

ESTTA Tracking number: **ESTTA1211850**

Filing date: **05/27/2022**

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	Lenovo (Beijing) Limited		
Entity	Corporation	Citizenship	China
Address	201-H2-6 2ND FLOOR, BUILDING 2, SHANGDI WEST ROAD, HAIDIAN DISTRICT BEIJING, 100085 CHINA		
Attorney information	ELIZABETH Z. BAUMHART TAFT STETTINIUS & HOLLISTER LLP ONE INDIANA SQUARE, SUITE 3500 INDIANAPOLIS, IN 46204 UNITED STATES Primary email: ebaumhart@taftlaw.com Secondary email(s): awilcox@taftlaw.com, pbautista@taftlaw.com, docket@taftlaw.com 3177133500		
Docket no.	LEN02-00104		

Applicant information

Application no.	90811817	Publication date	05/10/2022
Opposition filing date	05/27/2022	Opposition period ends	06/09/2022
Applicant	Shenzhen Yiye Technology Co., Ltd. 501, BUILDING B, 51 AND 53 PINGSHUN ROAD , GUIXIANG COMMUNITY, LONGHUA DISTRICT, SHENZHEN, GUANGDONG, 518000 CHINA		

Goods/services affected by opposition


Class 009. First Use: Jun 26, 2021 First Use In Commerce: Jun 26, 2021
All goods and services in the class are opposed, namely: Adjustable smartphone and PC tablet stabilizers and mounts; Computer hardware; Power adapters; Television and video converters; USB cables; USB card readers; USB hubs; Wireless chargers; Wireless headsets for smartphones

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark cited by opposer as basis for opposition

U.S. registration no.	4822390	Application date	03/30/2012
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Register	Principal		
Registration date	09/29/2015	Foreign priority date	NONE
Word mark	YOGA		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Oct 2012 First Use In Commerce: Oct 2012 Computers, namely, portable computers and tablet computers; computer peripherals; computer software, namely, operating system software and application system software for use in controlling the operation and execution of programs and network functions on a computer		

Attachments	85585622#TMSN.png(bytes) Notice of Opposition - YOIGO.pdf(609634 bytes)
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Signature	/Elizabeth Z. Baumhart/
Name	Elizabeth Z. Baumhart
Date	05/27/2022

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

LENOVO (BEIJING) LIMITED,	OPPOSITION NO. _____
Opposer	SERIAL NO. 90811817
vs.	MARK: YOIGO
SHENZHEN YIYE TECHNOLOGY CO., LTD.,	PUBLISHED: MAY 10, 2022
Applicant.	

NOTICE OF OPPOSITION

Opposer Lenovo (Beijing) Limited (“Lenovo”) will be damaged by the registration of the mark YOIGO, as applied for by Shenzhen Yiye Technology Co., Ltd. (“Applicant”) in the United States Patent and Trademark Office (USPTO) Serial No. 90811817. As a result, Lenovo opposes registration of YOIGO on the USPTO’s Principal Register, on the following grounds:

THE PARTIES

1. Lenovo (Beijing) Limited is a Chinese corporation, organized under the laws of China, having an address and principal place of business of 201-H2-6 2nd Floor, Building 2, No. 6 Shangdi West Road, Haidian District, Beijing, China 100085.
2. Lenovo and its related entities comprise a global and well-known technology business, with customers located in over 160 countries and with over 52 thousand employees, worldwide.
3. Lenovo offers a wide array of computer and technology-related products and services to consumers including, but not limited to, computers, tablets, laptops, notebooks and ultrabooks; computer peripherals; and smart phones and accessories, computer hardware goods,

server storage, augmented and virtual reality products and services, smart device products and services; and telecommunication services, among other related products and services.

4. Based upon information and belief, and USPTO records, Applicant is a Chinese limited liability company having an address of 501, Building B, 51 and 53 Pingshun Road, Guixiang Community, Longhua District, Shenzhen, Guangdong China 518000.

LENOVO’S YOGA MARK AND APPLICABLE REGISTRATION

5. Lenovo is the owner of the federally registered trademark YOGA (the “YOGA Mark”) and the goodwill associated with the mark.

6. Lenovo uses the YOGA Mark in connection with the advertising, promotion, marketing, and sale of its computer and technology-related goods in international class 009 [IC 009], as described below (the “YOGA Registration”), in the United States and worldwide:

MARK	REG. NO.	GOODS/SERVICES	DATE OF FIRST USE	EXHIBIT (TESS FORM)
YOGA	4822390	computers, namely, portable computers and tablet computers; computer peripherals; computer software, namely, operating system software and application system software for use in controlling the operation and execution of programs and network functions on a computer [IC 009]	October 2012	A

7. Since at least as early as the “first use” and “use in commerce” dates set forth in the YOGA Registration, October 2012, Lenovo has continuously used and currently uses the YOGA Mark in commerce, in connection with the goods described in the YOGA Registration.

8. Based upon this continuous use, Lenovo owns the exclusive right to use and has priority over the YOGA Mark, in connection with the goods described in the YOGA Registration and all natural expansion of those goods.

9. Based upon this continuous use, Lenovo also owns common law rights to the YOGA Mark in connection with the goods described in the YOGA Registration, and all natural expansions of those goods.

APPLICANT’S APPLIED-FOR MARK

10. According to USPTO records, on July 5, 2021, Applicant applied for registration of YOIGO pursuant to a use based application, Serial No. 90811817 (the “Application”). (See Exhibit B, TESS Form for the Application).

11. Applicant claims to use YOIGO in connection with “Adjustable smartphone and PC tablet stabilizers and mounts; Computer hardware; Power adapters; Television and video converters; USB cables; USB card readers; USB hubs; Wireless chargers; Wireless headsets for smartphones,” in International Class 9 (“Applicant’s Goods”).

12. Applicant’s Goods are confusingly similar to and are natural expansions of the goods and services that Lenovo has been advertising, promoting, and selling under its YOGA Mark for years.

13. Applicant’s claims it first used YOIGO in commerce on June 26, 2021.

14. June 26, 2021 is well after the date upon which Lenovo first used and registered its YOGA Mark, as a result, Lenovo has priority over Applicant with respect to its YOGA Mark.

**COUNT I—OPPOSITION OF APPLICATION BASED UPON LIKELIHOOD OF
CONFUSION**

15. Lenovo re-alleges paragraphs 1-14 of this Complaint as if fully rewritten herein.

16. YOIGO is confusingly similar in appearance, sound, connotation, and commercial impression to Lenovo’s YOGA Mark.

17. Moreover, and as also described above, Applicant applied for registration of and claims to use YOIGO in connection with Applicant’s Goods, which are technology related goods in International Class 9.

18. Applicant’s Goods are so similar to Lenovo’s computer and technology-related goods in International Class 9, which Lenovo has been advertising, marketing, promoting, and

selling under the YOGA Mark for many years that there is a high likelihood of consumer confusion. Consumers are likely to mistakenly believe that Applicant's Goods emanate from Lenovo because of the wide array of computer and technology-related goods and services offered by Lenovo.

19. Because of these confusing similarities, Applicant's registration of YOIGO will cause Lenovo damage.

20. Applicant's registration of YOIGO is likely to cause consumers to be confused and mistakenly believe that Lenovo is the source of Applicant's Goods when such is untrue, in violation of the Lanham Act, including, but not limited to, 15 U.S.C. §1052(d) and 15 U.S.C. § 1114.

21. Applicant's registration of YOIGO will lead consumers to wrongfully believe that Applicant's Goods are affiliated and associated with, or are connected to, sponsored, or endorsed by Lenovo, when such is untrue, in violation of the Lanham Act, including but not limited to, 15 U.S.C. §1052(d) and 15 U.S.C. §1114.

22. Applicant's registration of YOIGO will lead consumers to wrongfully believe that that Applicant, not Lenovo, is the owner of the YOGA Mark, when such is untrue, in violation of the Lanham Act, including but not limited to 15 U.S.C. §1052(d) and 15 U.S.C. §1114.

Accordingly, and pursuant to 15 U.S.C. §1063(a), Lenovo respectfully requests that the opposition be sustained and the Application be refused for all of the goods in International Class 9.

Dated: May 27, 2022

/s/ Elizabeth Z. Baumhart/
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Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned counsel certifies that a copy of the foregoing Notice of Opposition was served upon the following party via electronic mail on May 27, 2022:


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Attorney for Applicant

/s/:Elizabeth Z. Baumhart
Elizabeth Z. Baumhart

One of the Attorneys for Opposer

EXHIBIT A

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YOGA

Word Mark YOGA
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computers, namely, portable computers and tablet computers; computer peripherals; computer software, namely, operating system software and application system software for use in controlling the operation and execution of programs and network functions on a computer. FIRST USE: 20121000. FIRST USE IN COMMERCE: 20121000
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 85585622
Filing Date March 30, 2012
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 28, 2012
Registration Number 4822390
Registration Date September 29, 2015
Owner (REGISTRANT) Lenovo (Beijing) Limited CORPORATION CHINA No. 6 Chuangye Road Shangdi Information Industry Base Haidian District CHINA 100085_Be
Attorney of Record Stanley D. Ference III
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

EXHIBIT B

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YOIGO

Word Mark YOIGO
Translations The wording YOIGO has no meaning in a foreign language.
Goods and Services IC 009. US 021 023 026 036 038. G & S: Adjustable smartphone and PC tablet stabilizers and mounts; Computer hardware; Power adapters; Television and video converters; USB cables; USB card readers; USB hubs; Wireless chargers; Wireless headsets for smartphones. FIRST USE: 20210626. FIRST USE IN COMMERCE: 20210626

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 90811817
Filing Date July 5, 2021
Current Basis 1A
Original Filing Basis 1A
Published for Opposition May 10, 2022
Owner (APPLICANT) Shenzhen Yiye Technology Co., Ltd. limited company (Ltd.) CHINA 501, Building B, 51 and 53 Pingshun Road , Guixiang community, Longhua District, Shenzhen, Guangdong CHINA 518000
Attorney of Record Zhirong Liu
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE