

ESTTA Tracking number: **ESTTA501721**

Filing date: **10/24/2012**

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	MOTOROLA TRADEMARK HOLDINGS, LLC
Granted to Date of previous extension	10/24/2012
Address	600 N. U.S. HIGHWAY 45 LIBERTYVILLE, IL 60048 UNITED STATES
Attorney information	Kristin Achterhof & Breighanne Eggert Katten Muchin Rosenman LLP 525 West Monroe Street Chicago, IL 60661 UNITED STATES kristin.achterhof@kattenlaw.com, breighanne.eggert@kattenlaw.com, deborah.wing@kattenlaw.com Phone:312-902-5200

**Applicant Information**

Application No	85511378	Publication date	06/26/2012
Opposition Filing Date	10/24/2012	Opposition Period Ends	10/24/2012
Applicant	WUXI JIEFU ELECTROACOUSTIC CO. LTD FURONG BRIDGE,BASHI STREET,XIBEI TOWN XISHAN DISTRICT,WUXI CITY JIANGSU PROVINCE, CHINA		

**Goods/Services Affected by Opposition**


Class 009. First Use: 2010/12/07 First Use In Commerce: 2010/12/07 All goods and services in the class are opposed, namely: Audio-receivers and video-receivers; Cabinets for loudspeakers; Ear plugs for divers; Horns for loudspeakers; Juke boxes; Juke boxes; Personal stereos; Radios for vehicles; Record players
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Failure to use mark on goods and services listed, Trademark Act section 1(a)

**Marks Cited by Opposer as Basis for Opposition**


U.S. Registration No.	400049	Application Date	09/13/1941
Registration Date	02/16/1943	Foreign Priority Date	NONE
Word Mark	MOTOROLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U021 (International Class 009). First use: First Use: 1930/05/00 First Use In Commerce: 1930/05/00</p> <p>Radio Receiving Apparatus; Radio Antenna Apparatus; Combination Radio Receiving and Electric Phonograph Apparatus With and Without Record Changing Mechanism; Electronic Record Playing Apparatus With and Without Record Changing Mechanism; Radio Transmitting Apparatus; Combination Radio Receiving and Transmitting Apparatus; [Combination Radio Receiving, Electric Phonograph and Electrical Sound Recording Apparatus With or Without Record Changing Mechanism,] Control Apparatus for Use with Radio Transmitting and Receiving Apparatus; and Parts of Each of the Above Apparatus</p>		

U.S. Registration No.	399935	Application Date	09/13/1941
Registration Date	02/09/1943	Foreign Priority Date	NONE
Word Mark	MOTOROLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U021 (International Class 009). First use: First Use: 1930/05/00 First Use In Commerce: 1930/05/00</p> <p>Radio-Receiving Apparatus; Combination Radio Receiving and Electric Phonograph Apparatus With and Without Record Changing Mechanism; Electronic Record Playing Apparatus With and Without Record Changing Mechanism; [Combination Radio Receiving, Electric Phonograph and Electrical Sound Recording Apparatus With and Without Record Changing Mechanism,] and Parts of Each of the Above Apparatus</p>		

U.S. Registration No.	804161	Application Date	11/30/1964
Registration Date	02/22/1966	Foreign Priority Date	NONE
Word Mark	MOTOROLA		
Design Mark			
Description of Mark	NONE		


Goods/Services	<p>Class U019 (International Class 009). First use: First Use: 1963/01/00 First Use In Commerce: 1963/01/00  VEHICULAR IGNITION SYSTEMS FOR THE ENGINES OF AUTOMOTIVE VEHICLES</p> <p>Class U021 (International Class 007, 009, 011, 012, 015). First use: First Use: 1930/00/00 First Use In Commerce: 1930/00/00  TELEVISION TRANSMITTING APPARATUS, APPARATUS FOR TELECOMMUNICATIONS SYSTEMS, WIRELESS PAGING APPARATUS, EQUIPMENT FOR COMPUTER-PROGRAMMED CONTROL SYSTEMS, INTEGRATED CIRCUITS, [ ELECTRIC WELDING MACHINES FOR SMALL ARTICLES SUCH AS SEMICONDUCTOR PRODUCTS, ELECTRIC INSULATORS, AND ELECTRIC MOTOR HEAT-PROTECTIVE UNITS ]</p> <p>Class U026 (International Class 009). First use: First Use: 1930/00/00 First Use In Commerce: 1930/00/00  ELECTRICAL MEASURING, RECORDING AND CONTROL APPARATUS, ELECTRICAL TESTING EQUIPMENT AND ASSEMBLY EQUIPMENT FOR SEMICONDUCTOR PRODUCTS AND FOR INTEGRATED CIRCUITS</p> <p>Class U032 (International Class 020). First use: First Use: 1933/00/00 First Use In Commerce: 1933/00/00  FURNITURE STYLED CABINETS FOR RADIO RECEIVERS, TELEVISION RECEIVERS, PHONOGRAPHS AND THE LIKE</p>
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U.S. Registration No.	814700	Application Date	07/02/1965
Registration Date	09/06/1966	Foreign Priority Date	NONE
Word Mark	MOTOROLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class U103 (International Class 037). First use: First Use: 1932/00/00 First Use In Commerce: 1932/00/00  INSTALLATION AND REPAIR OF ELECTRONIC EQUIPMENT, SUCH AS RADIO RECEIVING EQUIPMENT, RADIO TRANSMITTING EQUIPMENT, TELEVISION APPARATUS, TWO-WAY RADIO APPARATUS, AND WIRELESS PAGING APPARATUS</p>		


U.S. Registration No.	887046	Application Date	06/24/1968
Registration Date	03/03/1970	Foreign Priority Date	NONE
Word Mark	M MOTOROLA		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class U021 (International Class 007, 009, 011, 012, 015). First use: First Use: 1955/12/00 First Use In Commerce: 1955/12/00</p> <p>[ TELEVISION RECEIVERS, TELEVISION TRANSMITTERS, ELECTRONIC IGNITION SYSTEMS FOR INTERNAL COMBUSTION ENGINES; VEHICLE ALTERNATORS, AND VEHICLE VOLTAGE AND CURRENT REGULATORS; TUBES--NAMELY, VACUUM TUBES, TELEVISION TUBES, CATHODE RAY TUBES, AND ELECTRIC BULBS; ELECTRICAL SWITCHES AND TUNERS FOR RADIO AND TELEVISION RECEIVERS AND TRANSMITTERS; SONIC REMOTE CONTROL DEVICES FOR TUNING TELEVISION RECEIVERS; ] LOUDSPEAKERS; RADIO RECEIVERS; RADIO TRANSMITTERS; COMBINATION RADIO RECEIVERS AND TRANSMITTERS; [ COMBINATION RADIO RECEIVERS AND TELEVISION RECEIVERS; COMBINATION RADIO RECEIVERS, PHONOGRAPH RECORD PLAYERS, AND TAPE RECORDERS; COMBINATION RADIO RECEIVERS, PHONOGRAPH RECORD PLAYERS AND TELEVISION RECEIVERS; ] PAGING SYSTEMS; [ CLOSED CIRCUIT TELEVISION SYSTEMS; ] TELEPHONE HAND SETS; ANTENNAS FOR RADIO AND TELEVISION RECEPTION AND FOR TRANSMISSION; [ ELECTRIC MOTORS; ] MICROPHONES; AMPLIFIERS; [ MOTORGENERATOR SETS; ELECTRIC SIGNAL GENERATORS; PLATED OR PRINTED CIRCUIT BOARDS; ELECTRIC FILTERS; ELECTRIC TRANSFORMERS; ELECTRICAL INTERFERENCE ELIMINATORS; CAVITY RESONATORS FOR MICROWAVE SYSTEMS; TUNING SLUGS FOR COILS; ELECTRIC VIBRATORS FOR CONVERTING DIRECT VOLTAGE INTO ALTERNATING VOLTAGE; ELECTRIC BATTERIES; ELECTRIC CURRENT CONVERTERS; REMOTE ELECTRONIC ALARM INDICATING SYSTEMS; ELECTRIC FUSES; ELECTRIC INSULATORS; CONDENSERS; INDUCTORS; RESISTORS; ELECTRIC TERMINAL STRIPS; ELECTRIC POWER LINE COUPLERS; SHIELDING FOR CONFINING ELECTRIC FIELDS IN ELECTRONIC SYSTEMS; ELECTRIC RELAYS; ELECTRIC SWITCHES; ] ELECTRIC WIRE AND CABLES; [ ELECTRIC CONNECTOR PLUGS; ELECTRIC CONNECTOR SOCKETS; SEMICONDUCTORS--NAMELY, TRANSISTORS; DIODES, RECTIFIERS, ] INTEGRATED CIRCUITS, [ AND SEMICONDUCTOR MATERIAL THEREFOR; VOLTAGE REGULATORS; ] BATTERY CHARGERS; ELECTRIC TELECOMMUNICATIONS SYSTEMS--NAMELY, ELECTRICAL CODE AND MESSAGE RECEIVING AND PRINTING SYSTEMS, AND ELECTRICAL DIGITAL DECODERS AND DIGITAL PRINTERS; [ ELECTRONIC WAVE GUIDES; MICROWAVE COMPONENTS--NAMELY, CIRCULATORS AND ISOLATORS; TRAFFIC LIGHT CONTROL SYSTEMS--NAMELY, ELECTRONIC PROGRAMMERS, CODERS, TRANSMITTERS, RECEIVERS, AND DECODERS; AUDIO AND VISUAL SIGNAL INTERCOMMUNICATION SYSTEMS FOR HOSPITALS--NAMELY, ANNUNCIATORS FOR HOSPITAL PERSONNEL AND ELECTRONIC VISUAL DISPLAY SYSTEMS FOR INDICATING THE STATUS OF HOSPITAL ROOMS; AND ELECTRONIC COMMAND SYSTEMS FOR MANNED SPACE CRAFTS--NAMELY, CONVERTERS FOR TRANSLATING GROUND PUSHBUTTON COMMANDS TO DIGITAL SIGNALS FOR TRANSMISSION TO AIRBORNE SPACE CRAFT ]</p> <p>Class U026 (International Class 001, 009, 010). First use: First Use: 1966/01/00 First Use In Commerce: 1966/01/00</p> <p>[ INDICATING APPARATUS FOR VEHICLES--NAMELY, TACHOMETERS, HOURMETERS, COMBINATION SPEEDOMETERS AND TACHOMETERS, ELECTRONIC MONITORING AND CONTROL GROUND SUPPORT EQUIPMENT FOR AEROSPACE COMMAND GUIDANCE SYSTEMS; SPACEBORNE ELECTRONIC NAVIGATION SYSTEMS; ELECTRICAL TESTING EQUIPMENT--NAMELY, BINARY SIGNAL GENERATORS FOR GROUND AND AIRBORNE SPACE CRAFT COMMUNICATIONS AND COMMAND SYSTEMS, ELECTRICAL TESTING EQUIPMENT AND</p>

	<p>ASSEMBLY EQUIPMENT FOR SEMI-CONDUCTOR PRODUCTS AND INTEGRATED CIRCUITS, ELECTRICAL TEST METER ASSEMBLIES; AND ELECTRONIC TELEMETERING SYSTEMS--NAMELY, DIGITAL DATA ACQUISITION AND TRANSMISSION SYSTEMS ]</p> <p>Class U036 (International Class 009, 015). First use: First Use: 1955/12/00 First Use In Commerce: 1955/12/00</p> <p>[ PHONOGRAPHS, TAPE RECORDERS AND TAPE REPRODUCERS; PHONOGRAPH PARTS AND ASSEMBLIES--NAMELY, NEEDLES, CARTRIDGES, TONE ARMS, MAGNETIC PICKUP HEADS, AND PHONOGRAPH RECORD CHANGERS ]</p>
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U.S. Registration No.	1671037	Application Date	03/04/1991
Registration Date	01/07/1992	Foreign Priority Date	NONE
Word Mark	MOTOROLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1930/05/00 First Use In Commerce: 1930/05/00</p> <p>radio communications apparatus; namely, radio receivers, radio transmitters, combination radio receivers and transmitters; communication control centers apparatus; cellular radio telephone systems; namely, cellular base stations and cellular radio telephone subscriber apparatus and parts therefor; electrical and electronic circuit elements; namely, antennas, amplifiers, filters, transformers, cavity resonators, fuses, insulators, condensers, inductors, resistors, switches, relays, connectors, plugs and sockets; battery chargers; microphones; electric current converters; automatic vehicle location apparatus; [ emergency medical communications apparatus; ] digital voice protection apparatus; single sideband communications apparatus; signaling and remote control apparatus; security and access control apparatus; [ semiconductor products; namely, integrated circuits, microcomputers, microcontrollers, microprocessors and computer peripherals, memories and semiconductor material therefor; data conversion circuits; fiber optic active components; electronic interface circuits; motor control circuits; ] operational amplifiers; [ optoelectronics components; ] pressure and temperature sensors; telecommunications circuits; [ thyristors and triggers; ] computers and computer systems; namely, hardware and software in the field of electronic data processing; digital signal processors; digital and voice communications networks and components; namely, modems, multiplexers, processors, convertors and switches; radio data communications systems; namely, networkcentral processors, communications controllers, radio frequency modems, and portable data terminals; electronic mobile exchange switches; microcomputer board level apparatus; minicomputer and microcomputer systems; namely, hardware and software in the field of electronic data processing; electronic data switches; [ micro-to-mainframe interconnect apparatus; ] network management apparatus; protocol converters; concentrators and gateways; [ vehicle control apparatus and sensors; power modules; relays and drivers; industrial control apparatus and sensors; electronic ballasts; factory automation computer control systems; namely, hardware and software therefor; anti-lock braking system controls; automotive and industrial sensors; automotive body controls; gas and diesel engine controls; instrumentation devices and components; motor controls; steering controls; suspension controls;</p>		

	transmission controls; ]vehicle navigation apparatus; [ vehicle theft alarm modules; software and hardware for hospital intensive care units; statistical process control apparatus; supervisory control data acquisition apparatus ]
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U.S. Registration No.	1680185	Application Date	03/25/1991
Registration Date	03/24/1992	Foreign Priority Date	NONE
Word Mark	M MOTOROLA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1955/12/00 First Use In Commerce: 1955/12/00 communication apparatus, namely, radio receivers, radio transmitters, combination radio receivers and transmitters; communication control centers apparatus; cellular radio telephone systems, namely, cellular base stations and cellular radio telephone subscriber apparatus and parts therefor; electrical and electronic circuit elements, namely, antennas, amplifiers, filters, transformers, cavity resonators, fuses, insulators, condensers, inductors, resistors, switches, relays, connectors, plugs and sockets; battery chargers; microphones; [ electric current converters; automatic vehicle location apparatus; emergency medical communications apparatus; ] digital voice protection apparatus; single sideband communications apparatus; signaling and remote control apparatus; security and access control apparatus; [ semiconductor products, namely, integrated circuits, microcomputers, microcontrollers, microprocessors and computer peripherals, memories and semiconductor material therefore; ] data conversion circuits; fiber optic active components; electronic interface circuits; motor control circuits; operational amplifiers; optoelectronics components; [ pressure and temperature sensors; ] telecommunications circuits; [ thyristors and triggers; ] computers and computer systems, namely, hardware and software in the field of electronic data processing; digital signal processors; digital and voice communications networks and components, namely, modems, multiplexers, processors, convertors and switches; radio data communications systems; namely, network central processors, communications controllers, radio frequency modems, and portable data terminals; electronic mobile exchange switches; microcomputer board level apparatus; minicomputer and microcomputer systems; namely, hardware and software in the field of electronic data processing; electronic data switches; micro-to-mainframe interconnect apparatus; network management apparatus; protocol converters; concentrators and gateways; [ vehicle control apparatus and sensors; power modules; relays and drivers; industrial control apparatus and sensors; electronic ballasts; factory automation computer control systems, namely, hardware and software therefore; anti-lock braking systems controls; automotive and industrial sensors; automotive body controls; gas and diesel engine controls; instrumentation devices and components; motor controls; steering controls; suspension controls; transmission controls; ] vehicle navigation apparatus; [ hospital intensive care units; statistical process control apparatus; supervisory control data acquisition apparatus ]</p> <p>Class 037. First use: First Use: 1955/12/00 First Use In Commerce: 1955/12/00</p>		

	installation, maintenance and repair of electronic equipment, such as radio receiving equipment, radio transmitting equipment, two-way and trunking apparatus, paging apparatus, cellular radiotelephone apparatus and communication control centers and equipment
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U.S. Registration No.	3442488	Application Date	11/03/2005
Registration Date	06/03/2008	Foreign Priority Date	NONE

Word Mark	MOTOROLA Q
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2006/05/23 First Use In Commerce: 2006/05/23</p> <p>Telephones, cellular telephones, radio telephones, pagers, two-way radios, radio transmitters, radio receivers, radio transceivers, electronic organizers, and related accessories for the foregoing goods, namely, headsets, microphones, speakers, carrying cases, and belt clips; computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between terminals and for enhancing and facilitating use and access to computer networks and telephone networks; computer software for use in general purpose database management; computer e commerce software to allow user to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; computer software for training and product support for computers and mobile phones in the field of communications; computer game software for mobile handsets; computer software and programs featuring music, movies, and animation; computer software for the distribution of information and interactive multimedia content containing text, images, video and sound to users in the field of communications; computer software and programs for management and operation of wireless telecommunications devices; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks; computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; analog and digital radio transceivers or receivers for data, voice, image and video communication; electronic game software for mobile handsets; cameras, namely photographic cameras, digital cameras, motion picture cameras, video cameras; systems and apparatus for electric money transactions, namely encoded smart cards, smart card readers; calculators; cards for communications purposes, namely, encoded data cards, modem cards and fax modem cards for communication purposes, all for use with communications apparatus; modems, global positioning units, batteries, battery chargers, power adapters, and antennas</p>
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U.S. Registration No.	3402839	Application Date	01/15/2002
Registration Date	03/25/2008	Foreign Priority Date	NONE
Word Mark	MOTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30          Telephones, cellular telephones, radio telephones, pagers, two-way radios, radio transmitters, radio receivers, radio transceivers, electronic organizers, and related accessories for the foregoing goods, namely, headsets, microphones, speakers, carrying cases, and belt clips; radio base stations, switches, routers, computers, computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between terminals and for enhancing and facilitating use and access to computer networks and telephone networks; computer software for use in general purpose database management; computer e-commerce software to allow user to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; computer software for training and product support for computers and mobile phones in the field of communications; computer utility software for performing computer maintenance work; computer game software for mobile handsets; computer software and programs featuring music, movies, animation, electronic books, games in the field of general entertainment; computer software for the distribution of information and interactive multimedia content containing text, images, video and sound to users in the field of communications; computer software and programs for management and operation of wireless telecommunications devices; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks; computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; analog and digital radio transceivers or receivers for data, voice, image and video communication, modems, global positioning units, batteries, battery chargers, power adapters, and antennas</p>		


U.S. Registration No.	3308016	Application Date	09/26/2002
Registration Date	10/09/2007	Foreign Priority Date	NONE
Word Mark	HELLOMOTO		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2002/05/31 First Use In Commerce: 2002/05/31          Telephones, cordless, wireless or satellite telephones, dedicated network computer terminals for telecommunications, facsimiles, communicators; smart phones, namely, phones with capability of transmitting data voice and images and accessing the Internet, sending and receiving faxes and e-mail; antennas, batteries, battery chargers, power supplies, housings or casings or covers, clips, carrying cases for mobile telephones, PDAs and computers and carrying cases for accessories therefor, namely, microphones, speakers, headsets, batteries, covers and battery chargers; holders, desktop stands, microphones, speakers, headsets, mobile phone accessories in the nature of hands free holders,</p>		


headsets, microphones and speakers for mobile phones; car kits for the adaptation of portable communication apparatus and instruments for vehicular use, comprising antennas, antenna transmission wires, antenna adapters, cables, earphones, handsfree microphones, phone holders, speakers, car chargers, data cables and electrical wires; telephone stands being parts of telephones, electric adaptor cables, telephone cables, microphones, speakers and battery chargers; apparatus for recording, storing, transmission, receiving or reproducing of data, sound, images and/or video, namely, base stations comprising directional antennas, electronic base station controllers, directional antennas, microwave radios, telephone exchanges, access nodes, switches for telecommunication purposes, servers, routers, data smart cards, modems, multiplexers electrical cables and optical fibers cables, electronic systems and apparatus, namely, scramblers, de scramblers, encoders and decoders, for scrambling, descrambling, encoding and/or decoding of voice, data, image and video transmissions, electronic data input and output apparatus, namely terminals, receivers, transmitters, decoders, and transceivers capable of processing broadcast, satellite, facsimile, television, telecommunication, network, infrared, video game, and computer data signals and for transmission, reproducing or receiving of sound, images, video, multimedia or data; data processing equipment, namely digital signal processors; computers, computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between terminals and for enhancing and facilitating use and access to computer networks and telephone networks; computer software for use in general purpose database management; computer e-commerce software to allow user to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; training and product support software for computers and mobile phones in the field of communications; computer utility software for performing computer maintenance work; computer game software; computer software and programs featuring music, movies, animation, electronic books, games in the field of general entertainment; power sources for communication network elements, namely batteries and power supplies; substations or repeaters, namely signal amplifiers or repeater amplifiers multimedia systems, namely software for the distribution of information and interactive content containing text, images, video and sound to users in the field of communications and multimedia terminals for computers satellite, cable and/or terrestrial receivers and antennas, switches and motors thereof; monitors, displays for mobile phones; user interface units, namely keyboards, keypads, key rolls, buttons, switchboards and screens; computer software and programs for management and operation of wireless telecommunications devices, computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks, and computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; analog and digital radio transceivers or receivers for data, voice, image and video communication; electronic game software for mobile handsets; cameras, namely photographic cameras, digital cameras, motion picture cameras, video cameras; systems and apparatus for electric money transactions, namely smart cards, smart card readers; calculators; cards for communications purposes, namely, data cards, modem cards and fax modem cards for communication purposes, all for use with communications apparatus; electronic publications, namely, computer user manuals recorded on computer media; blank audio and video cassettes, tapes, CD's; pre-recorded audio and videocassettes, tapes and CD's featuring music, movies, animation, electronic books, video games audio and video tape, cassette, digital video disc, video-CD, CD-i, laser disc, minidisks, mp3 and CD recorders and players and their peripherals featuring entertainment, information, multimedia material, manuals and instructional material for use with and instruction for wireless communications devices; televisions; headphones; binoculars; sunglasses;

	eyeglasses; burglar and fire alarms stereo equipment, namely stereo receivers and amplifiers, CD, mp3 and minidisc players and speakers
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U.S. Registration No.	3469387	Application Date	06/28/2005
Registration Date	07/15/2008	Foreign Priority Date	NONE
Word Mark	MOTORAZR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2006/10/30 First Use In Commerce: 2006/10/30          Telephones, cellular telephones, radio transceivers; computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between computer terminals and for enhancing and facilitating use and access to computer networks and telephone networks; computer software for executing tutorials and electronic product manuals on mobile phones or computers for providing training and product support to mobile phone customers; computer game software for mobile handsets; computer software and computer programs for use with mobile phones for assisting the user in downloading music, movies, animation, or electronic books; computer software for distributing information and interactive multimedia content containing text, images, video and sound between wireless communication devices and computer terminals via a wireless network; computer software and programs for management and operation of wireless telecommunications devices; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks; computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data transmitted between computer terminals and wireless communication devices; analog and digital radio transceivers or receivers for data, voice, image and video communication; electronic game software for mobile handsets; cameras, namely, photographic cameras, digital cameras, motion picture cameras, video cameras; calculators; global positioning units, batteries, battery chargers, power adapters</p>		

U.S. Registration No.	3446576	Application Date	07/25/2005
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	MOTOQ		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/08/15 First Use In Commerce: 2007/08/15 Telephones, cellular telephones, radio telephones, radio transceivers, electronic organizers, computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between terminals and for enhancing and facilitating use and access to computer networks and telephone networks; computer game software for mobile handsets; computer software and programs featuring music, movies, and animation; computer software for the distribution of information and interactive multimedia content containing text, images, video and sound to users in the field of communications; computer software and programs for management and operation of wireless telecommunications devices; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks; computer software for sending and receiving short messages and electronic mail and for filtering non-text information from the data; digital radio transceivers or receivers for data, voice, image and video communication; electronic game software for mobile handsets; cameras, namely, photographic cameras, digital cameras, motion picture cameras, video cameras; calculators; global positioning units, batteries, battery chargers, power adapters

U.S. Registration No.	3490367	Application Date	12/09/2005
Registration Date	08/19/2008	Foreign Priority Date	NONE
Word Mark	MOTOTRBO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/05/31 First Use In Commerce: 2006/05/31 Two-way radios; accessories for two-way radios, namely, microphones and		

	headsets; software for data applications, namely, text messaging, GPRS and telemetry, for use in radio communications networks
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U.S. Registration No.	3383314	Application Date	07/20/2006
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	MOTOKRZR		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2006/10/05 First Use In Commerce: 2006/10/05          Telephones, cellular telephones, radio telephones, pagers, two-way radios, radio transmitters, radio receivers, radio transceivers, personal digital assistants, electronic organizers, global positioning units and related accessories for the foregoing goods, namely, keyboards, headsets, microphones, speakers, carrying cases, battery chargers, batteries, and power adapters; computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network and for enhancing and facilitating use and access to computer networks and telephone networks; computer e-commerce software to allow user to safely place orders and make payments in the field of electronic business transactions via a global computer network or telecommunications network; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks; cameras, namely, photographic cameras, digital cameras, motion picture cameras, video cameras, and audio and video players and hand held gaming machines, all for use with a self contained communications apparatus or physically separate but functionally integrated with a communication apparatus module</p>		

U.S. Registration No.	3551057	Application Date	07/27/2007
Registration Date	12/23/2008	Foreign Priority Date	NONE
Word Mark	MOTOA4		

Design Mark	<b>MOTOA4</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/08/07 First Use In Commerce: 2007/08/07 Two-way radios, telecommunications and data networking hardware, namely, devices for transporting and aggregating voice, data, and video communications across multiple network infrastructures and communications protocols and network access server operating software for two-way radios

U.S. Registration No.	3941121	Application Date	08/14/2008
Registration Date	04/05/2011	Foreign Priority Date	NONE

Word Mark	ECOMOTO
Design Mark	<b>ECOMOTO</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/01/18 First Use In Commerce: 2009/01/18 Telephones, cellular telephones, radio transceivers, personal digital assistants, portable audio and video players, electronic message devices, electronic cameras, namely, digital cameras, video cameras; global positioning units, batteries, battery chargers and power adapters Class 040. First use: First Use: 2005/01/00 First Use In Commerce: 2005/01/00 Recycling services

Attachments	71447019#TMSN.gif ( 1 page )( bytes ) 71447018#TMSN.gif ( 1 page )( bytes ) 72301122#TMSN.gif ( 1 page )( bytes ) 74144045#TMSN.gif ( 1 page )( bytes ) 74150715#TMSN.gif ( 1 page )( bytes ) 78746739#TMSN.jpeg ( 1 page )( 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 Overnight Courier on this date.

Signature	/Kristin J. Achterhof/
Name	Kristin Achterhof & Breighanne Eggert
Date	10/24/2012

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

Applicant: Wuxi Jiefu Electroacoustic Co. Ltd. Corp.  
Serial No.: 85/511,378  
Filing Date: January 9, 2012  
Mark: OFFICINE MOTOJOY

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MOTOROLA TRADEMARK HOLDINGS, LLC,	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. _____
	)	
WUXI JIEFU ELECTROACOUSTIC CO. LTD.	)	
CORP.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, Motorola Trademark Holdings, LLC, is a Delaware limited liability company located at 600 North U.S. Highway 45, Libertyville, Illinois 60048. Motorola Trademark Holdings, LLC is a holding company for various Motorola trademarks and is responsible for licensing trademarks to Motorola Mobility, LLC and Motorola Solutions, Inc. Motorola Trademark Holdings, LLC, through its predecessors-in-interest and licensees (collectively, “Opposer”), is a well-known, worldwide innovator and provider of many goods including, but not limited to, analog and digital two-way radios, consumer portable radios, private radio systems, voice and data communication products and systems, and wireless broadband systems (collectively referred to hereinafter as “Opposer’s Goods and Services”). Opposer believes that it would be damaged by registration of the trademark OFFICINE MOTOJOY (“Applicant’s Mark”), depicted in U.S. Application Serial No. 85/511,378 (the “Application”), filed on January 9, 2012, by Wuxi Jiefu Electroacoustic Co. Ltd. Corp. (the “Applicant”), a Chinese corporation

whose address of record in the Application is Furong Bridge, Bashi Street, Xibei Town, Xishan District, Wuxi City, Jiangsu Province, China. Accordingly, Opposer, by and through its attorneys, hereby opposes registration of Applicant's Mark, and as grounds for opposition alleges as follows:

1. Since its inception in 1928, Opposer has been committed to innovation in the communications and electronics industries. Opposer has long been recognized by consumers as one of the leaders in the telecommunications industry, and Opposer's Goods and Services are also leaders in the industry.

2. Opposer adopted and began using the trademark MOTOROLA at least as early as May of 1930, and various MOTO-based trademarks in connection with Opposer's Goods and Services at least as early as May of 2002. Such marks have been continuously used in the United States since those times, and, through extensive sales, advertising and promotion, Opposer's MOTOROLA and MOTO-based trademarks have come to represent enormous goodwill now owned by Opposer.

3. Opposer owns all rights, title and interest in and to several MOTOROLA Marks, including, without limitation, the following: MOTOROLA or MOTOROLA & Design, U.S. Registration Nos. 0400049 (registered 2/16/43, for, among other things, "radio receiving apparatus; radio antenna apparatus; combination radio receiving and electronic phonograph apparatus with and without record changing mechanism; electronic record playing apparatus with and without record changing mechanism; radio transmitting apparatus; combination radio receiving and transmitting apparatus; control apparatusfor [sic] use with radio transmitting and receiving apparatus; and parts of each of the above apparatus"); 0399935 (registered 2/9/43, for "radio-receiving apparatus; combination radio receiving and electric phonograph apparatus with

and without record changing mechanism; electronic record playing apparatus with and without record changing mechanism; and parts of each of the above apparatus”); 0804161 (registered 2/22/66, for, among other things, “furniture styled cabinets for radio receivers, television receivers, phonographs and the like”); 0814700 (registered 9/6/66, for “installation and repair of electronic equipment, such as radio receiving equipment, radio transmitting equipment, television apparatus, two-way radio apparatus, and wireless paging apparatus”); 0887046 (registered 3/3/70, for, among other things, “loudspeakers; radio receivers; radio transmitters; combinationradio [sic] receivers and transmitters”); 1671037 (registered 1/7/92, for, among other things, “radio communications apparatus; namely, radio receivers, radio transmitters, combination radio receivers and transmitters”); 1680185 (registered 03/24/92, for, among other things, “communication apparatus, namely, radio receivers, radio transmitters, combination radio receivers and transmitters”); and MOTOROLA Q & Design, U.S. Registration No. 3442488 (registered 6/3/08, for, among other things, “two-way radios, radio transmitters, radio receivers, radio transceivers. . . analog and digital radio transceivers or receivers for data, voice, image and video communication”). Opposer further owns several applications in the United States Patent and Trademark Office (“USPTO”) for additional MOTOROLA marks.

4. Opposer owns all rights, title and interest in and to several MOTO-based trademarks for goods and services identical in part and related in part to Applicant’s Goods and Services, including, without limitation, the following: MOTO, U.S. Registration No. 3402839 (registered 03/25/08, for, among other things, “two-way radios, radio transmitters, radio receivers, radio transceivers”); HELLOMOTO, U.S. Registration No. 3308016 (registered 10/09/07, for, among other things, “burglar and fire alarms stereo equipment, namely stereo receivers and amplifiers, CD, MP3 and minidisc players and speakers”); MOTORAZR, U.S.

Registration No. 3469387 (registered 07/15/08, for, among other things, “radio transceivers. . . . analog and digital radio transceivers or receivers for data, voice, image and video communication”); MOTOQ & Design, U.S. Registration No. 3446576 (registered 6/10/08, for, among other things, “radio transceivers . . . digital radio transceivers or receivers for data, voice, image and video [sic] communication”); MOTOTRBO, U.S. Registration No. 3490367 (registered 8/19/08, for, among other things “two-way radios; accessories for two-way radios, namely, microphones and headsets”); MOTOKRZR, U.S. Registration No. 3383314 (registered 2/12/08, for, among other things “two-way radios, radio transmitters, radio receivers, radio transceivers”); MOTOA4, U.S. Registration No. 3551057 (registered 12/23/08, for, among other things, “two-way radios”); and ECOMOTO, Registration No. 3941121 (registered 04/05/11, for, among other things “radio transceivers”). Opposer further owns several applications in the USPTO for additional MOTO-based marks.

5. Opposer’s foregoing registrations are valid, subsisting and in full force and effect, and are collectively referred to herein as the “MOTO Family of Marks.” Opposer has also acquired significant common law rights to the MOTO Family of Marks for use with Opposer’s Goods and Services.

6. On January 9, 2012, Applicant filed the Application to register Applicant’s Mark in the USPTO for “[a]udio-receivers and video-receivers; Cabinets for loudspeakers; Ear plugs for divers; Horns for loudspeakers; Juke boxes; Juke boxes; Personal stereos; Radios for vehicles; Record players” in International Class 9 (referred to herein as “Applicant’s Goods and Services”).

7. The Application states that “[i]n International Class 009, the mark was first used by the [A]pplicant or the [A]pplicant’s related company or licensee at least as early as

12/07/2010, and first used in commerce at least as early as 12/07/2010, and is now in use in such commerce.” Opposer’s rights in Opposer’s MOTO Family of Marks arose prior to any alleged rights of Applicant in Applicant’s Mark.

8. To substantiate its claimed use of Applicant’s Mark, Applicant submitted a specimen consisting of alleged “[d]igital photographs of the goods.” Such specimen appears to be photographs of products with digitally superimposed text reading “OFFINCE MOTOJOY” (emphasis added), as opposed to Applicant’s Mark, “OFFICINE MOTOJOY” (emphasis added). Thus, both photographs submitted fail to show that Applicant’s Mark is actually being used in commerce, and instead appear to have been digitally altered to bear a variation or misspelling of Applicant’s Mark.

9. Opposer’s MOTO Family of Marks are distinctive and famous, with such fame arising prior to any alleged rights of Applicant in the mark hereby opposed.

10. Applicant seeks to register Applicant’s Mark in connection with Applicant’s Goods and Services that are identical in part, and related in part, to goods and services that Opposer offers under Opposer’s MOTO Family of Marks, and “MOTO”—the dominant component of the parties’ respective marks—is an identical feature of the parties’ marks.

### **COUNT I**

#### **(Likelihood of Confusion)**

11. Opposer realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 10.

12. Applicant’s Mark so resembles Opposer’s MOTO Family of Marks in sound, sight, meaning and commercial impression as to be likely, when applied to Applicant’s Goods and Services, to cause confusion, mistake or deception by causing the public to believe that

Applicant's Goods and Services originate from, or are otherwise sponsored or endorsed by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

**COUNT II**

**(False Suggestion of Connection)**

13. Opposer realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 12.

14. Applicant's Mark so resembles Opposer's MOTO Family of Marks that when applied to Applicant's Goods and Services, Applicant's Mark is likely to falsely suggest a connection with Opposer and the goods and services offered by Opposer in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

**COUNT III**

**(Dilution)**

15. Opposer realleges and incorporates herein by reference the matters alleged in paragraphs 1 through 14.

16. Applicant's Mark causes dilution of the distinctive quality of Opposer's MOTO Family of Marks, which are famous marks widely recognized by the general public, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

**COUNT IV**

**(Failure to Use Mark on Goods and Services Listed)**

17. Opposer realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 16.

18. Opposer believes that as of the filing date of the Application, there was no bona fide use of Applicant's Mark in commerce on, or in connection with, any of the goods identified in the Application, in violation of Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

19. Alternatively, Opposer believes that as of the filing date of the Application, there was no bona fide use of Applicant's Mark in commerce on, or in connection with, some of the goods identified in the Application, in violation of Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with consequent damage to Opposer and the public within the meaning of 15 U.S.C. § 1063(a).

**REQUEST FOR RELIEF**

20. For the foregoing reasons, among others, Opposer believes that it would be damaged by the registration of Applicant's Mark. Accordingly, Opposer respectfully requests that this opposition be sustained and registration of Applicant's Mark be denied.

Dated: October 24, 2012

Respectfully submitted,

/s/ Kristin J. Achterhof  
One of the attorneys for Opposer

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**CERTIFICATE OF SERVICE**

I, Breighanne A. Eggert, an attorney, hereby certify that on today's date I caused a copy of the foregoing Notice of Opposition to be served upon counsel for Applicant via Federal Express Delivery and e-mail, at the following address:

Tony Tune  
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Dated: October 24, 2012

/Breighanne A. Eggert/\_\_\_\_\_