

ESTTA Tracking number: **ESTTA1257800**

Filing date: **01/04/2023**

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	Target Brands, Inc.
Granted to date of previous extension	01/04/2023
Address	1000 NICOLLET MALL MINNEAPOLIS, MN 55403 UNITED STATES
Attorney information	JAMES R. STEFFEN FAEGRE DRINKER BIDDLE & REATH LLP 90 SOUTH 7TH STREET 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402 UNITED STATES Primary email: trademark@faegredrinker.com Secondary email(s): james.steffen@faegredrinker.com, claire.plante@faegredrinker.com 612-766-7000
Docket no.	453258.1370

**Applicant information**

Application no.	97100472	Publication date	09/06/2022
Opposition filing date	01/04/2023	Opposition period ends	01/04/2023
Applicant	Weihao Zhou NO.7,QIANXI MIDDLE LANE, WUDUN VIL.,SHUIYUAN TOWN, JIAN'OU,FUJIAN, 353100 CHINA		

**Goods/services affected by opposition**

Class 009. First Use: Jul 29, 2021 First Use In Commerce: Jul 29, 2021  
All goods and services in the class are opposed, namely: Bags specially adapted for protective helmets; Computer interface boards; Digital media hubs; Digital media receivers; Electronic LED signs; Lighting panel control boards; Optical inspection apparatus for inspection of semiconductor materials, namely, semiconductor wafers, reticles, and photomasks; Pressure transmitters; Temperature meters not for medical use; Temperature transmitters

**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.	5852869	Application date	10/06/2017
Register	Principal		
Registration date	09/03/2019	Foreign priority date	NONE
Word mark	HEYDAY		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Jun 2018 First Use In Commerce: Jun 2018 Cases and covers for covering and protecting mobile phones, MP3 players, tablet computers, hand-held computing devices; sleeves for laptops and portable electronic devices; mobile phone cases featuring rechargeable batteries; batteries and battery chargers; headsets for mobile phones; cell phone battery chargers; wireless speakers; audio speakers; earphones and headphones; USB cables; smartwatch straps and bands for use with smartwatches		

U.S. registration no.	6380569	Application date	10/06/2017
Register	Principal		
Registration date	06/08/2021	Foreign priority date	NONE
Word mark	HEYDAY		
Design mark			
Description of mark	NONE		
Goods/services	Class 014. First use: First Use: Jun 2018 First Use In Commerce: Jun 2018 Watch bands and straps Class 026. First use: First Use: Jun 2018 First Use In Commerce: Jun 2018 Charms for cell phones, backpacks, purses, wallets		

U.S. registration no.	6479241	Application date	11/02/2017
Register	Principal		
Registration date	09/07/2021	Foreign priority date	NONE
Word mark	HEYDAY		
Design mark			
Description of mark	NONE		
Goods/services	Class 016. First use: First Use: Aug 2020 First Use In Commerce: Aug 2020 Stylus pen		

U.S. registration no.	6486484	Application date	10/06/2017
Register	Principal		
Registration date	09/14/2021	Foreign priority date	NONE

Word mark	HEYDAY
Design mark	
Description of mark	NONE
Goods/services	Class 009. First use: First Use: Dec 20, 2020 First Use In Commerce: Dec 20, 2020 Protective cases for audio equipment in the nature of speakers and head-phones; devices for hand-free use of mobile phones; armbands specially adapted for personal electronic devices, namely, mobile phones, MP3 players; flash drives

U.S. registration no.	6925120	Application date	11/02/2017
Register	Principal		
Registration date	12/13/2022	Foreign priority date	NONE
Word mark	HEYDAY		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Mar 21, 2021 First Use In Commerce: Mar 21, 2021 Computer mice and computer mouse pads; computer keyboards; record players; microphones; power strips, extension cords; cell phone lenses, clips and stands for use with smartphone cameras; USB wall chargers		

Attachments	87636094#TMSN.png( bytes ) Notice of Opposition to US Ser No 97100472.pdf(132226 bytes )
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Signature	/JRSteffen/
Name	JAMES R. STEFFEN
Date	01/04/2023

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

In the Matter of Serial No.: 97100472

For the Mark: HEEDOY

Filed: October 29, 2021

Published: September 6, 2022

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TARGET BRANDS, INC.,	)	
	)	Opposition No. _____
Opposer,	)	
	)	
v.	)	<b><u>NOTICE OF OPPOSITION</u></b>
	)	
WEIHAO ZHOU,	)	
	)	
Applicant.	)	
_____	)	

Opposer Target Brands, Inc. (“TBI”) is a Minnesota corporation having its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403.

TBI believes that it will be damaged by registration of the mark in Trademark Application Serial No. 97100472 (the “Subject Application”), and hereby opposes the same.

As grounds of this opposition, it is alleged that:

1. TBI is a wholly-owned subsidiary of Target Corporation (“Target”).
2. Target operates, among other things, a chain of retail department stores, now numbering more than 1,900 stores across the country. Target’s stores offer, and long have offered, retail department store services offering a wide variety of consumer goods and services,

including electronic goods and related accessories. Target also offers online retail department store services at [www.target.com](http://www.target.com).

3. TBI is the owner of the following U.S. registrations for the HEYDAY mark:

<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Goods</b>
HEYDAY	5852869	9/3/2019	Class 9: Cases and covers for covering and protecting mobile phones, MP3 players, tablet computers, hand-held computing devices; sleeves for laptops and portable electronic devices; mobile phone cases featuring rechargeable batteries; batteries and battery chargers; headsets for mobile phones; cell phone battery chargers; wireless speakers; audio speakers; earphones and headphones; USB cables; smartwatch straps and bands for use with smartwatches
HEYDAY	6380569	6/8/2021	Class 14: Watch bands and straps Class 26: Charms for cell phones, backpacks, purses and wallets
HEYDAY	6479241	9/7/2021	Class 16: Stylus pen
HEYDAY	6486484	9/14/2021	Class 9: Protective cases for audio equipment in the nature of speakers and headphones; devices for hand-free use of mobile phones; armbands specially adapted for personal electronic devices, namely, mobile phones, MP3 players; flash drives
HEYDAY	6925120	12/13/2022	Class 9: Computer mice and computer mouse pads; computer keyboards; record players; microphones; power strips, extension cords; cell phone lenses, clips and stands for use with smartphone cameras; USB wall chargers

4. Since at least as early as June of 2018, Target has made use of its HEYDAY mark in connection with a variety of electronic goods and related accessories.

5. TBI licenses its HEYDAY marks for use by Target.

6. Upon information and belief, the Applicant, Weihao Zhou, is an individual of China with an address of No.7, Qianxi Middle Lane, Wudun Vil., Shuiyuan Town, Jian'ou,Fujian CHINA 353100.

7. On October 29, 2021, Applicant filed the Subject Application, a use-based application, to register the mark HEEDOY for use with “*Bags specially adapted for protective helmets; Computer interface boards; Digital media hubs; Digital media receivers; Electronic LED signs; Lighting panel control boards; Optical inspection apparatus for inspection of semiconductor materials, namely, semiconductor wafers, reticles, and photomasks; Pressure transmitters; Temperature meters not for medical use; Temperature transmitters*” in Int. Class 9, claiming a first use date of July 29, 2021.

8. Through its counsel, TBI caused a letter of inquiry to be sent to Applicant’s representative on October 20, 2022, November 29, 2022, and December 27, 2022. TBI did not receive a response from Applicant or Applicant’s representative to any of these letters of inquiry.

9. TBI’s above-referenced registrations for HEYDAY were all filed prior to the filing of the Subject Application. TBI’s use of the mark HEYDAY occurred prior to the filing of the Subject Application. Upon information and belief, TBI’s rights in HEYDAY have priority over any rights Applicant can claim in HEEDOY.

10. The goods listed in TBI’s above-referenced registrations and the goods claimed in the Subject Application overlap and are closely related.

11. The HEEDOY mark claimed in the Subject Application so resembles TBI’s HEYDAY mark, especially with regard to phonetic expression, syllable count, letter count, and the presence of the same consonants at the beginning of each syllable, namely “H” and “D”, and at the end of the word, namely “Y”, as to be likely, when used in connection with the goods identified in the Subject Application, to cause confusion, to cause mistake, and/or to deceive.

12. The mark in the Subject Application cannot be registered consistent with Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

**WHEREFORE**, TBI believes that it would be damaged by registration of the mark shown in the Subject Application, prays that Application No. 97100472 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of TBI.

The requisite filing fee of \$600.00 is submitted herewith. If the amount submitted is determined to be incorrect, the Commissioner may charge any additional fees, or credit any excess payment, to Deposit Account No. 06-0029.

Dated: January 4, 2023

**FAEGRE DRINKER BIDDLE & REATH LLP**

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