

ESTTA Tracking number: **ESTTA912911**

Filing date: **07/31/2018**

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	Cisco Technology, Inc.
Granted to Date of previous extension	08/01/2018
Address	170 West Tasman Drive San Jose, CA 95134 UNITED STATES

Attorney information	Eric J. Ball Jedediah Wakefield Fenwick & West LLP 801 California Street Moun, CA 94041 UNITED STATES Email: trademarks@fenwick.com, eball@fenwick.com, jwakefield@fenwick.com, mludmer@fenwick.com Phone: 6509888500
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Applicant Information

Application No	87976599	Publication date	04/03/2018
Opposition Filing Date	07/31/2018	Opposition Period Ends	08/01/2018
International Registration No.	NONE	International Registration Date	NONE
Applicant	TANDBERG AS Nordengveien 14 Billingstad, NO-1396 NORWAY		

Goods/Services Affected by Opposition

Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Business advisory services in the field of computer software and hardware for teleconferencing and video conferencing for others
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Teleconferencing and video conferencing-services, namely, provisioning of Internet-protocol based network devoted to video communications and, namely, cloud-based video conferencing services, transmission of audio, video, data and graphicscommunications via data and telecommunication networks; electronic data interchange services; provision of telecommunication access to databases and video network

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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	TANDBERG		
Goods/Services	video conferencing and telecommunications products		

Attachments	Notice of Opposition - TANDBERG.pdf(79801 bytes)
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Signature	/Eric Ball/
Name	Eric J. Ball Jedediah Wakefield
Date	07/31/2018

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

In the matter of
Trademark App. Ser. No. 87/976,599
Filed: September 15, 2016
Published: April 3, 2018
Mark: TANDBERG

_____)	
Cisco Technology, Inc.,)	
)	
Opposer,)	
)	Opposition No. _____
vs.)	
)	
Tandberg AS,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Cisco Technology, Inc. (“Opposer”), a California corporation having a principal place of business at 170 West Tasman Drive, San Jose, CA 95134, United States, believes that it will be damaged by registration of TANDBERG in Application Serial No. 87/976,599 (the “Application”) filed by Tandberg AS (“Applicant”), and hereby opposes the Application, alleging as grounds for the opposition that:

1. As is shown by publication of the Application in the Official Gazette on April 3, 2018, Applicant seeks to register the TANDBERG mark in Classes 35 and 38 for “business advisory services in the field of computer software and hardware for teleconferencing and video conferencing for others” and “teleconferencing and video conferencing services, namely, provisioning of Internet-protocol based network devoted to video communications and, namely, cloud-based video conferencing services, transmission of audio, video, data and graphics communications via data and telecommunication networks; electronic data interchange services;

provision of telecommunication access to databases and video network” respectively. The Application was filed on September 15, 2016.

2. Opposer has used the TANDBERG mark in commerce since long before the filing date of the application or any claimed first use date by the Applicant. This trademark use of the TANDBERG mark by Opposer has been valid and has not been abandoned. Opposer produces and sells physical equipment and software relating to video conferencing and telecommunication systems. Opposer’s use of the TANDBERG mark includes use in its software setting, labeling, shipping and sales of video conferencing and telecommunications products, including the Tandberg EX90 (Cisco TelePresence) and Tandberg DX80 (Cisco WebEx).

3. Opposer has invested significant resources in developing goodwill in its TANDBERG mark. Through its use and sales, Opposer’s TANDBERG mark has come to be identified as a designator of Opposer’s products, and as a result, has become a valuable asset of Opposer, and a symbol of its goodwill.

4. There is no issue as to priority. As discussed above, Opposer commenced use of the TANDBERG mark in commerce prior to the filing date of the Application, and prior to Applicant’s alleged first use in commerce.

5. The applied-for mark wholly contains Opposer’s TANDBERG mark.

6. In view of the substantial similarities between the parties’ marks and their overlapping products and services, and because the parties’ respective products and services are likely to be marketed to overlapping consumers in the same or related channels of trade, Opposer alleges that Applicant’s TANDBERG mark so resembles Opposer’s TANDBERG mark as to be likely to cause confusion or mistake or to deceive as to the source, origin or sponsorship of the

Mark: TANDBERG
Serial No. 87/976,599
Opposer: Cisco Technology, Inc.

parties' respective products and services, thereby causing loss, damage, and injury to Opposer and the purchasing public.

7. By reason of the foregoing, Opposer will be damaged by the registration of the mark shown in the TANDBERG Application.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that Applicant's TANDBERG Application be denied registration.

Please charge the requisite \$800.00 filing fee for this Notice of Opposition and any additional fees to our Deposit Account No. 50-0261.

Respectfully submitted,

Dated: July 31, 2018

/Eric J. Ball/

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Attorneys for Opposer

Mark: TANDBERG
Serial No. 87/976,599
Opposer: Cisco Technology, Inc.