

ESTTA Tracking number: **ESTTA856130**

Filing date: **11/03/2017**

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	Itec, LLC
Granted to Date of previous extension	11/05/2017
Address	599 Lexington Avenue New York, NY 10022 UNITED STATES

Attorney information	James T. Hultquist Reed Smith LLP 10 South Wacker Drive Chicago, IL 60606-7507 UNITED STATES Email: jhultquist@reedsmith.com, clackert@reedsmith.com, mpikser@reedsmith.com, jgoodwill@reedsmith.com, nycipdocketing@reedsmith.com Phone: 212-521-5400
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Applicant Information

Application No	87287078	Publication date	05/09/2017
Opposition Filing Date	11/03/2017	Opposition Period Ends	11/05/2017
Applicant	Cloanto Corporation P.O. Box 27740 Las Vegas, NV 891267740 UNITED STATES		

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 game programs; Computer game software downloadable from a global computer network; Computer hardware; Computer hardware and computer peripherals; Computer operating programs; Computer operating software; Computer operating systems; Computer programs for video and computer games; Computer software for emulating computer hardware, emulating computer operating systems on personal computers and mobile devices and instructional user guides sold as a unit; Computer software for emulating computer hardware, emulating computer operating systems on personal computers and mobile devices that may be downloaded from a global computer network; Computer software for emulating computer hardware, emulating computer operating systems on personal computers and mobile devices; Computer software platforms for emulating computer hardware and computer operating systems; Computer software, namely, game engine software for video game development and operation; Computer software for emulating computer hardware and computer operating systems that may be downloaded from a global computer network; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs</p>
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featuring software, games, music, videos, text, ebooks; Downloadable computer game software via a global computer network and wireless devices
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	AMIGA		
Goods/Services	Computers, software, and related products		

Attachments	Notice of Opposition - 87287078.pdf(17795 bytes)
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Signature	/Clark W. Lackert/
Name	Clark W. Lackert
Date	11/03/2017

Computer software, namely, game engine software for video game development and operation; Computer software for emulating computer hardware and computer operating systems that may be downloaded from a global computer network; Digital media, namely, pre-recorded video cassettes, digital video discs, digital versatile discs, downloadable audio and video recordings, DVDs, and high definition digital discs featuring software, games, music, videos, text, ebooks; Downloadable computer game software via a global computer network and wireless” in Class 9 (“Applied For Mark”), by CLOANTO CORPORATION, a corporation organized and existing under the laws of Nevada, located at P.O. Box 27740, Las Vegas, Nevada 89126-7740 (“Applicant”), which application was published in the Official Gazette of May 9, 2017, and having previously been granted an extension of time to oppose, hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is the majority shareholder in Amiga, Inc. (“Amiga”), the owner of the famous trademark AMIGA for computers, software, and related products. As such, Opposer is directly affected by any actions which may adversely impact the business operations of Amiga and Amiga’s assets, including the famous trademark and trade name AMIGA.

2. Amiga, previous owner of U.S. Registration Nos. 1401045 and 2802748 on the trademark AMIGA, has used the AMIGA trademark and trade name in commerce extensively since the 1980’s either directly, through predecessors in interest, or through licensees, for computers, software, and related products.

3. The AMIGA products of Amiga and its predecessors in interest were immediately well received by the consuming public for their innovative design, including their “revolutionary” graphics (https://en.wikipedia.org/wiki/History_of_the_Amiga). To this day, these products are sold in the U.S. and worldwide, and fans are enthusiastic about these products

as can be seen by various fan websites, blogs, and conventions (e.g., <https://amigalove.com/viewtopic.php?f=5&t=154>).

4. Long prior to the filing date of this Section 1(b) application, Amiga has used the trademark and trade name AMIGA in commerce either directly, through predecessors in interest, or through licensees, for computers, software, and related products.

5. As a result of said use, Amiga's AMIGA trademark and trade name have become famous in the United States long prior to the filing date of the application herein opposed. This long use and fame has considerable goodwill in the AMIGA trademark and trade name, all to the benefit of Amiga and to the Opposer, the principal shareholder in Amiga.

The Applied For Mark Creates a Likelihood of Confusion with Amiga's Trademark

AMIGA – Trademark Act Section 2(d)

6. The Applied for Mark is identical to Amiga's AMIGA trademark and trade name and as such is likely, when applied to Applicant's goods, to cause confusion, to cause mistake, and to deceive with consequent injury to Opposer and to Amiga, and the public, all to the damage of Opposer.

7. The Applied for Mark so closely resembles Amiga's AMIGA trademark and trade name that potential purchasers of the goods to be offered under Applicant's alleged trademark would be likely to believe that Amiga is the source of such goods, or that Amiga has authorized, sponsored, approved of, or in some other manner associated itself with the goods of Applicant, thereby creating a likelihood of confusion, deception or mistake, all to the damage of Opposer and to Amiga.

8.

**The Applied For Mark Creates a Likelihood of Dilution with Amiga's Famous
Trademark AMIGA – Trademark Act Section 43(c)**

9. Through long use, media exposure, and promotion, Amiga's trademark and trade name AMIGA has become famous for its innovative products in the computer and software business area.

10. The Applied for Mark is identical to Amiga's AMIGA trademark and trade name and as such is likely, when applied to Applicant's goods, to cause dilution of the distinctiveness of Amiga's trademark and trade name AMIGA, all to the injury to Opposer and to Amiga.

WHEREFORE, Opposer requests that the opposition to Application Serial No. 87/287,078 for AMIGA be sustained and that the registration sought by Applicant be denied.

REED SMITH LLP
Attorneys for Opposer

Dated: November 3, 2017

By: /Clark W. Lackert/
James T. Hultquist
Clark W. Lackert
Meredith D. Pikser

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Chicago, Illinois 60606-7507
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition is being served on the counsel of record for Applicant by forwarding said copy on this date via U.S. mail to the following mailing address currently identified in U.S. Patent and Trademark Office records:

Gordon E. R. Troy, Esq.
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Courtesy copies are also being sent to the following e-mail addresses for counsel of record for Applicant as currently identified in U.S. Patent and Trademark Office records:

uspto@webtm.com

Date: November 3, 2017

/Jonathan Goodwill/
Jonathan Goodwill