

ESTTA Tracking number: **ESTTA1172928**

Filing date: **11/17/2021**

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	KABUSHIKI KAISHA ZOOM
Granted to Date of previous extension	11/17/2021
Address	4-4-3 KANDA-SURUGADAI CHIYODA-KU, TOKYO, 101-0062 JAPAN
Attorney information	R. GLENN SCHROEDER SCHROEDER LAW PC 110 COOPER STREET #605 BABYLON, NY 11702 UNITED STATES Primary Email: docket@schroederlawpc.com Secondary Email(s): gschroeder@schroederlawpc.com 631-649-6109
Docket Number	117-27

Applicant Information

Application No.	90402490	Publication date	07/20/2021
Opposition Filing Date	11/17/2021	Opposition Period Ends	11/17/2021
Applicant	Eagle Eyes Vision LLC 8383 WILSHIRE BLVD SUITE 106 BEVERLY HILLS, CA 90211 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 cloud-based software for sharing of on-demand media including audio, video, still images and text, also functional to share and purchase on-demand media for downloading to compatible devices; Downloadable computer software for controlling the operation of on-demand audio and video media transmission and storage


Grounds for Opposition

Priority and likelihood of confusion

Trademark Act Section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration	3555352	Application Date	02/03/2006
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No.			
Registration Date	12/30/2008	Foreign Priority Date	08/08/2005
Word Mark	ZOOM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2005/07/00 First Use In Commerce: 2005/07/00 Guitars and bass effects processors; sound effects processors; multi-track re- corders; computer software for sound data processing; sound mixers; micro- phones</p> <p>Class 015. First use: First Use: 2008/05/00 First Use In Commerce: 2008/05/00 Electronic musical instruments, namely, foot controllers for electronic musical in- struments</p>		

Attachments	78806408#TMSN.png(bytes) 117-27_Notice_of_Opposition.pdf(90097 bytes)
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Signature	/r. glenn schroeder/
Name	R. GLENN SCHROEDER
Date	11/17/2021

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

In re Application Serial No. 90/402,490
Filed: December 22, 2020
Published for Opposition on July 20, 2021
Trademark: EYEZOOM

KABUSHIKI KAISHA ZOOM,

Opposer,

v.

EAGLE EYES VISION LLC,

Applicant.

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Opposition No.
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Commissioner for Trademarks
P.O. Box 1451
Alexandria , VA 22313-1451

NOTICE OF OPPOSITION

KABUSHIKI KAISHA ZOOM ("Opposer"), a Japanese corporation, with offices at 4-4-3 Kanda-surugadai, Chiyoda-ku, Tokyo 101-0062, Japan, believes that it will be damaged by registration of the mark shown in Serial No. 90/402,490 to EAGLE EYES VISION LLC ("Applicant"), which application was published for opposition on July 20, 2021, and hereby opposes, through its attorneys, the registration of said mark for the recited goods.

As grounds for opposition it is alleged that:

1. Opposer is a Japanese corporation, with offices at 4-4-3 Kanda-surugadai, Chiyoda-ku, Tokyo 101-0062, Japan.
2. Opposer sells and distributes audio recorders; video recorders; multi-track recorders; audio interfaces; electronic effect pedals; guitar and bass effects processors; sound effects processors; computer software for sound and data processing; sound mixers; microphones; foot controllers; and related accessories.

3. Opposer utilizes the marks ZOOM and ZOOM and design (hereinafter the “Trademarks”), as trademarks indicating the source of origin for its products.

4. Since prior to the filing date of the above-identified application, Opposer has been using the Trademarks in interstate commerce, either directly or through its U.S. distributors, in connection with the goods described in Paragraph 2.

5. Opposer is the owner of United States Registration No. 3,555,352 for the mark ZOOM and design as used in connection with guitars and bass effects processors; sound effects processors; multi-track recorders; computer software for sound data processing; sound mixers; and microphones, in International Class 9; and electronic musical instruments, namely, foot controllers for electronic musical instruments, in International Class 15. The foregoing registration is valid, and in full force and effect.

6. Opposer has expended substantial amounts of money, time and effort in advertising and promoting its Trademarks throughout the United States so that the public has come to associate and attribute usage of the Trademarks with Opposer.

7. Applicant’s mark is confusingly similar to Opposer’s Trademarks whereby use of Applicant's mark on the goods recited in Applicant's application will create a likelihood of confusion, mistake or deception among the purchasing public.

8. The goods identified in Applicant’s application are related to the goods offered by Opposer (mentioned hereinabove in paragraphs 2) under the Trademarks, and to the goods listed in Opposer's registration identified hereinabove in paragraph 5, all of such goods being likely to travel through similar channels of trade.

9. The registration of Applicant's mark in connection with the goods specified in Applicant’s application would be in direct conflict with the proper function of a trademark; that is, as a designation of the sole and exclusive origin of goods or services, considering Opposer’s prior use of and registration of its Trademarks.

10. Opposer, as the owner of a valid federal trademark registration and as the prior user of such mark, will be damaged if registration of Applicant's mark is granted.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained, that the above-identified application be rejected and that the registration of the mark shown in Application Serial No. 90/402,490 be refused.

Respectfully submitted,
KABUSHIKI KAISHA ZOOM

Dated: 17 November 2021

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