

ESTTA Tracking number: **ESTTA854685**

Filing date: **10/26/2017**

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	Adorama, Inc.
Granted to Date of previous extension	11/01/2017
Address	42 West 18th Street New York, NY 10011 UNITED STATES
Attorney information	Barry H. Fishkin Phillips Nizer LLP 666 Fifth Avenue New York, NY 10103-0084 UNITED STATES Email: bfishkin@phillipsnizer.com, hmintz@phillipsnizer.com Phone: 212-841-0545

Applicant Information

Application No	79183091	Publication date	07/04/2017
Opposition Filing Date	10/26/2017	Opposition Period Ends	11/01/2017
International Registration No.	0957854	International Registration Date	01/16/2008
Applicant	Grundig Multimedia AG Rotzbergstrasse 1 CH-6362 Stansstad SWITZERLAND		

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: Apparatus for recording, transmission or reproduction of sound or images, namely, loudspeakers and loudspeaker cabinets; blank magnetic data carriers; magnetic data carriers containing music; magnetic data carriers containing entertainment computer software for playing audio and video files and for playing video games; blank recordable optical discs; pre-recorded optical discs containing music; optical discs pre-recorded with entertainment computer software for playing audio and video files and for playing video games; computers; data-processing equipment, namely, loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video</p>


and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; specially-adapted housings and mounts for loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; electronic remote control transmitters and remote control receivers for loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; sound systems and entertainment systems comprised of a combination of one or several loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3296024	Application Date	08/30/2005
Registration Date	09/25/2007	Foreign Priority Date	NONE
Word Mark	ADORAMA		

Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 035. First use: First Use: 1987/07/01 First Use In Commerce: 1987/07/01 Retail store services, mail order services and on-line retail store services featuring photographic, audio, video, optical, computer and astronomy equipment, namely, cameras, lenses, camera and lens filters, exposure meters, binoculars, spotting scopes, night vision scopes, microscopes, telescopes, photo albums, cases and bags for photographic, audio and video equipment, camera film, DVDs, CDs, desktop computers, computer monitors, operating system and utility software, servers and routers, desktop computer upgrades, notebook computers, notebook computer accessories, namely, bags, sleeves, surge protectors, replacement batteries and solar powered panels for notebook computers, notebook computer upgrades, cables and hubs for computers, keyboards, mice, controllers, external hard drives, monitor accessories, namely, sleeves, bags, surge protectors, hoods, anti-glare screen panels for monitors, cleaning accessories for desktop and notebook computers, monitors and printers namely, microfiber clothes, cleaning fluids and antistatic brushes, audio equipment, namely, MP3 and MP4 players, speakers, cases, holders and connectors, wireless microphones and cables therefor, color calibration systems consisting of color readers and tuning devices, graphic tablets for writing and drawing text or pictures and transmitting them to a computer monitor, wireless transmitters and receivers, web cams and cables therefor, scan converters, removable storage units, mounting equipment, namely, mounting brackets, tables and platforms for scanning units and projectors, monitors and televisions, computer security equipment, namely, cameras, DVD receivers and image splitters for implementing the display of the readouts of multiple security cameras on a single monitor or DVD player, CD/DVD creators and accessories, namely, storage holders, DVD disc correctors for eliminating bumps and waves on a CD or DVD disc, creative software printers and cables therefor, inkjet printers, inkjet printer paper and other inkjet receiver media, namely, velvet and canvas, inkjet cables and cleaners, inkjet inks, dye sublimation printers, dye sublimation printer accessories, namely, paper and special sublimation printer receiver media, cables, dye sublimation inks and dye sublimation profile software, and printer drivers</p> <p>Class 040. First use: First Use: 1998/01/31 First Use In Commerce: 1998/01/31 [Film developing]</p>
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U.S. Registration No.	4635673	Application Date	10/24/2013
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Registration Date	11/11/2014	Foreign Priority Date	NONE
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Word Mark	ADORAMA
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Design Mark	
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Description of Mark	The mark consists of the word "ADORAMA" in a stylized font with diagonal lines in the letter "O".
Goods/Services	Class 035. First use: First Use: 1987/07/01 First Use In Commerce: 1987/07/01 Retail store services, mail order services and on-line retail store services featuring photographic, audio, video, optical, computer and astronomy equipment, namely, cameras, lenses, camera and lens filters, exposure meters, binoculars, spotting scopes, night vision scopes, microscopes, telescopes, photo albums, cases and bags for photographic, audio and video equipment, camera film, tripods, camera mounting equipment, background mounting for photography equipment, background support for photography equipment, background material for photography equipment, teleprompters, voice recorders, projector accessories, LED lighting, fluorescent lighting, and strobe lighting for photography, lighting support equipment for photography and video, lighting equipment for photography and video, rechargeable batteries, battery packs, DVDs, CDs, desktop computers, computer monitors, operating system and utility software, servers and routers, desktop computer upgrades, notebook computers, notebook computer accessories, namely, bags, sleeves, surge protectors, replacement batteries and solar powered panels for notebook computers, notebook computer upgrades, cables and hubs for computers, keyboards, mice, controllers, external hard drives, monitor accessories, namely, sleeves, bags, surge protectors, hoods, anti-glare screen panels for monitors, cleaning accessories for desktop and notebook computers, monitors and printers, namely, microfiber clothes, cleaning fluids and antistatic brushes, audio equipment, namely, MP3 and MP4 players, speakers, cases, holders and connectors, wireless microphones and cables therefor, color calibration systems consisting of color readers and tuning devices, graphic tablets for writing and drawing text or pictures and transmitting them to a computer monitor, wireless transmitters and receivers, web cams and cables therefor, scan converters, removable storage units, mounting equipment, namely, mounting brackets, tables and platforms for scanning units and projectors, monitors and televisions, computer security equipment, namely, cameras, DVD receivers and image splitters for implementing the display of the readouts of multiple security cameras on a single monitor or DVD player, CD/DVD creators and accessories, namely, storage holders, DVD disc correctors for eliminating bumps and waves on a CD or DVD disc, creative software printers and cables therefor, inkjet printers, inkjet printer paper and other inkjet receiver media, namely, velvet and canvas, inkjet cables and cleaners, inkjet inks, dye sublimation printers, dye sublimation printer accessories, namely, paper and special sublimation printer receiver media, cables, dye sublimation inks and dye sublimation profile software, and printer drivers, anti-spyware software, spyware equipment, forensic, law enforcement, military and shooting supplies, security scanners and metal detectors, automotive accessories, boat accessories and motorcycle accessories

Attachments	76645877#TMSN.png(bytes) 86100289#TMSN.png(bytes) Notice of Opposition - AUDIORAMA.pdf(535277 bytes)
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Signature	/Barry H. Fishkin/
Name	Barry H. Fishkin
Date	10/26/2017

**In the United States Patent and Trademark Office
Before the Trademark Trial and Appeal Board**

In the Matter of Application Ser. No. 79/183,091
For the Mark: AUDIORAMA
Applicant: GRUNDIG MULTIMEDIA AG

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ADORAMA, INC. :
Opposer, : Opposition No.
v. : **FILED ELECTRONICALLY**
GRUNDIG MULTIMEDIA AG :
Applicant. :
-----X

NOTICE OF OPPOSITION

ADORAMA, INC. ("Opposer"), by its attorneys, Phillips Nizer LLP, believing that it will be damaged by the registration of the trademark AUDIORAMA for:

apparatus for recording, transmission or reproduction of sound or images, namely, loudspeakers and loudspeaker cabinets; blank magnetic data carriers; magnetic data carriers containing music; magnetic data carriers containing entertainment computer software for playing audio and video files and for playing video games; blank recordable optical discs; pre-recorded optical discs containing music; optical discs pre-recorded with entertainment computer software for playing audio and video files and for playing video games; computers; data-processing equipment, namely, loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital

telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; specially-adapted housings and mounts for loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; electronic remote control transmitters and remote control receivers for loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; sound systems and entertainment systems comprised of a combination of one or several loudspeakers, loudspeaker cabinets, car radios, AV-receivers, satellite receivers, televisions with picture tubes, televisions with LCD screens, televisions with plasma screens, televisions incorporating TFT technology, video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders,

hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones in International Class 9 (the “Audiorama Products”)

applied for under Application Serial No. 79/183,091 (the “Application”) by Grundig Multimedia AG (“Applicant”), which was filed on January 7, 2016 and published in the Official Gazette of July 4, 2017, alleges on the personal knowledge of Opposer, and otherwise on information and belief, as follows:

1. Opposer is a corporation organized under the laws of the State of New York, having its principal place of business at 42 West 18th Street, New York, New York 10011.

2. Applicant is a joint stock company organized under the laws of Switzerland, whose address, as provided to the United States Patent and Trademark Office, is Rotzbergstrasse 1, CH-6362 Stansstad, Switzerland.

3. Opposer is the owner of the two registered marks described in this Paragraph. Opposer has been the owner since September 25, 2007 (well before the filing date of the Application) of U.S. Trademark Registration No. 3,296,024 for the mark ADORAMA in standard characters for:

retail store services, mail order services and on-line retail store services featuring photographic, **audio, video, optical, computer** and astronomy **equipment**, namely, cameras, lenses, camera and lens filters, exposure meters, binoculars, spotting scopes, night vision scopes, microscopes, telescopes, photo albums, cases and bags for photographic, **audio and video equipment**, camera film, DVDs, CDs, desktop **computers**, computer monitors, operating system and utility software, servers and routers, desktop computer upgrades, notebook computers, notebook computer accessories, namely, bags, sleeves, surge protectors, replacement batteries and solar powered panels for notebook computers, notebook computer upgrades, cables and hubs for computers, keyboards, mice,

controllers, external hard drives, monitor accessories, namely, sleeves, bags, surge protectors, hoods, anti-glare screen panels for monitors, cleaning accessories for desktop and notebook computers, monitors and printers namely, microfiber clothes, cleaning fluids and antistatic brushes, **audio equipment**, namely, **MP3** and **MP4 players, speakers**, cases, holders and connectors, wireless microphones and cables therefor, color calibration systems consisting of color readers and tuning devices, graphic tablets for writing and drawing text or pictures and transmitting them to a computer monitor, **wireless transmitters and receivers**, web cams and cables therefor, scan converters, removable storage units, mounting equipment, namely, mounting brackets, tables and platforms for scanning units and projectors, **monitors** and **televisions**, computer security equipment, namely, **cameras, DVD receivers** and image splitters for implementing the display of the readouts of multiple security cameras on a single monitor or **DVD player**, CD/DVD creators and accessories, namely, storage holders, DVD disc correctors for eliminating bumps and waves on a CD or DVD disc, creative software printers and cables therefor, inkjet printers, inkjet printer paper and other inkjet receiver media, namely, velvet and canvas, inkjet cables and cleaners, inkjet inks, dye sublimation printers, dye sublimation printer accessories, namely, paper and special sublimation printer receiver media, cables, dye sublimation inks and dye sublimation profile software, and printer drivers in International Class 35.

(Items set forth above in bold print are also set forth in the Application's description of goods as set forth in Paragraph 1 above to show that some of the Audiorama Products are covered by Opposer's Registration No. 3,296,024).

Since November 11, 2014, Opposer has owned U.S. Trademark Registration No. 4,635,673 for the mark ADORAMA in stylized lettering for:

retail store services, mail order services and on-line retail store services featuring photographic, **audio, video**, optical, **computer** and astronomy **equipment**, namely, **cameras**, lenses, camera and lens filters, exposure meters, binoculars, spotting scopes, night vision scopes, microscopes, telescopes, photo albums, cases and bags for photographic, **audio and video equipment**, camera film, tripods, camera mounting equipment, background mounting for photography equipment, background support for photography equipment, background material for photography equipment, teleprompters, voice recorders, projector accessories, LED lighting, fluorescent lighting, and strobe lighting for photography, lighting support equipment for photography and video, lighting equipment for photography and video, rechargeable batteries,

battery packs, DVDs, CDs, desktop **computers**, computer monitors, operating system and utility software, servers and routers, desktop computer upgrades, notebook **computers**, notebook computer accessories, namely, bags, sleeves, surge protectors, replacement batteries and solar powered panels for notebook computers, notebook computer upgrades, cables and hubs for computers, keyboards, mice, controllers, external hard drives, monitor accessories, namely, sleeves, bags, surge protectors, hoods, anti-glare screen panels for monitors, cleaning accessories for desktop and notebook computers, monitors and printers, namely, microfiber clothes, cleaning fluids and antistatic brushes, **audio equipment, namely, MP3 and MP4 players, speakers**, cases, holders and connectors, wireless **microphones** and cables therefor, color calibration systems consisting of color readers and tuning devices, graphic tablets for writing and drawing text or pictures and transmitting them to a computer monitor, **wireless transmitters and receivers**, web cams and cables therefor, scan converters, removable storage units, mounting equipment, namely, mounting brackets. tables and platforms for scanning units and projectors, monitors and televisions, computer security equipment, namely, cameras, DVD receivers and image splitters for implementing the display of the readouts of multiple security cameras on a single monitor or DVD player, CD/DVD creators and accessories, namely, storage holders, DVD disc correctors for eliminating bumps and waves on a CD or DVD disc, creative software printers and cables therefor, inkjet printers, inkjet printer paper and other inkjet receiver media, namely, velvet and canvas, inkjet cables and cleaners, inkjet inks, dye sublimation printers, dye sublimation printer accessories, namely, paper and special sublimation printer receiver media, cables, dye sublimation inks and dye sublimation profile software, and printer drivers, anti-spyware software, spyware equipment, forensic, law enforcement, military and shooting supplies, security scanners and metal detectors, automotive accessories, boat accessories and motorcycle accessories in International Class 35.

(Items set forth above in bold print are also set forth in the Application's description of goods as set forth in Paragraph 1 above to show that some of the Audiorama Products are covered by Opposer's Registration No. 4,635,673)

(Registrations Nos. 3,296,024 and 4,635,673 are referred to collectively as the "Opposer's Registrations").

4. Opposer, among other things, is a retailer of audio, video, photographic, optical, computer, astronomy and other equipment. In addition to Opposer's Registrations, as is

set forth in Paragraph 5, Opposer has been continuously since various dates prior to the filing date of the Application and today is engaged in the advertising, promotion and sale in interstate commerce of certain of the Audiorama Products under its ADORAMA mark. Thus, through its substantial use, Opposer also has common law rights to the ADORAMA mark.

5. Many of the goods Opposer sells overlap with those listed in the Application. A copy of the description of goods in the Application is set forth on Exhibit A annexed hereto. Those items set forth on Exhibit A in bold print and underlined were sold by Adorama in interstate commerce under its ADORAMA mark since various dates prior to the filing date of the Application and are currently being sold by Opposer under its ADORAMA mark. The overlap is substantial. Further, those items on Exhibit A not being sold by Opposer are highly related to the products that are being sold by Opposer under its ADORAMA mark. Applicant's mark AUDIORAMA is in violation and derogation of Opposer's common law rights in its mark and is likely to cause confusion, mistake and deception among people in the audio, video, photographic, optical, computer, astronomy industries and consumers as to the source or origin of the goods or their affiliation with, endorsement by, or sponsorship by Opposer and thereby will cause or has caused loss, damage and/or injury to Opposer.

6. Since the initial use of the ADORAMA marks by Opposer, Opposer has undertaken substantial effort and expense in the promotion and sale of audio products to the public under its ADORAMA mark. Opposer has received editorial and magazine coverage of its audio products, with the result that Opposer's customers and the public in general have come to know and recognize Opposer's ADORAMA mark used in connection with the sale of audio and related products and to associate the same with Opposer. Sales by Opposer of the products set forth in bold print alone during the first seven months of 2017 are approximately \$60,000,000.

Thus, over the more than 28 years of the sale and promotion of audio and related products under the ADORAMA marks, Opposer has built up a substantial business and extensive goodwill in and around its sale of a variety of audio, video, optical, photographic, computer and astronomy equipment via a store, catalogue and a website.

7. Notwithstanding Opposer's longstanding use and registration of its ADORAMA mark in Class 35 for the sale of goods classified in, inter alia, Class 9, on January 7, 2016, Applicant filed an application to register the trademark AUDIORAMA for use in connection with the Audiorama Products in International Class 9. Applicant's use and registration of its mark is likely to cause confusion among consumers for several reasons: (a) the striking similarity of the marks; (2) the overlap and highly related nature of the goods; and (3) the similar trade channels in which the goods are distributed (upon information and belief, it is assumed by their nature that the Audiorama Products will be sold in stores at retail, via catalogues and/or online).

8. Applicant's mark AUDIORAMA is virtually identical to Opposer's registered mark ADORAMA. The overall commercial impression created by each of the marks is strikingly similar in appearance and sound. The only difference between the marks is two letters ("u" and "i") which appear in the middle of the word. Because those two letters are each part of a vowel sound, the distinction between the pronunciations of the two marks is virtually indistinguishable.

9. Due to the fact that the respective marks are almost identical, the identity of or highly related nature of the respective goods and the similar trade channels in which they are sold, it is inevitable that Applicant's goods marketed under Applicant's mark AUDIORAMA will be mistaken for goods sold under Opposer's ADORAMA mark and that consumers would

be confused into believing that Applicant's goods emanate from, are affiliated with, or otherwise endorsed by Opposer.

10. In addition, Opposer's ADORAMA marks are now famous with respect to the sale of such goods, and the ADORAMA marks are entitled to broad protection. Applicant's registration and use of its confusingly similar mark will dilute, tarnish and/or blur Opposer's famous mark.

11. Opposer will be damaged if Applicant obtains registration of its AUDIORAMA mark in International Class 9 for the reasons set forth above.

WHEREFORE, Opposer ADORAMA, INC. prays that this opposition be sustained and that the application to register AUDIORAMA mark for the goods identified in Application Serial No. 79,183,091 filed by Applicant, be refused.

The filing fee for this Notice of Opposition in the amount of \$400.00 is being submitted herewith.

Dated: New York, New York
October 26, 2017

Respectfully submitted,

By: /s/Barry H. Fishkin
Barry H. Fishkin
Monica P. McCabe

PHILLIPS NIZER LLP
666 Fifth Avenue
New York, NY 10103-0084
(212) 977-9700
Attorneys for Opposer
Adorama, Inc.

Certificate of Electronic Filing

I hereby certify that the foregoing Notice of Opposition is being electronically transmitted to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) this 26th day of October, 2017.

PHILLIPS NIZER LLP

By: /s/Barry H. Fishkin

Barry H. Fishkin
Phillips Nizer LLP
666 Fifth Avenue
New York, NY 10103-0084
(212) 977-9700
Attorneys for Opposer
Beatrix New York, Inc.

Certificate of Service

I hereby certify that a true copy of this Notice of Opposition was served by first class mail this 26th day of October, 2017, on Applicant's attorney at the below address:

Ann M. Cannoni
The Webb Law Firm
One Gateway Center
420 Fort Duquesue Boulevard
Suite 1200
Pittsburgh, PA 15222

/s/Helen Mintz

Helen Mintz

[Cover Sheet with grounds for Opposition]

EXHIBIT A

Apparatus for recording, transmission or reproduction of sound or images, namely, **loudspeakers and loudspeaker cabinets**; blank magnetic data carriers; magnetic data carriers containing music; **magnetic data carriers containing entertainment computer software for playing audio and video files and for playing video games**; **blank recordable optical discs**; pre-recorded optical discs containing music; optical discs pre-recorded with entertainment computer software for playing audio and video files and for playing video games; computers; data-processing equipment, namely, **loudspeakers, loudspeaker cabinets**, car radios, AV-receivers, satellite receivers, televisions with picture tubes, **televisions with LCD screens, televisions with plasma screens**, televisions incorporating TFT technology, **video projectors, camera video recorders**, CD-players and **CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems**, radio receivers, **stereo tuners, amplifiers**, mobile telephones, wired digital telephones, **video monitors, digital video projectors, wireless video and audio transmitters and receivers**, radios, **radios incorporating cassette players or CD players**, set-top boxes, radios incorporating clocks, **microphones and microphone audio mixers, headphones, earphones; specially-adapted housings and mounts for loudspeakers, loudspeaker cabinets**, car radios, AV-receivers, satellite receivers, televisions with picture tubes, **televisions with LCD screens, televisions with plasma screens**, televisions incorporating TFT technology, **video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems**, radio receivers, stereo tuners, **amplifiers**, mobile telephones, wired digital telephones, **video monitors, digital video projectors, wireless video and audio transmitters and receivers**, radios, **radios incorporating cassette players or CD players**, set-top boxes, **radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; electronic remote control transmitters and remote control receivers for loudspeakers, loudspeaker cabinets**, car radios, AV-receivers, satellite receivers, televisions with picture tubes, **televisions with LCD screens, televisions with plasma screens**, televisions incorporating TFT technology, **video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones; sound systems and entertainment systems comprised of a combination of one or several loudspeakers, loudspeaker cabinets**, car radios, **AV-receivers**, satellite receivers, **televisions with picture tubes, televisions with LCD screens, televisions with plasma screens**, televisions incorporating TFT technology, **video projectors, camera video recorders, CD-players and CD audio recorders, MP3 players and MP3 audio recorders, personal digital audio and video players, digital cameras, DVD-players, DVD drives, DVD recorders, optical disc drives, audio and video disc players, video recorders, hard disk recorders being computer hard drives, HiFi phonograph record players, HiFi surround sound systems, radio receivers, stereo tuners, amplifiers, mobile telephones, wired digital telephones, video monitors, digital video projectors, wireless video and audio transmitters and receivers, radios, radios incorporating cassette players or CD players, set-top boxes, radios incorporating clocks, microphones and microphone audio mixers, headphones, earphones**