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Filing date: **03/25/2022**

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

Proceeding no.	91265013
Party	Defendant Bigo Technology Pte. Ltd. and Likeme Pte. Ltd.
Correspondence address	JOHN ALUMIT TERRAMARK LLC 135 SOUTH JACKSON STREET SUITE GLENDALE, CA 91205-4917 UNITED STATES Primary email: mail@terramark-ip.com Secondary email(s): john@alumitip.com 206-855-6159
Submission	Other Motions/Submissions
Filer's name	John Alunit
Filer's email	john@alumitip.com
Signature	/john alumit/
Date	03/25/2022
Attachments	Notice of Assignment_Likee.pdf(527302 bytes )

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

Guangzhou Huanmao Business Service	)	
Co., Ltd.,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	Opposition No. 91265013
LIKEME PTE. LTD.	)	
	)	Application No. 88432124
	)	
Applicant,	)	
	)	

NOTICE OF ASSIGNMENT

Applicant advises that ownership of application no. 88432124 has been transferred in its entirety from Bigo Technology Pte to Likeme Pte. Ltd. in the assignment recorded on May 24, 2021, reel/frame 7303/0770. Attachment 1. However, this assignment is not accurately reflected in TTAB records because it shows both parties as Defendant. Likeme Pte. Ltd. is the sole defendant. The response of March 21, 2022 was filed on behalf of Likeme Pte. Ltd., and not Bigo Technology Pte. A copy of the revised response is also enclosed. Attachment 2. The attachments filed on March 21, 2022 are incorporated by reference.

Date: March 25, 2022

By: /john alumit/  
JOHN ALUMIT  
ALUMIT IP  
135 S. Jackson Street, Suite 200  
Glendale, CA. 91205  
john@alumitip.com

Attorney for Opposer  
Bigo Technology Pte Ltd

ATTACHMENT 1



### Trademark Assignment Abstract of Title

**Total Assignments: 1**

**Serial #:** [88432124](#)

**Filing Dt:** 05/15/2019

**Reg #:** NONE

**Reg. Dt:**

**Applicant:** BIGO TECHNOLOGY PTE. LTD.

**Mark:** LIKEE

**Assignment: 1**

**Reel/Frame:** [7303/0770](#)

**Recorded:** 05/24/2021

**Pages:** 3

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** [BIGO TECHNOLOGY PTE. LTD.](#)

**Exec Dt:** 04/16/2021

**Entity Type:** PRIVATE LIMITED COMPANY

**Citizenship:** SINGAPORE

**Assignee:** [LIKEME PTE. LTD.](#)

30 PASIR PANJANG ROAD, #15-31A,  
MAPLETREE BUSINESS CITY,, SINGAPORE 117440

**Entity Type:** PRIVATE LIMITED COMPANY

**Citizenship:** SINGAPORE

**Correspondent:** JULIAN JIRON

2423 SW 147 AVE, STE 315  
MIAMI, FL 33185

**Domestic rep:** JULIAN JIRON

2423 SW 147 AVE, STE 315  
MIAMI, FL 33185

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Web interface last modified: August 25, 2017 v.2.6

Search Results as of: 03/25/2022 08:53 PM

ATTACHMENT 2

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

Guangzhou Huanmao Business Service	)	
Co., Ltd.,	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	Opposition No. 91265013
LIKEME PTD. LTD.	)	
	)	Application No. 88432124
	)	
Applicant,	)	
	)	

APPLICANT’S RESPONSE IN OPPOSITION TO OPPOSER’S MOTION FOR  
SUMMARY JUDGMENT AND BRIEF IN SUPPORT THEREOF

Applicant, LIKEME PTD. LTD., files this response in opposition to Opposer’s Motion for Summary Judgment served on Feb. 20, 2022.

I. INTRODUCTION

Applicant opposes Opposer’s Motion for Summary Judgment because at least one genuine issue of material fact has yet to be establish by Opposer, namely, whether or not Applicant’s and Opposer’s goods are related. The evidence provided by Opposer is both insufficient and flawed, and do not in fact show that the goods identified by applicant and opposer in their respective applications commonly originate from the same source. Specifically, Opposer’s argues that certain goods of Opposer are related to those of applicant, but such goods are not identified in Opposer’s application that serves as a basis for the opposition. Moreover, where Opposer provides evidence purporting to show applicant’s goods, such evidence does not in fact identify applicant’s goods.

II. STATEMENT OF FACTS

The record shows that applicant has filed an intent-to-use application for the mark LIKEE (stylized) in connection with “Downloadable software in the nature of a mobile application for social networking; Downloadable software in the nature of a mobile application for facilitating communication through audio, video, image and text messaging over a wireless network; Downloadable graphics for mobile phones; Downloadable music files; Downloadable software in the nature of a mobile application for casual social online game; Downloadable video files in the fields of music, movies, digital pictures, mobile games, reality show, dancing performance, singing performance; Downloadable applications for mobiles phones to download music and videos; Cinematographic film, exposed; Video disks with recorded animated cartoons; Downloadable electronic publications in the nature of books, magazines, news journals, booklets, manuals, and pamphlets, in the fields of music, entertainment and games” (“Applicant’s goods”). Application no. 88432124 was filed on May 15, 2019 and approved for publication on August 12, 2020.

The basis for the opposition was serial no. 90077134 which identifies the following goods:

Camcorders; Headphones; Scales; Sunglasses; Videorecorders; Cinematographic cameras; Facsimile machines; Galvanic cells; Geiger counters; Integrated circuits; Measuring buckets; Notebook computers; Optical lenses; Smartphone mounts; Telephone apparatus; Video screens. TTABView 1, par. 1 (“Opposer’s Goods”).

In filing the Notice of Opposition, Opposer lists only the goods above, and no others. Id.

### III. LEGAL STANDARD

Summary judgment is appropriate if the record, read in the light most favorable to the nonmoving party, demonstrates the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett* (1986) 477 U.S. 317, 322, 106 S.Ct. 2548, 91 L. Ed.2d 265. An issue is “genuine” if the evidence is such that a reasonable jury could return a verdict for the nonmoving party. *Anderson v. Liberty Lobby, Inc.* (1986) 477 U.S. 242, 248, 106 S.Ct. 2505, 91 L. Ed.2d 202. A fact is “material” if it is necessary to prove, or defend

against a claim. *National Am. Ins. Co. of Cal. V. Certain Underwriters at Lloyd's London* (9th Cir. 1996), 93 F3d 529, 533.

In any likelihood of confusion determination, the following two factors are key considerations:

- The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
- The relatedness of the goods or services as described in the application and registration(s).

*See, e.g., Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976) ; *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *In re Max Capital Grp. Ltd.*, 93 USPQ2d 1243, 1244 (TTAB 2010) ; *In re Thor Tech, Inc.*, 90 USPQ2d 1634, 1635 (TTAB 2009) .

In considering the second factor, the nature and scope of a party's goods or services must be determined on the basis of the goods or services recited in the application or registration. *See, e.g., In re Detroit Athletic Co.*, 903 F.3d 1297, 1308, 128 USPQ2d 1047, 1052 (Fed. Cir. 2018); *Stone Lion Capital Partners, L.P. v. Lion Capital LLP*, 746 F.3d 1317, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014); *Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1370, 101 USPQ2d 1713, 1722 (Fed. Cir. 2012); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002); *J & J Snack Foods Corp. v. McDonald's Corp.*, 932 F.2d 1460, 1463, 18 USPQ2d 1889, 1892 (Fed. Cir. 1991); *Octocom Sys., Inc. v. Houston Computer Servs., Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); *Canadian Imperial Bank of Commerce, N.A. v. Wells Fargo Bank*, 811 F.2d 1490, 1493, 1 USPQ2d 1813, 1815 (Fed. Cir. 1987); *Paula Payne Prods. Co. v. Johnson Publ'g Co.*, 473 F.2d 901, 902, 177 USPQ 76, 77 (C.C.P.A. 1973) ; *In re Giovanni Food Co.*, 97 USPQ2d 1990, 1991 (TTAB 2011) ; *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1500 (TTAB 2010).

#### IV. ARGUMENTS

- A. A Genuine Issue of Material Facts exists as to whether the Goods Are Related



In seeking to establish that there is no genuine issue of material fact that Applicant's and Opposer's goods are related, Opposer describes its evidence as follows:

Internet evidence, consisting of third-party brands' websites offering both the goods of the types identified by Applicant and the goods of the types identified by the Opposer, offered to show that the same entity commonly provides the relevant goods and markets the goods under the same mark; and

printouts of websites from Apple, Samsung, Sony and Sony PlayStation all show the same entity offering Opposer's goods such as headphones/earphones, speakers, fitness tracker/bands and virtual reality headsets along with Applicant's Goods identified in U.S. Application No. 88432124 such as social networking software, mobile applications for communicating, recorded digital media, and similar goods. Motion for Summary Judgment, II(D)(b).

The above-referenced evidence is found in Ye. Decl., Exhibits 6-9.

Initially, it should be noted that Opposer does not identify where in the evidence Opposer's goods and Applicant's goods are found. Instead, Opposer attaches websites from Apple, Samsung, Sony and Sony PlayStation in hopes that the Board would find Applicant's goods sold in conjunction with Opposer's goods. Moreover, opposer states that its goods are "headphones/earphones, speakers, fitness tracker/bands and virtual reality headsets." Motion for Summary Judgment, II(D)(b). However, among these goods, only "headphones" appears in Opposer's Goods as pleaded. "Fitness trackers/bands" and "virtual reality headsets" are not among the goods upon which Opposer relied upon when filing the Notice of Opposition, nor are they identified in Opposer's application no. 90077134.

1. Opposer's Evidence is Insufficient to Establish Relatedness of the Goods

A review of Opposer's evidence shows that Opposer's evidence is both flawed and insufficient in establishing that Applicant's Goods and Opposer's Goods are related. The following is a review of the evidence found in each of Opposer's Exhibits 6-9.

(a) Exhibit 6 purports to show that some of Applicant's Goods and some of Opposer's Goods are sold by the same company, Apple, Inc.

• **CLIPS**, described as an "app for making fun videos to share with friends and family. With a few taps you can create vertical and horizontal videos with immersive camera effects, artistic filters, dynamic music, animated text, emoji, stickers, and more."

Ye. Decl., Exhibit 6. It is not certain to which goods these relate to since Applicant does not identify an app for making videos.

- “***Apple Music***” which provides “unlimited access to millions of tracks, curated playlists and original content from the artists you know and love.” Id. Applicant assumes that this correlates to Applicant’s “Downloadable applications for mobile phones to download music.”

- “***GarageBand Make great music anywhere,***” an app that allows the user to “make music anywhere you go. And with Live Loops, it makes it easy for anyone to have fun creating music like a DJ. Use Multi-Touch gestures to play keyboards, guitars, and create beats that make you sound like a pro...”. Id. It is not certain to which goods this evidence applies because applicant does not identify an app for creating music.

- “***iMovie Turn videos into movie magic,***” an app that “lets you create Hollywood-style trailers and beautiful movies... Choose from 14 trailer templates with stunning graphics and original scores by some of the world’s top film composers... customize movie studio logos, cast names, and credits.” Id. A user can “import and edit video captured in Cinematic mode on iPhone 13.” Id. Applicant identifies no app for turning videos captured by the user into trailers and movies.

- “***AppleBooks,***” an app that allows a user to find “bestsellers, classics, up-and-coming authors, and more — all ready to instantly download and enjoy.” Id. Applicant can only assume that this app is intended to show Applicant’s “Downloadable electronic publications in the nature of books.” However, AppleBooks is not a downloadable electronic publication, but rather, provides access to users to download the electronic publications of others. So Applicant is uncertain as to how this evidence shows Applicant’s Goods are related to Opposer’s Goods.

- “***iTunes Movie Trailers The latest HD movie trailers***” allows users to “[b]rowse trailers, clips, and featurettes for the biggest Hollywood blockbusters and independent cinema, view stunning HD photos, explore a year-long calendar of movie releases, find showtimes near you, and get ticket info directly from you iPad or iPhone.” Id. Applicant assumes that these goods are intended to be the equivalent of Applicant’s “Downloadable video files in the fields ... movies, digital pictures.” However, while

iTunes Movie Trailers allows users to browse movie clips online, it is not a downloadable video file, nor does it mention the ability for users to “download” movie files.

- “***Airpods Max***” features headphones. This is one of the goods identified in Opposer’s Goods.

- “***Apple Watch Nike***” which identifies “smartwatches.” It is uncertain how these goods are relevant because “smartwatches” are not identified in either Applicant’s Goods or Opposer’s Goods.

- “***Pro Display XDR***” which appear to be a display screens, which Applicant can only assume is the equivalent of Opposer’s “video screens.”

- “***EarPods with Lightning Connector***” which features earphones and electronic connectors. These goods are not listed in either Applicant’s Goods or Opposer’s Goods.

- “***HomePod Mini***” are audio speakers that can be placed around the house for “rich multiroom audio and features like Intercom.” Ye. Decl., Exhibit 6. Neither Applicant nor Opposer identifies audio speakers or intercoms.

In sum, Exhibit 6, at most tends to show that one company (Apple, Inc.) sells both applicant’s “Downloadable applications for mobiles phones to download music” and Opposer’s “headphones” and “video screens.”

(b) Exhibit 7 purports to show that some of Applicant’s Goods and some of

Opposer’s Goods are sold by the same company, Samsung Electronics Co., Ltd.

- “***Game Launcher***” is “all-in-one hub to find things you already love, discover more to play, explore what's trending, and share your game data.” Ye. Decl., Exhibit 7. The description reads “Keep everything together with Game Launcher. Manage all your favorite games, game-related bookmarks, and images to easily find what you need when you need it. When downloading a new game, it’s sent directly to Game Launcher\* so you can find it and start playing.” Id. Applicant identifies no software that serves as a hub for organizing and managing video games that a user has downloaded elsewhere.

- “***Samsung Free***” is described as “your go-to destination to immediately dive into the premium content that matters to you, at no cost. It’s your curated entertainment center where you can seamlessly read breaking news, listen to top-rated podcasts, watch

free TV and play games instant.” Id. This description appears to refer to an access provider service in class 038, which is not one of Applicant’s Goods or Opposer’s Goods.

- “***Samsung Members – Samsung Galaxy Support App***” allows users to “[e]xplore all the ways you can maximize the performance of your device. Get insider know-how and run diagnostic tests to see how to optimize battery performance, storage usage and other features to help you do more.” Id. One feature of this app is that it allows users to “[s]hare tips, reviews and your own brilliant solutions with other Galaxy users in the Community. It’s a peer-led space for people like you.” Id. Therefore, it provides an online forum or electronic bulletin board for Samsung Galaxy users. See screenshots on page 14. This is not the same as a software for mobile app text messaging. Thus, it is uncertain how this app relates to any of Applicant’s Goods or Opposer’s Goods.

- “***Samsung TV Plus: 100% Free TV***” is an app that allows users to stream television shows. The description reads “Samsung TV Plus is always adding new premium channels and movies.” Ye. Decl., Exhibit 7. Applicant identifies no software that provides access to television channels or movies.

- “***Gallery App***” allows users to “view, edit, and manage your pictures and albums on your phone.” Id. Again, this does not identify any of Applicant’s Goods or Opposer’s Goods.

- “***Headphones – Wireless, Bluetooth & Noise Cancelling***” identifies ear phones which correlates with Opposer’s headphones.

- “***Galaxy Watch 3***” is a smartwatch, which is not one of Applicant’s Goods or Opposer’s Goods.

- “***Gear VR***” is a virtual reality headset with controller. However, this too is not one of Opposer’s pleaded goods. While Opposer identifies “headphones,” headphones are not the same as a headset. An article from eartrons.com states that the bid difference is that a headset. Specifically, “[a] headset has an attached microphone that lets you talk. It is mostly used in video conferencing or video calls you make, whereas a headphone has an integrated Mic that is not attached or visible, and mostly used for listening to audio files.” Attachment 1.

- “***Samsung All Monitors – Monitors***” describes “***gaming monitors.***” While Opposer’s identification lists “video screens,” a video screen is not the same as a gaming monitor. According to a source on Quora.com, a “screen” is a portion of a display device, such as a display monitor, but they are not the same thing. Attachment 2.

Since Exhibit 7 fails to identify any of Applicant’s Goods, it fails to show how any of Applicant’s Goods are related to any of Opposer’s goods.

(c) Exhibit 8 purports to show that some of Applicant’s Goods and some of Opposer’s Goods are sold by the same company, Sony Corporation.

- “***Visual Story***” is described as “A cloud service for wedding photographers.” The main features are “automatically transfer photo and video from your camera to your smartphone... share a photos and videos gallery in real time even while you capture images during an event...by utilizing the metadata of a camera and AI, you can efficiently narrow down the images on your smartphone, so you can quickly select the delivered images... registering an edit preset prior to shooting... [to] automatically apply the preset to all photos to save time and effort in addition to maintaining a consistent look throughout the entire shoot...create a Story Gallery with the App, which can be delivered instantly on site... ratings and selections made while creating Story Gallery can also be downloaded as an XMP transferred to other applications on a PC.” Ye. Decl., Exhibit 8. Applicant’s Goods do not identify any software that relate to photography that perform any of these functions. Applicant identifies “Downloadable video files in the fields ... digital pictures,” but that is not what “Visual Story” is.

- “***Imaging Edge Mobile***” is identified as an “Application for remote shooting and image transfer to a smartphone.” Id. Specifically, it “allows you to transfer still images or video to a smartphone or tablet, perform remote shooting, and add location information to images.” Id. Applicant identifies no application for transferring images or videos to a smartphone.

- “***Movie Edit add-on***” is a “[v]ideo editing application for smartphones that you can use to create flowing video expressions.” Id. Specifically, it “provides intelligent framing and image stabilization to create flowing shot images similar to using a gimbal.” Id. Applicant identifies no video editing application.

- “**PlayMemories**” is a camera app that allows a user to “add functions to the camera, maximizing personalization with incredible ease.” Id. Applicant identifies no software app that adds functions to cameras.

- “**Music Center**” is an app that allows a user to play music on their smartphone. While this sounds like applicant’s “Downloadable applications for mobiles phones to download music,” there is no indication that this app is designed for downloading music. Instead, it allows users to play music on their smartphone in high resolution and to apply sound effects. Id., page 24. A further description of this app is found in Attachment 3.

- “**Sony Headphones Connect App for Blue Tooth Headphones**” identifies an app to “[c]ustomize your Sony headphones...” and “connect to your smartphone.” Ye. Decl., Exhibit 8. Again, these do not correlate to any software application identified by Applicant.

- “**All headphones**” identifies headphones Sony sells, which correlate to Opposer’s “headphones.”

- “**All Speakers**” identifies wireless audio speakers. However, Opposer’s Goods do not consist of audio speakers.

- “**Lenses**” identifies camera lenses. While Opposer identifies “optical lenses,” they do not identify “camera lenses.” An article from [www.photokonnexion.com](http://www.photokonnexion.com) explains that an “optical lens is distinct from a photographic lens.” Attachment 4.

While Exhibit 8 identifies opposer’s headphones, it does not identify any of applicant’s software applications. Therefore, Opposer’s Exhibit 8 does not show that any of Applicant’s Goods emanates from the same source as any of Opposer’s Goods.

(d) Exhibit 9 purports to show that some of Applicant’s Goods and some of Opposer’s Goods are sold by the same company, Sony Playstation. The website excerpts show the following

- “**PlayStation App**” allows a user to connect to their Playstation. Specifically, it allows a user to “[c]hat with friends, get the latest gaming news, and download games to your PS4 or PS 5 console via the official PlayStation companion app.” This appears to correlate with Applicant’s “Downloadable software in the nature of a mobile application for casual social online game.”

- “**Gold Wireless Headset**” which is a gaming headset. Again, while Opposer identifies “headphones,” headphones are not the same as a headset. An article from eartrons.com states that the bid difference is that a headset. Specifically, “[a] headset has an attached microphone that lets you talk. It is mostly used in video conferencing or video calls you make, whereas a headphone has an integrated Mic that is not attached or visible, and mostly used for listening to audio files.” Attachment 1.

- “**Playstation VR**” identifies a virtual reality headset. Again, Opposer does not identify headsets, nor a virtual reality headset.

- “**Official Playstation Store**” appears to be a website where browsers can purchase downloadable and recorded video games. Applicant does not identify an online store, nor does it identify downloadable or recorded video games.

Since Exhibit 9 does not identify any of Opposer’s goods, Exhibit 9 does not show that any of Applicant’s Goods are related to any of Opposer’s Goods.

Opposer’s difficulty in finding examples that show any of Applicant’s Goods and any of Opposer’s Goods commonly sold by the same company, suggests that Applicant’s Goods and Opposer’s Goods are, in fact, not related.

At most, Opposer’s evidence shows one instance where “headphones” and “video screens” originate from the same source (Apple, Inc.) as Applicant’s “Downloadable applications for mobiles phones to download music.” Applicant submits that this evidence alone is insufficient to show that Applicant’s Goods and Opposer’s Goods commonly originate from the same source.

This is because a TESS search result shows that there are 27,434 active registrations, based on use in commerce, that identify “headphones” or “video screens.” Attachment 5. The first ten of these registrations are printed out and shown in Attachment 6, as reference, and none of these identify any of Applicant’s goods.

Moreover, applicant attaches at least 25 third party registrations that identify downloadable applications for mobile phones for downloading music, none of which identify any of Opposer’s goods. Attachment 7. A few examples of corresponding websites are also attached. Attachment 8.

Finally, applicant submits screenshots of numerous mobile apps for downloading music, which shows that such apps are provided by smaller, lesser-known companies

than Apple, Samsung or Sony. Attachment 9. These companies specialize in music download, and are not known for selling the type of goods offered by Opposer.

For the foregoing reasons, a genuine issue of material fact exists as to whether or not Applicant's Goods are related to Opposer's Goods.

## V. CONCLUSION

Since a genuine issue of material fact exists as to whether Applicant's Goods are related to Opposer's goods, such as to result in a likelihood of confusion, Opposer's Motion for Summary Judgment must be denied.

Date: March 13, 2022

By: /john alunit/  
JOHN ALUMIT  
ALUMIT IP  
135 S. Jackson Street, Suite 200  
Glendale, CA. 91205  
john@alunitip.com

Attorney for Applicant  
LIKEME PTE. LTD.



## **PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing NOTICE OF ASSIGNMENT has been served on counsel for Opposer, Shiyong Ye, on March 26, 2022 via email at the following email addresses of record:

[syetm@reidwise.com](mailto:syetm@reidwise.com), [sye@reidwise.com](mailto:sye@reidwise.com)

/john alunit/