

ESTTA Tracking number: **ESTTA844801**

Filing date: **09/11/2017**

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	Badcat Instruments		
Entity	Sole Trader	Citizenship	Australia
Address	402/16 Copernicus Crescent Bundoora, VIC 3083 AUSTRALIA		

Correspondence information	Chris Taggart Mr 2259 Berkley Way Lehigh Acres, FL 33973 UNITED STATES Email: shengzejia@gmail.com Phone: +61414127008
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Applicant Information

Application No	87394712	Publication date	08/22/2017
Opposition Filing Date	09/11/2017	Opposition Period Ends	09/21/2017
Applicant	BAD CAT HOLDINGS, LLC 1515 WEST ALTON AVENUE SANTA ANA, CA 92704 UNITED STATES		

Goods/Services Affected by Opposition


Class 015. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Electric and acoustic guitars

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. Application No.	87520426	Application Date	07/08/2017
Registration Date	NONE	Foreign Priority Date	03/27/2017
Word Mark	BAD CAT		

Design Mark	
Description of Mark	The mark consists of A slightly stylised version of the letters: "Bad Cat", color is not specific, only shape is.
Goods/Services	Class 015. First use: First Use: 2016/06/01 First Use In Commerce: 2016/06/01 (Based on Use in Commerce) Banjos; Guitar pedals; Guitar straps; Guitars; Mandolines; String instruments; Ukeleles; Acoustic guitars; Acoustic bass guitars; Bass guitars; Electric guitars; Electric bass guitars(Based on 44(d) Priority Application) Banjos; Guitar pedals; Guitar straps; Guitars; Mandolines; String instruments; Ukeleles; Acoustic guitars; Acoustic bass guitars; Bass guitars; Electric guitars; Electric bass guitars(Based on 44(e)) Banjos; Guitar pedals; Guitar straps; Guitars; Mandolines; String instruments; Ukeleles; Acoustic guitars; Acoustic bass guitars; Bass guitars; Electric guitars; Electric bass guitars

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	A trademark of the same name and shape as the US Serial #:87520426 Mark:BAD CAT in Australia, No. 1834417, which was published for opposition on 17th of August, 2017, original filing date was 27th of March, 2017.		
Goods/Services	Musical instruments and accessories including guitars, electric guitars, acoustic guitars, acoustic/electric ukuleles, bass, string instruments, violins, guqin, percussion instruments, banjos, mandolins and instrument boxes		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	A trademark of the same name and shape as the US Serial #:87520426 Mark:BAD CAT in China, No.19604174.		
Goods/Services	Stringed instruments;guitars;electronic musical instruments; mandolin; huqin; plucked stringed instruments; percussion instruments;guzheng;cases for musical instruments;stands for musical instruments.		

Attachments	87520426#TMSN.png(bytes) Notice of opposition.pdf(132481 bytes)
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Signature	/Shengjiang Jia/
Name	Shengjiang Jia
Date	09/11/2017

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

In the matter of trademark application Serial No. 87394712
For the mark: BAD CAT
Published in the Official Gazette on: August 22nd, 2017.

Shengjiang Jia of Badcat Instruments Australia

v.

MATTHEW A. NEWBOLES of BAD CAT HOLDINGS, LLC LIMITED LIABILITY
COMPANY CALIFORNIA

NOTICE OF OPPOSITION

The Opposer: Shengjiang Jia of Badcat Instruments, Australian Business Number:
96467285109, at: 402/16 Copernicus Crescent, Bundoora, VIC 3083, Australia.

The above-identified opposer believes that he will be damaged by registration of the mark shown
in the above-identified application, and hereby opposes the same

The grounds for opposition are as follows:

We have been selling electronic guitars and other musical instruments and accessories under the
“BadCat” trademark since March 2016.

We hold a registered trademark in China, No.19604174,

Also a trademark of the same name and shape in Australia, No. 1834417, which was published
for opposition on 17th of August, 2017, original filing date was 27th of March, 2017.

We also have filed for a US trademark with the USPTO on July 8th, 2017, priority date being 27th
of March, 2017, No. 87520426.

All in Class 15, musical instruments.


Moreover, the applicant of No. 87394712 has never sold electric guitars or goods in class 15
while we have been in operation and established a consumer base worldwide for an extended
period of time,

On these grounds, we believe we should take priority in registration of this trademark and the
said applicant’s registration should be voided.

By Shengjiang Jia

Signature:

Date:


10th. Sept. 2017