

ESTTA Tracking number: **ESTTA1129223**Filing date: **04/23/2021**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	DISH Network L.L.C.
Granted to Date of previous extension	04/25/2021
Address	9601 S. MERIDIAN BLVD. ENGLEWOOD, CO 80112 UNITED STATES
Attorney information	IAN L. SAFFER ADSERO IP 8210 SOUTHPARK TERRACE LITTLETON, CO 80120 UNITED STATES Primary Email: efs@adseroip.com Secondary Email(s): ian@adseroip.com, kbohmann@adseroip.com, TDamhoff@Adseroip.com, ameyer@adseroip.com 303-268-0066
Docket Number	0726.157TMOP

**Applicant Information**

Application No.	88714675	Publication date	10/27/2020
Opposition Filing Date	04/23/2021	Opposition Period Ends	04/25/2021
International Registration No.	NONE	International Registration Date	NONE
Applicant	NVIDIA Corporation 2788 SAN TOMAS EXPRESSWAY SANTA CLARA, CA 95051 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Downloadable application programming interface (API) software for computer software for ray tracing and image rendering, modeling, and image manipulation and processing; Downloadable application programming interface (API) software for use in building software applications; artificial intelligence computers; artificial intelligence supercomputers; Downloadable computer game software; computer hardware and downloadable software for professional designers, engineers, and scientists for advanced graphics processing and visual computing; computer hardware and downloadable software, and communications hardware and downloadable software for the operation, control, maintenance, and management of land vehicles, self-driving and autonomous land vehicles and land vehicle components, for land vehicle navigation,

for travel and trip planning, for communications and for collecting, tracking, analyzing, and reporting data and information in the field of self-driving and autonomous land vehicles; computer monitors; Downloadable computer software development tools; Downloadable computer software for performing computer graphics operations and improving graphical and video display capabilities; Downloadable computer software for the display of digital media; computers; downloadable computer graphics software development tools for advanced graphics processing, for managing and implementing virtual desktop infrastructures, for virtual desktops and applications, and for virtualization technology software; downloadable computer graphics; downloadable software for management of medical imaging; electronic computer vision accelerators, namely, artificial intelligence, machine learning, deep learning, high performance computing hardware and downloadables software; electronic display interfaces; electronic display screens; Downloadable electronic game software; electronic publications recorded on computer media, in the nature of books, manuals, magazines e-zines and newsletters featuring information regarding electronic game devices and electronic games; Downloadable electronic, computer, interactive and video game software; flat panel display screens; graphics processing units (GPUs); graphics software; Computer hardware and downloadable computer software for detecting objects, user gestures and commands; Computer hardware and downloadable computer software for medical imaging apparatus; Computer hardware and downloadable computer software for operating sensor devices; integrated circuit components for graphics and video systems, namely, multimedia accelerators, graphic accelerators and peripheral units; integrated circuits for enhancing graphical and video display; integrated circuits, semiconductors and computer chipsets; integrated circuits; liquid crystal display (LCD) monitors; liquid crystal display (LCD); self-driving and autonomous land vehicle electronic downloadable computing platform; self-driving and autonomous land vehicle electronic driving system and equipment in the nature of artificial intelligence, machine learning, deep learning, high performance computing, and simulation software and hardware ; semiconductors; electronic sensors for monitoring physical movements; simulation, modeling and data processing software for use in maximizing graphics processing and performance; software and computer hardware featuring artificial intelligence for use in machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; Downloadable software and firmware for enabling electronic devices to share data and communicate with each other; Downloadable software and firmware for operating system programs; Downloadable software and hardware that facilitates data transmission, data collection, data analysis, and decision-making; Downloadable software development kits (SDKs) consisting of software for ray tracing and image rendering, modeling, and image manipulation and processing; Downloadable software development tools; Downloadable software for 3D-visualization, 3D modeling and 3D rendering; Downloadable software for advanced graphics processing and visual computing; Downloadable software for enhancement of graphical and video display; Downloadable software for enhancing computer performance, for operation of integrated circuits, semiconductors, computer chipsets and micro-processors, and for gaming purposes; Downloadable software for image rendering, modeling, and image manipulation and processing; software for artificial intelligence, machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; Downloadable software for management, storage and network management of digital media, and enhancement of graphical and video display; Downloadable software for management, storage and network management of digital media; Downloadable software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable software for operating and managing integrated circuit components; Downloadable software for post processing images, graphics and text; Downloadable software for processing images, graphics, audio, video, and text; Downloadable software for professional designers, engineers, and scientists for advanced graphics processing and visual computing; Downloadable software for ray tracing and image rendering, modeling, and image manipulation and processing; Downloadable software for use as an application programming interface (API); Downloadable software for use in operating artificial intelligence platforms; Downloadable software, namely, knowledge-based artificial intelligence platforms, data analytics platforms, and automation platforms for use in the fields of advanced visualization, data acquisition, data analysis, data integration, artificial intelligence, machine learning, deep learning, high performance computing, distributed computing, virtualization, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; software, namely, an interpretive interface for facilitating interaction between humans and machines; supercomputers; system-on-chip processors; Downloadable video game software; software and hardware for data centers and data storage software and computer hardware for data centers and data storage

Class 042. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Advanced product research in the field of artificial intelligence; application service provider (ASP) services featuring application programming interface (API) software for ray tracing and image rendering, modelling, and image manipulation and processing; cloud computing services, namely, consulting in the field of cloud computing and cloud hosting provider services; cloud computing featuring software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; cloud-based supercomputing featuring software for use in the fields of artificial intelligence, machine learning, deep learning, high performance computing, distributed computing, virtualization, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; computer programming services for customers that enable the customers' digital and handheld devices to download and utilize games and entertainment related content; computer software design, computer programming, or maintenance of computer software; consulting services in the field of gaming technology development and graphics software; design and development of computer hardware and software; design and development of computer hardware and software in the fields of artificial intelligence, machine learning, deep learning, and deep neural networks; design and development of computer hardware and software in the fields of self-driving and autonomous land vehicle electronic computing platforms and systems; design and development of computer software for use with medical technology; design and development of computer software for vehicle simulation; design and development of software for fine-tuning, development, diagnostics for vehicles, calibration, configuration and diagnostics of electronic systems; design of computer hardware, software and peripherals for others; design, development, customization, integration, and maintenance of computer software; Technical support services, namely, troubleshooting of computer software problems; design, programming or maintenance of artificial intelligence software; designing and developing computer game software and video game software; designing of machines, apparatus, instruments, including their parts, or systems composed of such machines, apparatus and instruments; development of computer hardware for use in connection with electronic and interactive multimedia games; electronic and interactive multimedia game development services; electronic storage of data; graphics design services, namely, creating 3D content, 3D product renderings, photorealistic renderings and models; image processing software design; industrial analysis and research services in the field of vehicle technology, vehicle simulations and vehicle test stands; medical and scientific research in the field of medical imaging; providing online non-downloadable software for 3D-visualization, 3D modelling and 3D rendering; providing online non-downloadable software for autonomous vehicle simulation; providing online non-downloadable software for computer graphics; providing online non-downloadable software for data management, analytics and pattern and activity recognition; providing online non-downloadable software for detecting objects, user gestures and commands; providing online non-downloadable software for enhancing computer performance, for operation of integrated circuits, semiconductors, computer chipsets and micro-processors; providing online non-downloadable software for facilitating interaction between humans and machines; providing online non-downloadable software featuring artificial intelligence, machine learning, deep learning, and deep neural networks; providing online non-downloadable software featuring artificial intelligence, machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; providing online non-downloadable software for object tracking, motion control and content visualization; providing online non-downloadable software for operating sensor devices; providing online non-downloadable software for others to use for the development of software for self-driving and autonomous land vehicle electronic computing platforms and systems; providing online non-downloadable software for processing images, graphics, audio, video, and text; providing online non-downloadable software for the operation, control, maintenance, and management of land vehicles, self-driving and autonomous land vehicles and land vehicle components, for land vehicle navigation, for travel and trip planning, for communications and for collecting, tracking, analyzing, and reporting data and information in the field of self-driving and autonomous land vehicles; providing online non-downloadable software for sharing, receiving, downloading, interacting with and transferring content, text, visual works, audio works, audio-visual works, literary works, data, files, documents and electronic works; Application service provider featuring non-downloadable software for use as application programming interfaces (API); providing online non-downloadable software for use in electronic storage of data; providing online non-downloadable software for use in visual, voice, audio, motion, eye and gesture tracking and recognition; providing online non-downloadable software for virtual, augmented reality applications and environments; providing online non-downloadable cloud computing software for use in managing, gathering and organizing data, medical images, and information in the


field of medical clinical trials and medical research; providing online non-downloadable cloud-based software for use with a supercomputer; providing online non-downloadable software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; platform as a service (PaaS) featuring computer software platforms for downloading, storing, viewing, playing and interacting with digital content and computer software applications; platform as a service (PaaS) featuring computer software platforms for downloading, storing, viewing, playing and interacting with digital content, computer and video games and computer software applications; platform as a service (PaaS) featuring computer software platforms featuring artificial intelligence for natural language processing, machine learning, voice command and recognition, converting speech to text, data analytics; platform as a service (PaaS) featuring knowledge-based artificial intelligence computer software platforms for use in the fields of artificial intelligence, machine learning, deep learning, high performance computing, distributed computing, virtualization, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence for data analytics software platforms, and automation software platforms; platform as a service (PaaS) featuring software platforms for electronic gaming and graphic design; platform as a service (PaaS) featuring software platforms for transmission of images, audio-visual content, video content and messages; Application service provider featuring application programming interface (API) software for use in transmission of audio, video, images, text, content and data; providing artificial intelligence computer programs for use in collecting, analyzing and reporting of data on data networks; providing cloud computing services featuring software for use in application development for entertainment, social, financial, business collaborative, gaming, and integration of private and public cloud computing environments; providing online non-downloadable computer programs for use in collecting, analyzing and reporting of data on data networks; providing computer software technical support services, technical information and technical support in the nature of troubleshooting of computer software problems regarding software patches, upgrades and updates; providing computer technology information from searchable indexes and databases of information, including text, electronic documents, databases, graphics, electronic media, images and audio visual content via the internet and communication networks; providing temporary use of non-downloadable software for image rendering, modelling, and image manipulation and processing; providing temporary use of non-downloadable software featuring artificial intelligence for use in machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; providing temporary use of non-downloadable software for ray tracing and image rendering, modelling, and image manipulation and processing; providing online non-downloadable personal assistant software, namely, wireless communication software for voice, audio, video, and data transmission; providing online non-downloadable social assistant software, namely, wireless communication software for voice, audio, video, and data transmission; providing software technological support services in the nature of troubleshooting computer software problems and consultation in the fields of software, development and use of computer hardware; providing temporary use of non-downloadable computer software enabling hardware and electronic devices to communicate with each other; providing temporary use of non-downloadable computer software for computer graphics; providing temporary use of non-downloadable computer software for enhancing computer performance, for operation of integrated circuits, semiconductors, computer chipsets and micro-processors, and for gaming purposes; providing temporary use of non-downloadable interactive entertainment software for use in the fields of artificial intelligence, machine learning, deep learning, high performance computing, image feature extraction, natural language processing, supervised learning, un-supervised learning, predictive analytics, software development, edge computing, fog computing, decentralized computing, Internet of Things, and computer and telecommunications networks; providing temporary use of non-downloadable software enabling hardware and electronic devices to share data and communicate with each other; providing temporary use of non-downloadable cloud-based software for use in the management of medical imaging data; providing temporary use of on-line non-downloadable software for accessing and using a cloud computing network; providing virtual computer systems and virtual computer environments through cloud computing; providing virtual computer systems and virtual computer environments through cloud computing; providing virtual computer systems, virtual graphics processing units (GPUs), and virtual computer environments through cloud computing; research and design in the field of vehicle technology, vehicle simulation and vehicle testing; scientific and technological services and research and design relating thereto; software as a service (SaaS) services featuring computer software for others to use for the development of software for self-driving and autonomous land vehicle electronic computing platforms and systems; software as a service (SaaS) featuring computer software platforms for artificial intelligence; software as a service (SaaS)


services featuring software in the field of electronic control systems for land motor vehicles; software as a service (SaaS) services featuring software in the field of self-driving and autonomous land vehicle and self-driving and autonomous land vehicle component operation, control, maintenance, management and communication; software as a service (SaaS) services featuring software platforms for graphic design; software as a service (SaaS) services featuring software featuring artificial intelligence for use in machine learning, deep learning, and deep neural networks; software as a service (SaaS) services featuring software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; software development; providing online non-downloadable software for integrating electronic data with real world environments for the purpose of capturing, processing, and visualizing modelling and placement of goods of others and visual image markers; software platform for software development featuring software development kits (SDKs); technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; computer services, namely, management and optimization of software and hardware operation for data centers; consulting services, namely, data center design and management, computer application deployment and consolidation; providing online non-downloadable software featuring software for monitoring and managing data centers and cloud-based and virtualized computing environments


## Grounds for Opposition

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

U.S. Registration No.	4155801	Application Date	09/06/2011
Registration Date	06/05/2012	Foreign Priority Date	NONE
Word Mark	HOPPER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2012/01/09 First Use In Commerce: 2012/03/15 Digital video recorders; Electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; Television receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices		
U.S. Registration No.	4377209	Application Date	12/05/2011

Registration Date	07/30/2013	Foreign Priority Date	NONE
Word Mark	HOPPER		
Design Mark			
Description of Mark	The mark consists of the word "hopper" to the left of an image of a kangaroo.		
Goods/Services	Class 009. First use: First Use: 2012/01/00 First Use In Commerce: 2012/01/00 Digital video recorders; Electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; Television receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices		

U.S. Registration No.	4631381	Application Date	01/29/2014
Registration Date	11/04/2014	Foreign Priority Date	NONE
Word Mark	HOPPER		
Design Mark			
Description of Mark	The mark consists of the word "hopper" to the left of an image of a kangaroo.		
Goods/Services	Class 028. First use: First Use: 2012/01/24 First Use In Commerce: 2012/01/24 Articles of clothing for toys; Stuffed and plush toys		

U.S. Registration No.	5051410	Application Date	01/27/2016
Registration Date	09/27/2016	Foreign Priority	NONE

		Date	
Word Mark	HOPPERGO		
Design Mark	HOPPERGO		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2016/05/26 First Use In Commerce: 2016/05/26 Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and tablets; electronic devices, namely, digital media streaming devices; digital video recorders; electronic devices for accessing pay-television services; communications equipment, namely, video programming receivers and playback devices		

U.S. Registration No.	5667449	Application Date	01/04/2018
Registration Date	01/29/2019	Foreign Priority Date	NONE
Word Mark	HOPPER DUO		
Design Mark	HOPPER DUO		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2018/01/16 First Use In Commerce: 2018/01/16 Digital video recorders; electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; television receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices		

U.S. Application No.	90189396	Application Date	09/17/2020
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HOPPER PLUS		

Design Mark	<b>HOPPER PLUS</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Television receivers; video processors;computer hardware

U.S. Application No.	90189376	Application Date	09/17/2020
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HOPPER 2 PLUS		
Design Mark	<b>HOPPER 2 PLUS</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Television receivers; video processors;computer hardware Class 038. First use: First Use: 0 First Use In Commerce: 0 Telecommunications services, namely, video and audio broadcasting services, webcasting services, and streaming of data;transmission of multimedia, television,subscription television, pay-per-view and video-on-demand content via satelliteand terrestrial transmission, cable, fiber-optic, the internet, wired and wireless global computer networks, and electronic communications networks; leasing oftelecommunication equipment, namely, television receivers, set-top boxes, and DVRs		

U.S. Application No.	90189386	Application Date	09/17/2020
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HOPPER 3 PLUS		



Design Mark	<h1>HOPPER 3 PLUS</h1>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Television receivers; video processors; computer hardware Class 038. First use: First Use: 0 First Use In Commerce: 0 Telecommunications services, namely, video and audio broadcasting services, webcasting services, and streaming of data; transmission of multimedia, television, subscription television, pay-per-view and video-on-demand content via satellite and terrestrial transmission, cable, fiber-optic, the internet, wired and wireless global computer networks, and electronic communications networks; leasing of telecommunication equipment, namely, television receivers, set-top boxes, and DVRs

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Common law rights in HOPPER-formative marks as described in the Notice of Opposition.		
Goods/Services	Goods and services as listed in the Notice of Opposition.		

Attachments	85415859#TMSN.png( bytes ) 85487628#TMSN.png( bytes ) 86178878#TMSN.png( bytes ) 86888198#TMSN.png( bytes ) 87743806#TMSN.png( bytes ) 90189396#TMSN.png( bytes ) 90189376#TMSN.png( bytes ) 90189386#TMSN.png( bytes ) Notice_of_Opposition.pdf(4128662 bytes )
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Signature	/ils/
Name	IAN L. SAFFER
Date	04/23/2021

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

In the Matter of Application Serial No. 88714675  
Published in the Official Gazette on October 27, 2020



DISH Network L.L.C.	)	
	)	
Opposer,	)	Opposition No.
	)	
v.	)	
	)	
NVIDIA Corporation,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

DISH Network L.L.C. (“Opposer”) believes that it will be damaged by registration of the mark shown in Application Serial No. 88714675 and therefore opposes the same. As grounds for opposition, Opposer alleges:

1. DISH Network L.L.C. is a Colorado Limited Liability Company with a place of business at 9601 S. Meridian Blvd., Englewood, Colorado 80112.
2. Opposer owns the following valid and subsisting U.S. trademark registrations and applications on the Principal Register:

MARK	REG. / APP. NO.	GOODS/SERVICES	FILING DATE	FIRST USE DATE
HOPPER	4155801	IC 009: Digital video recorders; Electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; Television	September 6, 2011	March 15, 2012

MARK	REG. / APP. NO.	GOODS/SERVICES	FILING DATE	FIRST USE DATE
		receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices.		
	4377209	IC 009: Digital video recorders; Electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; Television receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices.	December 5, 2011	January 2012
	4631381	IC 028: Articles of clothing for toys; Stuffed and plush toys.	January 29, 2014	January 24, 2012
HOPPERGO	5051410	IC 09: Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and tablets; electronic devices, namely, digital media streaming devices; digital video recorders; electronic devices for accessing pay-television services; communications equipment, namely, video programming receivers and playback devices.	January 27, 2016	May 26, 2016

<b>MARK</b>	<b>REG. / APP. NO.</b>	<b>GOODS/SERVICES</b>	<b>FILING DATE</b>	<b>FIRST USE DATE</b>
HOPPER DUO	5667449	IC 09: Digital video recorders; electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; television receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices.	January 4, 2018	January 16, 2018
HOPPER PLUS	90189396	IC 09: Television receivers; video processors; computer hardware.	September 17, 2020	
HOPPER 2 PLUS	90189376	IC 09: Television receivers; video processors; computer hardware.  IC 038: Telecommunications services, namely, video and audio broadcasting services, webcasting services, and streaming of data; transmission of multimedia, television, subscription television, pay-per-view and video-on-demand content via satellite and terrestrial transmission, cable, fiber-optic, the internet, wired and wireless global computer networks, and electronic communications networks; leasing of telecommunication equipment, namely, television receivers, set-top boxes, and DVRs	September 17, 2020	
HOPPER 3 PLUS	90189386	IC 09: Television receivers; video processors; computer hardware.  IC 038: Telecommunications services, namely, video and audio broadcasting services, webcasting services, and streaming of data; transmission of multimedia, television, subscription television, pay-per-view and video-on-demand content via satellite and terrestrial transmission, cable, fiber-optic, the internet, wired and wireless	September 17, 2020	

<b>MARK</b>	<b>REG. / APP. NO.</b>	<b>GOODS/SERVICES</b>	<b>FILING DATE</b>	<b>FIRST USE DATE</b>
		global computer networks, and electronic communications networks; leasing of telecommunication equipment, namely, television receivers, set-top boxes, and DVRs.		

True and correct copies of these registrations and applications status printouts and are attached hereto as Exhibit A.

3. Opposer and/or its predecessors-in-interest have used the HOPPER-formative marks identified in Paragraph 2 above in interstate commerce since at least as early as indicated in Paragraph 2 in connection with, among other things, the goods and services listed in Paragraph 2.

4. In addition to the federal trademark registrations and applications listed above, Opposer also owns common law trademark rights for HOPPER-formative marks based on use in connection with, at least, the goods and services listed in Paragraph 2.

5. Opposer's common law and federal registration rights in the HOPPER-formative marks listed in Paragraphs 2-4 are collectively referred to herein as the "HOPPER Marks."

6. Opposer's HOPPER Marks have achieved great strength and public recognition as a result of extensive and continuous use by Opposer and/or its predecessors-in-interest since before the filing of the application and any use in U.S. commerce by Applicant of the applied-for mark.

7. As a result of substantial sales and extensive advertising and promotion, Opposer has established valuable goodwill in the HOPPER Marks. The public has come to associate the HOPPER Marks with Opposer and to know the HOPPER Marks as indicators of source.

8. Applicant NVIDIA Corporation (“Applicant”) filed Application Serial No. 88714675 on December 4, 2019, for the mark NVIDIA HOPPER for use in connection with goods/services in International Classes 9 and 42.

9. In particular, Application Serial No. 88714675 published for opposition in connection with the following goods/services:

**IC 009:** Downloadable application programming interface (API) software for computer software for ray tracing and image rendering, modeling, and image manipulation and processing; Downloadable application programming interface (API) software for use in building software applications; artificial intelligence computers; artificial intelligence supercomputers; Downloadable computer game software; computer hardware and downloadable software for professional designers, engineers, and scientists for advanced graphics processing and visual computing; computer hardware and downloadable software, and communications hardware and downloadable software for the operation, control, maintenance, and management of land vehicles, self-driving and autonomous land vehicles and land vehicle components, for land vehicle navigation, for travel and trip planning, for communications and for collecting, tracking, analyzing, and reporting data and information in the field of self-driving and autonomous land vehicles; computer monitors; Downloadable computer software development tools; Downloadable computer software for performing computer graphics operations and improving graphical and video display capabilities; Downloadable computer software for the display of digital media; computers; downloadable computer graphics software development tools for advanced graphics processing, for managing and implementing virtual desktop infrastructures, for virtual desktops and applications, and for virtualization technology software; downloadable computer graphics; downloadable software for management of medical imaging; electronic computer vision accelerators, namely, artificial intelligence, machine learning, deep learning, high performance computing hardware and downloadable software; electronic display interfaces; electronic display screens; Downloadable electronic game software; electronic publications recorded on computer media, in the nature of books, manuals, magazines e-zines and newsletters featuring information regarding electronic game devices and electronic games; Downloadable electronic, computer, interactive and video game software; flat panel display screens; graphics processing units (GPUs); graphics software; Computer hardware and downloadable computer software for detecting objects, user gestures and commands; Computer hardware and downloadable computer software for medical imaging apparatus; Computer hardware and downloadable computer software for operating sensor devices; integrated circuit components for graphics and video systems, namely, multimedia accelerators, graphic accelerators and peripheral units; integrated circuits for enhancing graphical and video display; integrated circuits, semiconductors and computer chipsets; integrated circuits; liquid crystal display (LCD) monitors; liquid crystal display (LCD); self-driving and autonomous land vehicle electronic downloadable computing platform; self-driving and autonomous land vehicle electronic driving system and equipment in the nature of artificial intelligence, machine learning, deep learning, high performance computing, and simulation software and hardware ; semiconductors; electronic sensors for monitoring physical movements; simulation, modeling and data processing software

for use in maximizing graphics processing and performance; software and computer hardware featuring artificial intelligence for use in machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; Downloadable software and firmware for enabling electronic devices to share data and communicate with each other; Downloadable software and firmware for operating system programs; Downloadable software and hardware that facilitates data transmission, data collection, data analysis, and decision-making; Downloadable software development kits (SDKs) consisting of software for ray tracing and image rendering, modeling, and image manipulation and processing; Downloadable software development tools; Downloadable software for 3D-visualization, 3D modeling and 3D rendering; Downloadable software for advanced graphics processing and visual computing; Downloadable software for enhancement of graphical and video display; Downloadable software for enhancing computer performance, for operation of integrated circuits, semiconductors, computer chipsets and micro-processors, and for gaming purposes; Downloadable software for image rendering, modeling, and image manipulation and processing; software for artificial intelligence, machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; Downloadable software for management, storage and network management of digital media, and enhancement of graphical and video display; Downloadable software for management, storage and network management of digital media; Downloadable software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable software for operating and managing integrated circuit components; Downloadable software for post processing images, graphics and text; Downloadable software for processing images, graphics, audio, video, and text; Downloadable software for professional designers, engineers, and scientists for advanced graphics processing and visual computing; Downloadable software for ray tracing and image rendering, modeling, and image manipulation and processing; Downloadable software for use as an application programming interface (API); Downloadable software for use in operating artificial intelligence platforms; Downloadable software, namely, knowledge-based artificial intelligence platforms, data analytics platforms, and automation platforms for use in the fields of advanced visualization, data acquisition, data analysis, data integration, artificial intelligence, machine learning, deep learning, high performance computing, distributed computing, virtualization, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; software, namely, an interpretive interface for facilitating interaction between humans and machines; supercomputers; system-on-chip processors; Downloadable video game software; software and hardware for data centers and data storage software and computer hardware for data centers and data storage;

**IC 042:** Advanced product research in the field of artificial intelligence; application service provider (ASP) services featuring application programming interface (API) software for ray tracing and image rendering, modelling, and image manipulation and processing; cloud computing services, namely, consulting in the field of cloud computing and cloud hosting provider services; cloud computing featuring software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; cloud-based supercomputing featuring software for use in the fields of artificial intelligence, machine learning, deep learning, high performance computing, distributed computing, virtualization, natural language generation, statistical learning, supervised learning,

un-supervised learning, data mining, predictive analytics and business intelligence; computer programming services for customers that enable the customers' digital and handheld devices to download and utilize games and entertainment related content; computer software design, computer programming, or maintenance of computer software; consulting services in the field of gaming technology development and graphics software; design and development of computer hardware and software; design and development of computer hardware and software in the fields of artificial intelligence, machine learning, deep learning, and deep neural networks; design and development of computer hardware and software in the fields of self-driving and autonomous land vehicle electronic computing platforms and systems; design and development of computer software for use with medical technology; design and development of computer software for vehicle simulation; design and development of software for fine-tuning, development, diagnostics for vehicles, calibration, configuration and diagnostics of electronic systems; design of computer hardware, software and peripherals for others; design, development, customization, integration, and maintenance of computer software; Technical support services, namely, troubleshooting of computer software problems; design, programming or maintenance of artificial intelligence software; designing and developing computer game software and video game software; designing of machines, apparatus, instruments, including their parts, or systems composed of such machines, apparatus and instruments; development of computer hardware for use in connection with electronic and interactive multimedia games; electronic and interactive multimedia game development services; electronic storage of data; graphics design services, namely, creating 3D content, 3D product renderings, photorealistic renderings and models; image processing software design; industrial analysis and research services in the field of vehicle technology, vehicle simulations and vehicle test stands; medical and scientific research in the field of medical imaging; providing online non-downloadable software for 3D-visualization, 3D modelling and 3D rendering; providing online non-downloadable software for autonomous vehicle simulation; providing online non-downloadable software for computer graphics; providing online non-downloadable software for data management, analytics and pattern and activity recognition; providing online non-downloadable software for detecting objects, user gestures and commands; providing online non-downloadable software for enhancing computer performance, for operation of integrated circuits, semiconductors, computer chipsets and micro-processors; providing online non-downloadable software for facilitating interaction between humans and machines; providing online non-downloadable software featuring artificial intelligence, machine learning, deep learning, and deep neural networks; providing online non-downloadable software featuring artificial intelligence, machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; providing online non-downloadable software for object tracking, motion control and content visualization; providing online non-downloadable software for operating sensor devices; providing online non-downloadable software for others to use for the development of software for self-driving and autonomous land vehicle electronic computing platforms and systems; providing online non-downloadable software for processing images, graphics, audio, video, and text; providing online non-downloadable software for the operation, control, maintenance, and management of land vehicles, self-driving and autonomous land vehicles and land vehicle components, for land vehicle navigation, for travel and trip planning, for communications and for collecting, tracking, analyzing, and reporting data and information in the field of self-driving and autonomous land vehicles; providing online non-downloadable software for sharing, receiving, downloading,



interacting with and transferring content, text, visual works, audio works, audio-visual works, literary works, data, files, documents and electronic works; Application service provider featuring non-downloadable software for use as application programming interfaces (API); providing online non-downloadable software for use in electronic storage of data; providing online non-downloadable software for use in visual, voice, audio, motion, eye and gesture tracking and recognition; providing online non-downloadable software for virtual, augmented reality applications and environments; providing online non-downloadable cloud computing software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; providing online non-downloadable cloud-based software for use with a supercomputer; providing online non-downloadable software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; platform as a service (PaaS) featuring computer software platforms for downloading, storing, viewing, playing and interacting with digital content and computer software applications; platform as a service (PaaS) featuring computer software platforms for downloading, storing, viewing, playing and interacting with digital content, computer and video games and computer software applications; platform as a service (PaaS) featuring computer software platforms featuring artificial intelligence for natural language processing, machine learning, voice command and recognition, converting speech to text, data analytics; platform as a service (PaaS) featuring knowledge-based artificial intelligence computer software platforms for use in the fields of artificial intelligence, machine learning, deep learning, high performance computing, distributed computing, virtualization, natural language generation, statistical learning, supervised, learning, un-supervised learning, data mining, predictive analytics and business intelligence for data analytics software platforms, and automation software platforms; platform as a service (PaaS) featuring software platforms for electronic gaming and graphic design; platform as a service (PaaS) featuring software platforms for transmission of images, audio-visual content, video content and messages; Application service provider featuring application programming interface (API) software for use in transmission of audio, video, images, text, content and data; providing artificial intelligence computer programs for use in collecting, analyzing and reporting of data on data networks; providing cloud computing services featuring software for use in application development for entertainment, social, financial, business collaborative, gaming, and integration of private and public cloud computing environments; providing online non-downloadable computer programs for use in collecting, analyzing and reporting of data on data networks; providing computer software technical support services, technical information and technical support in the nature of troubleshooting of computer software problems regarding software patches, upgrades and updates; providing computer technology information from searchable indexes and databases of information, including text, electronic documents, databases, graphics, electronic media, images and audio visual content via the internet and communication networks; providing temporary use of non-downloadable software for image rendering, modelling, and image manipulation and processing; providing temporary use of non-downloadable software featuring artificial intelligence for use in machine learning, deep learning, natural language generation, statistical learning, supervised learning, un-supervised learning, data mining, predictive analytics and business intelligence; providing temporary use of non-downloadable software for ray tracing and image rendering, modelling, and image manipulation and processing; providing online non-downloadable personal assistant software, namely, wireless communication software for voice, audio, video, and data transmission; providing online non-downloadable social assistant

software, namely, wireless communication software for voice, audio, video, and data transmission; providing software technological support services in the nature of troubleshooting computer software problems and consultation in the fields of software, development and use of computer hardware; providing temporary use of non-downloadable computer software enabling hardware and electronic devices to communicate with each other; providing temporary use of non-downloadable computer software for computer graphics; providing temporary use of non-downloadable computer software for enhancing computer performance, for operation of integrated circuits, semiconductors, computer chipsets and micro-processors, and for gaming purposes; providing temporary use of non-downloadable interactive entertainment software for use in the fields of artificial intelligence, machine learning, deep learning, high performance computing, image feature extraction, natural language processing, supervised learning, unsupervised learning, predictive analytics, software development, edge computing, fog computing, decentralized computing, Internet of Things, and computer and telecommunications networks; providing temporary use of non-downloadable software enabling hardware and electronic devices to share data and communicate with each other; providing temporary use of non-downloadable cloud-based software for use in the management of medical imaging data; providing temporary use of on-line non-downloadable software for accessing and using a cloud computing network; providing virtual computer systems and virtual computer environments through cloud computing; providing virtual computer systems and virtual computer environments through cloud computing; providing virtual computer systems, virtual graphics processing units (GPUs), and virtual computer environments through cloud computing; research and design in the field of vehicle technology, vehicle simulation and vehicle testing; scientific and technological services and research and design relating thereto; software as a service (SaaS) services featuring computer software for others to use for the development of software for self-driving and autonomous land vehicle electronic computing platforms and systems; software as a service (SaaS) featuring computer software platforms for artificial intelligence; software as a service (SaaS) services featuring software in the field of electronic control systems for land motor vehicles; software as a service (SaaS) services featuring software in the field of self-driving and autonomous land vehicle and self-driving and autonomous land vehicle component operation, control, maintenance, management and communication; software as a service (SaaS) services featuring software platforms for graphic design; software as a Service (SaaS) services featuring software featuring artificial intelligence for use in machine learning, deep learning, and deep neural networks; software as a service (SaaS) services featuring software for use in managing, gathering and organizing data, medical images, and information in the field of medical clinical trials and medical research; software development; providing online non-downloadable software for integrating electronic data with real world environments for the purpose of capturing, processing, and visualizing modelling and placement of goods of others and visual image markers; software platform for software development featuring software development kits (SDKs); technical support services, namely, troubleshooting in the nature of diagnosing computer hardware and software problems; computer services, namely, management and optimization of software and hardware operation for data centers; consulting services, namely, data center design and management, computer application deployment and consolidation; providing online non-downloadable software featuring software for monitoring and managing data centers and cloud-based and virtualized computing environments (“Applicant’s Mark”).

10. On February 2, 2021, the USPTO suspended Opposer's U.S. Trademark Application Serial Nos. 90189396, 90189376, and 90189386 based on a potential likelihood of confusion with Applicant's Mark.

11. Opposer adopted and used one or more of the HOPPER Marks before Applicant's filing date and/or priority date for Applicant's Mark.

12. Applicant's Mark is very similar to Opposer's HOPPER Marks in appearance, sound, connotation, and commercial impression. More specifically, Applicant's Mark incorporates Opposer's HOPPER element in its entirety.

13. Applicant's applied for goods/services as described in Paragraph 10 are related to and/or overlap with goods and services offered by Opposer, including goods and services offered by Opposer under the HOPPER Marks and listed in the HOPPER registrations, as identified in Paragraph 2.

14. The target customers and channels of trade for goods offered under the HOPPER Marks and Applicant's Mark are related and/or overlap.

15. Consumers expect Opposer's goods and services and Applicant's goods/services to emanate from the same source.

16. Based on the foregoing, a likelihood of confusion exists such that Applicant's goods/services offered under Applicant's Mark likely will be thought by consumers to emanate from Opposer and may be confused with Opposer's goods and services. Moreover, registration and use of Applicant's Mark is likely to cause confusion, mistake, or deception as to the source or origin of Applicant's goods, or to induce purchasers to believe that Applicant's goods and services are those of Opposer, or are endorsed by, affiliated with, or associated with Opposer in violation of 15 U.S.C. § 1052(d).

17. If the Applicant's Mark is permitted to register, the registration would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to the mark and would, therefore, cause confusion among consumers of the relevant goods and services as to source and as to the relationship of Opposer and Applicant, thereby damaging Opposer's goodwill in its HOPPER Marks and the value thereof, and irreparably injuring Opposer's business and reputation.

Wherefore, Opposer respectfully requests that this Opposition be sustained and that registration of Applicant's Mark, Application Serial No. 88714675, for the goods and services specifically identified in the foregoing Notice of Opposition, be denied. The filing fee of \$1200 is enclosed as required by 37 CFR §§ 2.101 and 2.6(a)(17). The Commissioner is also authorized to charge any additional fees that may be required, or credit any overpayment, to this firm's Deposit Account No. 195117.

Date: April 23, 2021

Respectfully submitted,  
ADSERO IP

s /ils/

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Littleton, CO 80120  
(303) 268-0066

Attorneys for Opposer  
DISH Network L.L.C.

# EXHIBIT A

**United States of America**  
United States Patent and Trademark Office

# HOPPER

**Reg. No. 4,155,801**

**Registered June 5, 2012**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

DISH NETWORK L.L.C. (COLORADO LIMITED LIABILITY COMPANY)  
9601 S. MERIDIAN BLVD.  
ENGLEWOOD, CO 80112

FOR: DIGITAL VIDEO RECORDERS; ELECTRONIC APPARATUS AND DEVICES FOR CONTROLLING ACCESS TO PAY-TELEVISION SERVICES; COMMUNICATIONS EQUIPMENT, NAMELY, SET-TOP BOXES FOR RECEIVING VIDEO PROGRAMMING; TELEVISION RECEIVERS; SATELLITE RECEIVERS; SET-TOP BOXES; UNIVERSAL REMOTE CONTROLS FOR HOME ELECTRONIC DEVICES, NAMELY, TELEVISIONS, VCRS, DVD PLAYERS, DIGITAL VIDEO RECORDERS, SATELLITE RECEIVERS, STEREO RECEIVERS, AND STEREO AMPLIFIERS; COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO, VIDEO, IMAGE AND DATA INFORMATION TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS (PDA), AND STAND-ALONE HARDWARE DECODERS, NAMELY, AUDIO DECODERS AND VIDEO DECODERS; ELECTRONIC DEVICES, NAMELY, DIGITAL MEDIA STREAMING DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-9-2012; IN COMMERCE 3-15-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-415,859, FILED 9-6-2011.

ANDREW LEASER, EXAMINING ATTORNEY



*David J. Kyjars*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,377,209**

**Registered July 30, 2013**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

DISH NETWORK L.L.C. (COLORADO LIMITED LIABILITY COMPANY)  
9601 S. MERIDIAN BLVD.  
ENGLEWOOD, CO 80112

FOR: DIGITAL VIDEO RECORDERS; ELECTRONIC APPARATUS AND DEVICES FOR CONTROLLING ACCESS TO PAY-TELEVISION SERVICES; COMMUNICATIONS EQUIPMENT, NAMELY, SET-TOP BOXES FOR RECEIVING VIDEO PROGRAMMING; TELEVISION RECEIVERS; SATELLITE RECEIVERS; SET-TOP BOXES; UNIVERSAL REMOTE CONTROLS FOR HOME ELECTRONIC DEVICES, NAMELY, TELEVISIONS, VCERS, DVD PLAYERS, DIGITAL VIDEO RECORDERS, SATELLITE RECEIVERS, STEREO RECEIVERS, AND STEREO AMPLIFIERS; COMPUTER HARDWARE AND SOFTWARE FOR STREAMING AUDIO, VIDEO, IMAGE AND DATA INFORMATION TO A VARIETY OF NETWORK DEVICES, NAMELY, PERSONAL COMPUTERS, MOBILE PHONES, PERSONAL DIGITAL ASSISTANTS (PDA), AND STAND-ALONE HARDWARE DECODERS, NAMELY, AUDIO DECODERS AND VIDEO DECODERS; ELECTRONIC DEVICES, NAMELY, DIGITAL MEDIA STREAMING DEVICES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-0-2012; IN COMMERCE 1-0-2012.

THE MARK CONSISTS OF THE WORD "HOPPER" TO THE LEFT OF AN IMAGE OF A KANGAROO.

SN 85-487,628, FILED 12-5-2011.

ESTHER A. BORSUK, EXAMINING ATTORNEY



*Lea Street Lee*

Acting Director of the United States Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
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**Requirements in the First Ten Years\***

**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

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**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

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**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office

Hopper 

**Reg. No. 4,631,381**

**Registered Nov. 4, 2014**

**Int. Cl.: 28**

**TRADEMARK**

**PRINCIPAL REGISTER**

DISH NETWORK L.L.C. (COLORADO LIMITED LIABILITY COMPANY)  
9601 S. MERIDIAN BLVD.  
ENGLEWOOD, CO 80112

FOR: ARTICLES OF CLOTHING FOR TOYS; STUFFED AND PLUSH TOYS, IN CLASS 28  
(U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 1-24-2012; IN COMMERCE 1-24-2012.

OWNER OF U.S. REG. NOS. 4,155,801, 4,377,208 AND OTHERS.

THE MARK CONSISTS OF THE WORD "HOPPER" TO THE LEFT OF AN IMAGE OF A  
KANGAROO.

SER. NO. 86-178,878, FILED 1-29-2014.

KEVIN CORWIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
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**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

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**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or  
reminder of these filing requirements.**

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**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office

## HOPPERGO

**Reg. No. 5,051,410**

**Registered Sep. 27, 2016**

**Int. Cl.: 9**

**Trademark**

**Principal Register**

DISH Network L.L.C. (COLORADO LIMITED LIABILITY COMPANY)  
9601 S. Meridian Blvd  
Englewood, CO 80112

CLASS 9: Computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and tablets; electronic devices, namely, digital media streaming devices; digital video recorders; electronic devices for accessing pay-television services; communications equipment, namely, video programming receivers and playback devices

FIRST USE 5-26-2016; IN COMMERCE 5-26-2016

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-888,198, FILED 01-27-2016  
MATTHEW T EINSTEIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

## **REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

### **Requirements in the First Ten Years\***

#### **What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

### **Requirements in Successive Ten-Year Periods\***

#### **What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

## United States Patent and Trademark Office

### HOPPER DUO

**Reg. No. 5,667,449**

**Registered Jan. 29, 2019**

**Int. Cl.: 9**

**Trademark**

**Principal Register**

DISH Network L.L.C. (COLORADO LIMITED LIABILITY COMPANY)  
9601 S. Meridian Blvd.  
Englewood, COLORADO 80112

CLASS 9: Digital video recorders; electronic apparatus and devices for controlling access to pay-television services; communications equipment, namely, set-top boxes for receiving video programming; television receivers; satellite receivers; set-top boxes; universal remote controls for home electronic devices, namely, televisions, VCRs, DVD players, digital video recorders, satellite receivers, stereo receivers, and stereo amplifiers; computer hardware and software for streaming audio, video, image and data information to a variety of network devices, namely, personal computers, mobile phones, personal digital assistants (PDA), and stand-alone hardware decoders, namely, audio decoders and video decoders; electronic devices, namely, digital media streaming devices

FIRST USE 1-16-2018; IN COMMERCE 1-16-2018

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 87-743,806, FILED 01-04-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

## **REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

### **Requirements in the First Ten Years\***

#### **What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

### **Requirements in Successive Ten-Year Periods\***

#### **What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

### **Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

**Generated on:** This page was generated by TSDR on 2021-02-17 14:41:56 EST

**Mark:** HOPPER PLUS

HOPPER PLUS

**US Serial Number:** 90189396

**Application Filing Date:** Sep. 17, 2020

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Feb. 02, 2021

## Mark Information

**Mark Literal Elements:** HOPPER PLUS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (..) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Television receivers; video processors; computer hardware

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Filed ITU:** Yes

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** No

**Currently ITU:** Yes

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** DISH Network L.L.C.

**Owner Address:** 9601 S. MERIDIAN BLVD.  
ENGLEWOOD, COLORADO UNITED STATES 80112

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** COLORADO



## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Ian L. Saffer  
**Attorney Primary Email Address:** [efs@adseroip.com](mailto:efs@adseroip.com)  
**Docket Number:** 0726.148-TM  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** IAN L. SAFFER  
ADSERO IP  
8210 SOUTHPARK TERRACE  
LITTLETON, COLORADO UNITED STATES 80120  
**Phone:** 303-268-0066  
**Fax:** 303-268-0065  
**Correspondent e-mail:** [efs@adseroip.com](mailto:efs@adseroip.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Feb. 02, 2021	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Feb. 02, 2021	LETTER OF SUSPENSION E-MAILED	6332
Feb. 02, 2021	SUSPENSION LETTER WRITTEN	92457
Jan. 31, 2021	ASSIGNED TO EXAMINER	92457
Oct. 27, 2020	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 21, 2020	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** NUNLEY, CHRISTOPHER MI  
**Law Office Assigned:** LAW OFFICE 104

### File Location

**Current Location:** TMEG LAW OFFICE 104 - EXAMINING ATTORNEY ASSIGNED  
**Date in Location:** Feb. 02, 2021

**Generated on:** This page was generated by TSDR on 2021-02-17 14:46:13 EST

**Mark:** HOPPER 2 PLUS

HOPPER 2 PLUS

**US Serial Number:** 90189376

**Application Filing Date:** Sep. 17, 2020

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Feb. 02, 2021

## Mark Information

**Mark Literal Elements:** HOPPER 2 PLUS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Television receivers; video processors; computer hardware

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(b)

**For:** Telecommunications services, namely, video and audio broadcasting services, webcasting services, and streaming of data; transmission of multimedia, television, subscription television, pay-per-view and video-on-demand content via satellite and terrestrial transmission, cable, fiber-optic, the internet, wired and wireless global computer networks, and electronic communications networks; leasing of telecommunication equipment, namely, television receivers, set-top boxes, and DVRs

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No

**Filed ITU:** Yes

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Currently Use:** No

**Currently ITU:** Yes

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** DISH Network L.L.C.

**Owner Address:** 9601 S. MERIDIAN BLVD.  
ENGLEWOOD, COLORADO UNITED STATES 80112

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country** COLORADO  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Ian L. Saffer

**Docket Number:** 0726.149-TM

**Attorney Primary** [efs@adseroip.com](mailto:efs@adseroip.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** IAN L. SAFFER  
**Name/Address:** ADSERO IP  
8210 SOUTHPARK TERRACE  
LITTLETON, COLORADO UNITED STATES 80120

**Phone:** 303-268-0066

**Fax:** 303-268-0065

**Correspondent e-** [efs@adseroip.com](mailto:efs@adseroip.com)  
**mail:**

**Correspondent e-** Yes  
**mail Authorized:**

### Domestic Representative - Not Found

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## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** NUNLEY, CHRISTOPHER MI

**Law Office** LAW OFFICE 104  
**Assigned:**

### File Location

**Current Location:** TMEG LAW OFFICE 104 - EXAMINING  
ATTORNEY ASSIGNED

**Date in Location:** Feb. 02, 2021

**Generated on:** This page was generated by TSDR on 2021-02-17 14:45:46 EST

**Mark:** HOPPER 3 PLUS

HOPPER 3 PLUS

**US Serial Number:** 90189386

**Application Filing Date:** Sep. 17, 2020

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

**Status:** An Office action suspending further action on the application has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

**Status Date:** Feb. 02, 2021

## Mark Information

**Mark Literal Elements:** HOPPER 3 PLUS

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

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**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country** COLORADO  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Ian L. Saffer

**Docket Number:** 0726.150-TM

**Attorney Primary** [efs@adseroip.com](mailto:efs@adseroip.com)  
**Email Address:**

**Attorney Email** Yes  
**Authorized:**

### Correspondent

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**Correspondent e-** Yes  
**mail Authorized:**

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**Law Office** LAW OFFICE 104  
**Assigned:**

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ATTORNEY ASSIGNED

**Date in Location:** Feb. 02, 2021