "Opposer's Mark"), in standard characters, for the following goods: "Software programs for use in maritime navigation," in International Class 9. Opposer's Mark was registered on October 6, 2009, has a first use in commerce date of April 7, 2008, and was acknowledged by the USPTO as incontestable on September 11, 2015.
3. Opposer has used Opposer's Mark, in association with the registered goods, in U.S. commerce, and Opposer's Mark is currently in use in U.S. commerce.
4. On April 13, 2016, Applicant filed an application to register the "ZERO TIME" mark, in standard characters, with a filing basis of intent-to-use, for the following goods (as currently amended): "Computer hardware and software systems for controlling the electric batteries for electric vehicles," in International Class 9. Applicant's Mark was issued Application Serial No. 86/974,445, and was published for public opposition on September 6, 2016.

COUNT ONE: PRIORITY

5. Opposer re-alleges and incorporates herein by reference the allegations in paragraphs 1-4 above as if fully set forth herein.
6. Upon opinion and belief, Opposer's use, application, and registration of Opposer's Mark, long pre-dates the filing date of Applicant's Mark.

7. Upon opinion and belief, Applicant's Mark has not been used in U.S. commerce, and is not currently in use in commerce.

8. The granting of a trademark registration to Applicant for Applicant's Mark would violate and diminish the prior and superior rights of Opposer.

9. Opposer would be damaged within the meaning of 15 U.S.C. §1063(a), if Applicant's Mark is allowed to register, because Applicant would obtain statutory rights in Applicant's Mark, in violation and derogation of the established prior rights of Opposer in Opposer's Mark.

COUNT TWO: LIKELIHOOD OF CONFUSION

10. Opposer re-alleges and incorporates herein by reference the allegations in paragraphs 1-9 above as if fully set forth herein.

11. Applicant's Mark is likely to be confused with and mistaken for Opposer's goods developed and marketed under Opposer's Mark, because Applicant's "ZERO TIME" mark is confusingly similar in sight and sound to Opposer's "TIMEZERO" mark.

12. Additionally, Applicant's Mark conveys a nearly identical commercial impression as Opposer's Mark.

13. Applicant's Mark is essentially a transposition of Opposer's Mark. The words in Applicant's Mark are identical to the words in Opposer's Mark. The transposition of the words from Opposer's Mark does not serve to distinguish Applicant's Mark from Opposer's Mark, nor does it create a distinctly different connotation.

14. Upon information and belief, Applicant's Mark is intended to be used on and in connection with goods that are identical, or confusingly similar, to those of Opposer.

15. Upon information and belief, Applicant's target customer and consumer base for its goods overlaps with the customers and consumers of Opposer's goods.

16. Applicant's goods description contains no restrictions or limitations as to Applicant's channels of trade; accordingly, Opposer may assume that Applicant's Mark, like Opposer's Mark, will be used in all accepted channels of trade.

17. Therefore, upon information and belief, Applicant's channels of trade for its goods also overlaps with the channels of trade used by Opposer, or exist within the natural realm of expansion available to Opposer, for producing, marketing, selling, and otherwise distributing its products.

18. If Applicant is permitted to register its "ZERO TIME" mark, confusion resulting in damage and injury to Opposer would likely occur. Persons familiar with Opposer's Mark, and Opposer's goods, would likely be confused, be mistaken, or be deceived into the belief that Applicant's products are associated with, affiliated with, or sponsored by Opposer. Such confusion would inevitably result in damage to Opposer.

19. Any defect, objection to, or fault found with Applicant's goods marketed under Applicant's Mark, would necessarily reflect on and seriously injure the reputation that Opposer has established for its premium goods.

20. Opposer's customers and the relevant public are likely to misperceive Applicant's Mark as one of Opposer's marks, rather than as a mark of Internet Promise Group LLC, and/or believe in error that the goods offered under Applicant's Mark are offered by, in association with, or under license from Opposer.

CERTIFICATE OF SERVICE

I, Christopher Emond, hereby certify that on this 20th day of September 2016, a true and complete copy of the foregoing Notice of Opposition has been served on Applicant (Applicant is not currently represented by an attorney), Internet Promise Group LLC, via First Class Mail (as prescribed by law), postage prepaid, addressed as follows:

Internet Promise Group LLC
2390 Crenshaw Blvd., Ste. 239
Torrance, California 90501
United States

 /cpe/
Christopher Emond