

ESTTA Tracking number: **ESTTA869784**

Filing date: **01/09/2018**

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	Google, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1600 Amphitheatre Parkway Mountain View, CA 94043 UNITED STATES		

Attorney information	Michael J. Leonard Fox Rothschild LLP 997 Lenox Drive, Bldg. 3 Lawrenceville, NJ 08648-2311 UNITED STATES Email: ipdocket@foxrothschild.com, mleonard@foxrothschild.com Phone: 2152992085
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Applicant Information

Application No	87530145	Publication date	12/12/2017
Opposition Filing Date	01/09/2018	Opposition Period Ends	01/11/2018
Applicant	shenzhen niuyouguo Information technology co .,Ltd. 802,CuimingÁ Pavilion,CuijingÁ Villa,No 30 CuizhuÁ NorthÁ Rd,DongxiaoÁ Str,Luohu Dist Shenzhen, 518000 CHINA		

Goods/Services Affected by Opposition


Class 009. First Use: 2017/05/05 First Use In Commerce: 2017/05/20 All goods and services in the class are opposed, namely: Time recording apparatus; Smartphones; Cabinets for loudspeakers; Sound recording carriers, namely, blank audio tapes; Audio- and video-receivers; Headphones; Baby monitors; Projection screens; Teaching apparatus, namely, telescopes; Telescopes; electrical adapters; divers' masks; Anti-theft warning apparatus in the nature of theft alarms, not for vehicles;Sunglasses; Rechargeable electric batteries; Dog whistles

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86958754	Application Date	03/30/2016
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	ALPHAGO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 downloadable computer game programs Class 041. First use: First Use: 0 First Use In Commerce: 0 providing online computer games

Attachments	86958754#TMSN.png(bytes) 2018-01-09 ALPHEWGO opposition.pdf(13865 bytes)
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Signature	/michael leonard/
Name	Michael J. Leonard
Date	01/09/2018

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

RE: U.S. Trademark Application Serial No. 87/530145
Published in the Official Gazette on 12 December 2017

GOOGLE, INC.)	
)	
Opposer,)	
)	Opposition No. _____
-v-)	
)	
SHENZHEN NIUYOUGUO INFORMATION)	
TECHNOLOGY CO., LTD.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22314

Commissioner:

In the matter of Application Serial No. 87/530145 filed 17 July 2017 by shenzhen niuyouguo Information technology co., Ltd. (“Applicant”), to register the mark ALPHEWGO for goods described as “Time recording apparatus; Smartphones; Cabinets for loudspeakers; Sound recording carriers, namely, blank audio tapes; Audio- and video-receivers; Headphones; Baby monitors; Projection screens; Teaching apparatus, namely, telescopes; Telescopes; electrical adapters; divers' masks; Anti-theft warning apparatus in the nature of theft alarms, not for vehicles; Sunglasses; Rechargeable electric batteries; Dog whistles” in International Class 9 (“Applicant’s Goods”), which was published in the Official Gazette on 12 December 2017, Google, Inc. (“Opposer”) of Mountain View, California believes it will be damaged by the

registration of the ALPHEWGO Mark and opposes same. The grounds for this opposition are as follows:

1. Upon information and belief, Applicant is a Chinese Limited Company having an address at 802, Cuiming Pavilion, Cuijing Villa, No 30, Cuizhu North Rd., Dongxiao Str, Luohu Dist., Shenzhen CHINA 518000.

2. On 17 July 2017, Applicant filed Application Serial No. 87/530145 for the mark ALPHEWGO for Applicant's Goods based on Applicant's claim of use in commerce since 20 May 2017

3. Opposer, Google, Inc., is a worldwide leader in the development of computer software and hardware, mobile devices, computer games, and search engine technology, and is the owner of U.S. Trademark Application Serial No. 86/958,754 for the mark ALPHAGO, filed 30 March 2016, and covering Class 9 goods described as “downloadable computer game programs” and Class 42 services described as “providing online computer games” (the “ALPHAGO Application”), and is the owner of the common law rights in the trademark ALPHAGO used in the United States and abroad (collectively the “ALPHAGO Mark”).

5. Opposer's ALPHAGO Application is valid and subsisting, and is *prima facie* evidence of Opposer's 30 March 2016 constructive date of first use set forth therein.

6. Opposer will rely upon its ownership of its prior pending Application for the ALPHAGO Mark and the rights it has obtained through its prior and continuous common law use of its ALPHAGO Mark. See <https://deepmind.com/research/alphago/>.

7. Opposer has already made a substantial investment in advertising and promoting Opposer's ALPHAGO Mark and has used, advertised, promoted, offered, sold and/or rendered

goods/services bearing Opposer's ALPHAGO Mark to the public through the various channels of trade in commerce. Opposer's customers and the public in general know and recognize Opposer's ALPHAGO Mark and associate same with Opposer and its goods and services. Opposer has already built a reputation and earned goodwill in connection with the offering of goods and services under Opposer's ALPHAGO Mark.

8. Applicant's filing of Application Serial No. 87/530145 for its ALPHEWGO Mark is without license, authorization or permission from Opposer.

9. Applicant's ALPHEWGO Mark is confusingly similar in appearance, sound and meaning to Opposer's ALPHAGO Mark, and is likely, when used in connection with Applicant's Goods to cause confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

10. Applicant's filing date of 17 July 2017 is subsequent to the filing date of Opposer's ALPHAGO Mark as set forth above (30 March 2016).

11. Applicant's alleged 20 May 2017 claimed date of first use in commerce is subsequent to the date of first use of Opposer's ALPHAGO common law trademark.

12. Upon information and belief, contrary to the content of the Declaration signed by "litenglong" on 17 July 2017 on behalf of Applicant as an "Officer", the Applicant was not at the time of filing and/or is not currently using the ALPHEWGO mark of Application Serial No. 87/530145 on or in connection with each and every item recited in the foregoing Application's Description of Goods as required by the Lanham Act.

13. The ALPHEWGO Application is not limited by channels of trade or classes of purchasers.

14. The goods and services covered by Opposer's ALPHAGO Mark and the goods covered by Applicant's ALPHEWGO mark are related, overlapping and/or are offered or are likely to be offered through the same channels of trade and purchased and used by the same general class of purchasers.

15. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation, endorsement and sponsorship of Applicant's Goods sold, offered for sale, and marketed under Applicant's ALPHEWGO Mark and misled into believing that such ALPHEWGO-branded Goods are offered, sold, or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.

16. Opposer will be damaged by Applicant's registration of the ALPHEWGO Mark as set forth in Application Serial No. 87/530145 in that Applicant's ALPHEWGO Mark is confusingly similar to Opposer's ALPHAGO Mark and is allegedly used in connection with goods similar to and/or closely related to the goods and services recited in Opposer's ALPHAGO Application and those goods/services bearing the ALPHAGO common law trademark.

17. Opposer will be damaged by the registration of the ALPHEWGO Mark as set forth in Application Serial No. 87/530145, in that the mark is confusingly similar in appearance, sound and commercial impression to Opposer's ALPHAGO Mark, thereby violating Opposer's common law rights in its trademarks.

18. Applicant's registration of the ALPHEWGO Mark would be contrary to 15 U.S.C. § 1052(d) and would violate and diminish the prior and superior rights of Opposer to its ALPHAGO Mark.

WHEREFORE, Opposer prays that its Opposition be sustained, that Application Serial No. 87/530145 for ALPHEWGO be refused, and for such other relief as may be deemed just and proper.

Respectfully submitted,

Date: 9 January 2018

By: /Michael Leonard./
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Attorneys for Opposer
Google, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served sent to Applicant this 9th day of January 2018 by sending same via email to:

hongyan@cadmon.net.

By: /michael leonard/