

ESTTA Tracking number: **ESTTA1313763**
Filing date: **10/03/2023**

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	Sonder Global LLC
Granted to date of previous extension	10/04/2023
Address	1523 N. MCCADDEN PLACE #511 LOS ANGELES, CA 90028 UNITED STATES
Attorney information	MARLENE J. WILLIAMS BUCHALTER, A PROFESSIONAL CORPORATION 425 MARKET STREET, SUITE 2900 SAN FRANCISCO, CA 94105 UNITED STATES Primary email: marlene.williams@buchalter.com Secondary email(s): ipdocket@buchalter.com, ibelogortseva@buchalter.com 4152270900
Docket no.	S5241-0004

Applicant information

Application no.	97498546	Publication date	06/06/2023
Opposition filing date	10/03/2023	Opposition period ends	10/04/2023
Applicant	Moore, Brian D 356 ONEAWA STREET KAILUA, HI 96734 UNITED STATES		

Goods/services affected by opposition

Class 009. First Use: Feb 1, 2021 First Use In Commerce: Jun 1, 2021
All goods and services in the class are opposed, namely: Sunglasses; Cases for spectacles and sunglasses; Frames for spectacles and sunglasses; Spectacles and sunglasses

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Section 1(a) and (c)

Marks cited by opposer as basis for opposition

U.S. registration no.	5817326	Application date	05/25/2018
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Register	Principal		
Registration date	07/30/2019	Foreign priority date	NONE
Word mark	SONDER		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Aug 22, 2016 First Use In Commerce: Aug 22, 2016 Musical recordings Class 041. First use: First Use: Aug 22, 2016 First Use In Commerce: Aug 22, 2016 Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable		

U.S. registration no.	5817401	Application date	05/29/2018
Register	Principal		
Registration date	07/30/2019	Foreign priority date	NONE
Word mark	SONDER		
Design mark			
Description of mark	The mark consists of the word "SONDER" in a stylized font.		
Goods/services	Class 009. First use: First Use: Jan 27, 2017 First Use In Commerce: Jan 27, 2017 Musical recordings Class 041. First use: First Use: Jan 27, 2017 First Use In Commerce: Jan 27, 2017 Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	SONDER		
Goods/services	providing online, not downloadable videos; clothing; headwear; graphic prints; on-line retail store services featuring clothing, headwear, and graphic prints		

Attachments	2023-10-03 Notice of Opposition SONDER.pdf(601209 bytes)
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Signature	/mjw/
Name	MARLENE J. WILLIAMS
Date	10/03/2023

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

Sonder Global, LLC,

Opposer,

- vs -

Brian D. Moore

Applicant.

Opposition No. _____

Serial No. 97498546

Mark: SONDER

NOTICE OF OPPOSITION

Opposer Sonder Global, LLC hereby opposes the above-identified application alleging as follows:

1. Opposer is a limited liability company organized under the laws of Delaware, having an address of 1523 N. McCadden Place #511, Los Angeles, California, 90028.

2. Applicant Brian D. Moore is an individual U.S. citizen with an address of record of 356 Oneawa Street, Kailua, Hawaii 96734.

3. Opposer's SONDER mark ("Opposer's Mark") is used in connection with musical recordings, entertainment services in the field of music, providing online, not downloadable music and videos, clothing, headwear, graphic prints, and on-line retail store services featuring clothing, headwear, and graphic prints ("Opposer's Goods and Services"). Opposer's Mark was first used in commerce in connection with musical recordings, live musical performances, and on-line music and videos at least as early as January 27, 2017 and has been used continuously since. Opposer's music is available for streaming on Spotify, where at the time of this filing it is listed as having over 5.8 million monthly listeners, and on other established streaming services, as well as for

download on Amazon and other established music download services. Opposer's Mark was first used in connection with apparel and the on-line retail thereof at least as early as April 19, 2017 and has been used continuously since. Opposer sells its clothing online at <https://sonder.store/>, where goods are periodically released and quickly sell out.

4. Since use began, Opposer has expended significant resources in advertising and promoting Opposer's Goods and Services under the SONDER mark and has acquired significant goodwill and common law rights as a result. Through its marketing efforts and its long and continuous use, Opposer's Mark has become distinctive and well-known in connection with Opposer's Goods and Services.

5. Opposer is the owner of the following registrations for Opposer's Mark (collectively "Opposer's Registrations").

- a. Reg. No. 5817326 for SONDER for "Musical recordings," in Class 9 and "Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable," in Class 41. The registration issued July 30, 2019.
- b. Reg. No. 5817401 for SONDER (Stylized) for "Musical recordings," in Class 9 and "Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable," in Class 41. The registration issued July 30, 2019.

Copies of the certificates and TSDR records are attached hereto as Exhibit A.

6. Applicant seeks to register SONDER ("Applicant's Mark"), in Application Serial No. 97498546 for "Sunglasses; Cases for spectacles and sunglasses; Frames for spectacles and sunglasses; Spectacles and sunglasses," in Class 9 (the "Application"). The Application was filed based on a claim of first use as of February 1, 2021 and first use in Commerce as of June 1, 2021.

7. Applicant's Mark is identical to Opposer's Mark.

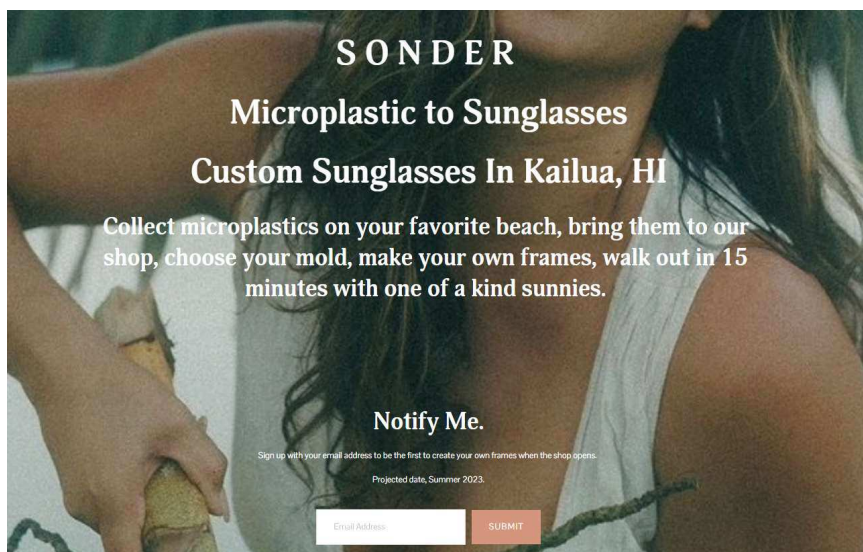
8. Applicant seeks to register Applicant's Mark for goods that are closely related Opposer's Goods and Services.

9. Opposer has clear priority in its mark by virtue of earlier commercial use and registration.

10. Applicant's Mark so resembles Opposer's Mark that, when used in connection with Applicant's goods, it is likely to cause confusion, or cause mistake, or to deceive. Lanham Act Section 2(d), 15 U.S.C. § 1052(d).

11. Opposer requests that registration be refused on the grounds of priority and likelihood of confusion under Lanham Act Section 2(d), 15 U.S.C. § 1052(d).

12. On information and belief, Applicant's mark was not used as of the filing date of the Application, which was filed based on Section 1(a). Indeed, on information and belief, Applicant's Mark is not currently in use and has never been used. Opposer bases these allegations on the statement on what appears to be Applicant's website at <https://www.outtoseevision.com/custom-sunglasses-kailua-hi> regarding the SONDER mark, which states "Notify Me. Sign up with your email address to be the first to create your own frames when the shop opens," as shown below:



13. Opposer requests that registration be refused for failure to use the mark in commerce at the time of filing as required by Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a).

14. Opposer believes that it will be damaged by registration of the Applicant's mark.

WHEREFORE, Opposer prays that the Application be refused registration.

The required filing fee is submitted herewith.

Respectfully submitted,

Dated: October 3, 2023

By /mjw/
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Attorneys for Sonder Global LLC

EXHIBIT A

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Mark: SONDER

SONDER

US Serial Number: 87935948

Application Filing Date: May 25, 2018

US Registration Number: 5817326

Registration Date: Jul. 30, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 30, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: SONDER

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

Related Properties Information

International Registration Number: 1594763

International Application(s) / Registration(s) Based on this Property: A0106661/1594763

Goods and Services

Note:

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- 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: Musical recordings

International Class(es): 009 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 22, 2016

Use in Commerce: Aug. 22, 2016

For: Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 22, 2016

Use in Commerce: Aug. 22, 2016

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Sonder Global LLC

Owner Address: 1523 N. McCadden Place #511
Los Angeles, CALIFORNIA UNITED STATES 90028

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marlene J. Williams

Docket Number: S5241-5003

Attorney Primary Email Address: marlene.williams@buchalter.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Marlene J. Williams
Buchalter, A Professional Corporation
425 Market Street, Suite 2900
San Francisco, CALIFORNIA UNITED STATES 94105

Phone: 415-227-0900

Correspondent e-mail: marlene.williams@buchalter.com ipdocket@buchalter.com ibelogortseva@buchalter.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 12, 2022	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 12, 2022	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 12, 2022	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 13, 2021	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
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Jul. 30, 2019	REGISTERED-PRINCIPAL REGISTER	
May 14, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
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Sep. 17, 2018	NON-FINAL ACTION E-MAILED	6325
Sep. 17, 2018	NON-FINAL ACTION WRITTEN	87033
Sep. 17, 2018	ASSIGNED TO EXAMINER	87033
Jun. 02, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
May 29, 2018	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jul. 30, 2019

United States of America

United States Patent and Trademark Office

SONDER

Reg. No. 5,817,326

Registered Jul. 30, 2019

Int. Cl.: 9, 41

Service Mark

Trademark

Principal Register

Sonder Global LLC (DELAWARE LIMITED LIABILITY COMPANY)
C/o Nixon Peabody, Attn: Carron Mitchell
300 South Grand Avenue, Suite 4100
Los Angeles, CALIFORNIA 90071

CLASS 9: Musical recordings

FIRST USE 8-22-2016; IN COMMERCE 8-22-2016

CLASS 41: Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable

FIRST USE 8-22-2016; IN COMMERCE 8-22-2016

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

SER. NO. 87-935,948, FILED 05-25-2018



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>.

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Mark: SONDER

SONDER

US Serial Number: 87940422

Application Filing Date: May 29, 2018

US Registration Number: 5817401

Registration Date: Jul. 30, 2019

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark, Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jul. 30, 2019

Publication Date: May 14, 2019

Mark Information

Mark Literal Elements: SONDER

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the word "SONDER" in a stylized font.

Color(s) Claimed: Color is not claimed as a feature of the 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: Musical recordings

International Class(es): 009 - Primary Class

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

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Basis: 1(a)

First Use: Jan. 27, 2017

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For: Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

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First Use: Jan. 27, 2017

Use in Commerce: Jan. 27, 2017

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Sonder Global LLC

Owner Address: 1523 N. McCadden Place #511
Los Angeles, CALIFORNIA UNITED STATES 90028

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Marlene J. Williams

Docket Number: S5241-5005

Attorney Primary Email Address: marlene.williams@buchalter.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Marlene J. Williams
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San Francisco, CALIFORNIA UNITED STATES 94105

Phone: 415-227-0900

Correspondent e-mail: marlene.williams@buchalter.com ipdocket@buchalter.com alter.com ibelogortseva@buchalter.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

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TM Staff Information - None

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SONDER

Reg. No. 5,817,401

Registered Jul. 30, 2019

Int. Cl.: 9, 41

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Trademark

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FIRST USE 1-27-2017; IN COMMERCE 1-27-2017

CLASS 41: Entertainment services in the nature of live musical performances; Providing on-line music, not downloadable

FIRST USE 1-27-2017; IN COMMERCE 1-27-2017

The mark consists of the word "SONDER" in a stylized font.

SER. NO. 87-940,422, FILED 05-29-2018



Andrei Iancu

Director of the United States
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What and When to File:

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