

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: QUEST USA CORP
Serial No.: 88/240,929
Filed: December 28, 2018
Mark: NEO
Examiner: Tracy Whittaker-Brown, Law Office 111

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

RESPONSE TO OFFICE ACTION

Dear Examiner Whittaker-Brown:

In response to Examiner's Office Action dated March 21, 2019, please note the following.

1. THE 2(d) LIKELIHOOD OF CONFUSION REJECTION

The Applicant has applied for registration of NEO in Int. Cl. 9 in respect of "*Carrying cases specially adapted* for electronic equipment, namely, a *combination phone case and wallet*; Cell phone cases".

The Examiner has rejected the present NEO application on two prior U.S. Registration Nos. 4551032 for NEO HYBRID, and 4924569 for N.E.O., respectively.

The cited Registration No. 4551032 for NEO HYBRID has been registered in Int. Cl. 9 in respect of the following goods: "*Protective cases* for smartphones; *Protective covers and cases* for cell phones, laptops and portable media players".

The cited Registration No. 4924569 for N.E.O. has been registered in Int. Cl. 9 in respect of the following goods: "Head-mounted video displays; Head-up displays for use in general *aviation aircraft*, namely, transparent electronic displays for providing aircraft crew members with navigational and operational information; Head-up displays for use in *military and commercial aircraft*, namely, fixed and helmet mounted transparent electronic displays for providing aircraft crew members with navigational and operational information; Optical devices, namely, eye pieces for helmet mounted displays; Retinal imaging display device, namely, a device using image projection technology that focuses light onto the retina to create afterimages for the user; Transparent electronic displays fixed at head-level or head-down positions for use in *military and commercial aircraft* for providing aircraft crew members with navigational and operational information; Computer eye wear; Immersive imager eye wear; 3D eye glasses; Mobile telephones; Wearable computers; Wireless video display in the nature of video displays mounted in eye glasses, video displays that may be worn on the body for devices including television receivers, mobile phones, smart phones, tablet computers DVD players and desktop computers" – a list of goods that are entirely different than the goods in the applied for mark NEO.

The Examiner's arguments with respect to alleged likelihood of confusion are unpersuasive, and therefore, the 2(d) objections must be withdrawn for the following reasons.

NEO HYBRID

NEO HYBRID is different visually, phonetically and conceptually from the applied for NEO mark. NEO HYBRID also creates a different commercial impression to that of NEO.

The NEO HYBRID registration is registered in respect of "**protective**" cases for cell phones. The goods in the NEO application are different to those in the NEO HYBRID registration, i.e., they are "**carrying**" cases, not protective cases, or, namely, "*Carrying cases specially adapted for electronic equipment, namely, a combination phone case and wallet.*" Furthermore, it appears that Applicant's goods are unique and specific goods, i.e., a combination phone case and wallet, and not merely protective cases.

As is shown in the attached Exhibit A, carrying cases are different goods to protective cases. Protective cases are thin plastic shells or covers that are either snapped on the back of a cell phone, or are transparent screen covers that are placed over the front glass of a smartphone. Carrying cases are more like pouches or bags for carrying phones in them. In the present case, the goods in the application are actually more complex kind of goods – they are a combination pouch that represents at the same time a phone case and a wallet, which is very different from protective cases for smartphones. See also attached Exhibit B.

N.E.O.

N.E.O. is different visually, phonetically and conceptually from the applied for NEO mark. The N.E.O. mark, due to the location of to the dots after every letter that make it apparent that the mark is pronounced letter by letter, with each letter being pronounced separately, as an acronym, e.g., "EN-EEH-OW", and not NEO as one word. N.E.O. also creates a different commercial impression to that of NEO.

The N.E.O. registration is registered in respect of goods that are so different from the goods in the current NEO application, that any potential confusion in the minds of consumers as to the source of the respective goods is highly unlikely. The goods in N.E.O. registration are video displays for use in *military and commercial aircraft*, which are obviously goods as far removed from the Applicant's carrying cases for phones, or combination carrying cases and wallets.

Another element of the DuPont likelihood of confusion test, besides the phonetic, visual, and conceptual similarities or differences, and differences in commercial impression, are the channels of commerce and the intended consumers. The respective goods travel in different streams of commerce: the purchasers of N.E.O.-branded video displays for use in military and commercial aircraft are the Military, or to be more precise, the Air Force, and military and civilian plane manufacturers. The end consumer of the Applicant are regular individual customers like you and I who want to purchase a carrying case for their phones. They are not the Air Force or plane manufacturers. Thus, any confusion is unlikely.

The overall meaning of the cited marks and the applied for mark are different.

According to the website www.dictionary.com, "neo" is a Greek word that means "new":

neo-

a combining form meaning “new,” “recent,” “revived,” “modified,” used in the formation of compound words: *neo-Darwinism*; *Neolithic*; *neoorthodoxy*; *neophyte*. *Chemistry*. a combining form used in the names of isomers having a carbon atom attached to four carbon atoms: *neoparsphenamine*.

Also especially before a vowel, [ne-](#).

ORIGIN OF NEO-

< Greek, combining form of *néos*; akin to [new](#)

Dictionary.com Unabridged Based on the Random House Unabridged Dictionary, © Random House, Inc. 2019

EXAMPLES FROM THE WEB FOR NEO

- Now she just wants the *neo* homeless to get back under a roof before they become acclimated to destitution.

[A DICKENSIAN CHRISTMAS FOR GREECE'S NEW POOR](#)|BARBIE LATZA NADEAU|DECEMBER 22, 2013|DAILY BEAST

- No word yet if her on-again-off again boyfriend, Justin Bieber (who is also an *NEO* ambassador) will be at the show as well.

[ANNA WINTOUR'S BOYFRIEND IN HOT WATER WITH IRS, JUICY COUTURE FOUNDERS INK BOOK DEAL](#)|THE FASHION BEAST TEAM|JANUARY 29, 2013|DAILY BEAST

- That last night, Anton proudly showed me a picture of *Neo*, then 7, just before he Skyped with Penny and the kids.

[A CHRISTIE'S BENEFIT FOR SLAIN PHOTOJOURNALIST ANTON HAMMERL'S FAMILY](#)|JAMES FOLEY|MAY 13, 2012|DAILY BEAST

- Hypatia started, as at a new thought, and confessed—as every *Neo*—Platonist would have done—that she had never done so.

[HYPATIA](#)|CHARLES KINGSLEY

While the applied for mark NEO may be suggestive of “new”, or “near-earth object”, the cited mark N.E.O. is an acronym and it does not mean “new”. It is unclear what acronym N.E.O. stands for. Similarly, NEO HYBRID does not mean “new”. It means “new hybrid” – a notion very different from just “new”.

Additionally, the USPTO has allowed for registration a similar, NEO-containing mark by the same Applicant, Quest USA Corp., on the Principal Register, i.e., NEOHOLDER, Ser. No. 87/556,229 (see details below and attached). If the USPTO has not found any likelihood of confusion between NEOHOLDER and N.E.O and NEO HYBRID, respectively, then the USPTO must necessarily allow NEO for publication as well.

NEOHOLDER

| | |
|------------------------------------|---|
| Word Mark | NEOHOLDER |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Carrying cases specially adapted for electronic equipment, namely, a combination phone case and wallet; Cell phone cases |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87556229 |
| Filing Date | August 4, 2017 |
| Current Basis | 1B |
| Original Filing Basis | 1B |
| Published for Opposition | November 21, 2017 |
| Owner | (APPLICANT) QUEST USA CORP CORPORATION NEW YORK 495 FLATBUSH AVE Brooklyn NEW YORK 11225 |
| Attorney of Record | Michael J. Feigin, Esq. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

The Anti-Dissection Rule

Furthermore, the Examiner has improperly dissected the cited NEO HYBRID mark into separate parts, in contravention of established precedents that hold that no splitting of trademarks into parts is allowed, and cited erroneously therefore the NEO HYBRID mark, just because it contains the NEO part.

Under the traditional Anti-Dissection Rule, any comparison of marks for §2(d) purposes is generally performed by viewing the marks “as a whole.” See e.g., *Jet Inc. v. Sewage Aeration Systems*, 165 F.3d 419, 423 (6th Cir. 1999); see also, *Midwest Guaranty Bank v. Guaranty Bank*, 270 F.Supp. 2d 900, 911 (E.D. Mich. 2003); *Electropix v. Liberty Livewire*, 178 F.Supp. 2d 1125, 1131 (CDCA 2001).

Here, similarly, the Examiner must treat the cited NEO HYBRID registration as one whole mark which it is, and not split it into two parts, impermissibly, in contravention of the above Anti-Dissection Rule holdings.

Third Party Registrations of NEO on the USPTO Principal Register

The third party citations, i.e., trademark registrations and applications, listed below, of the common element NEO and variations thereof in Class 9, some of which contain goods that are similar to those of the Applicant, are evidence that confusion is unlikely as between the Applicant's mark and the cited registrations.

The Board has, in numerous decisions, given weight to credible and probative evidence of widespread, significant and unrestrained use by third parties of marks containing elements in common with the marks subject of oppositions based on likelihood of confusion, to demonstrate that confusion is not, in fact, likely. The justification for this kind of evidence is the belief that the presence of common elements in marks extensively used by persons and firms unrelated as to source, may cause purchasers to not rely upon such elements as source indicators but to look to other elements as a means of distinguishing the source of the goods. *E.g.*, *Fortunoff Silver Sales, Inc. v. Norman Press, Inc.*, [225 USPQ 863, 867-69](#) (TTAB 1985) [Third-party uses of "source" significant in determining that NORMAN PRESS THE JEWELER'S SOURCE not likely to be confused with FORTUNOFF THE SOURCE and SOURCE]; *Con-Stan Industries, Inc. v. Nutri-System Weight Loss Medical Centers of America, Inc.*, [212 USPQ 953, 955-57](#) (TTAB 1981) [Common use of "nutri" as a feature of dietary supplements and vitamin products persuasive in holding NUTRI/SYSTEM & Des. not likely to be confused with NUTRI-SCIENCE for vitamin food supplements.] The doctrine has ample support in decisions by the courts in civil actions involving the same issue. *E.g.*, *Carter-Wallace, Inc. v. Procter & Gamble Co.*, [434 F.2d 794, 167 USPQ 713](#) (9th Cir. 1970) [Third-party uses of "sure" significant in affirming lower court holding that USE ARRID TO BE SURE and SURE for deodorant products were not likely to be confused].

Also, as held in *General Mills Inc. v. Health Valley Foods*, 24 USPQ2d 1270 (TTAB 1992), the extend of third party use suggests that the consuming public can readily distinguish one NEO and variations thereof mark from another:

We reiterate that an important factor in our analysis is the evidence of widespread use of the term "fiber" in connection with cereals and other food products. This evidence suggests that consumers have become so conditioned by the large number of FIBER marks for food products that customers are accustomed to distinguishing between different FIBER marks, even on the basis of small differences. See, e.g.: *Standard Brands, Inc. v. RJR Foods, Inc.*, [192 USPQ 383](#) (TTAB 1976).

Furthermore, third party marks are good evidence to show why a mark has been adopted. In that regard, see *Shoe Corp. of America v. Juvenile Shoe Corp.*, 121 USPQ 510 (CCPA 1959) wherein the Court of Customs and Patent Appeals held:

We regard the registrations only as evidence that five other concerns have considered five other marks, each of which contains “Lazy” as its initial word, to be appropriate as trademarks for shoes.

The Registration of five such marks scarcely be attributed to mere coincidence, but affords definite evidence that the word “Lazy” has a suggestive significance as applied to shoes and hence would be taken primarily as describing or suggesting some quality of shoes rather than as pointing to their origin.

In Shoe Corp., case, five third party registrations were considered sufficient to render LAZY “weak” so as to limit the scope of protection.

In Royal Petroleum Corporation v. River States Oil Company v. Union Oil Company of California, 136 USPQ 79 (TTAB 1962) the Board specifically held that “it has been consistently held that trademarks will not ordinarily be held confusingly similar because each of them includes a word of that type” (suggestive as opposed to arbitrary). As a result, the Board allowed

- (1) Applicant Petroleum a registration for ROYAL for gasoline;
- (2) Applicant Union a registration for ROYAL 76 for gasoline;
- (3) Applicant River a registration for ROYAL with a background “RS” for gasolines;
- (4) Applicant River a registration for ROYAL LUBE for lubricating oil.

The Applicant’s mark and the 2(d) cited marks are different in look, sound and meaning. To the extent there are any similarity that has to do with the use of weak suggestive/laudatory nature of NEO, which means “new” in Greek.

As held by the Board in Bost Bakery v. Roland Industries, Inc., 216 USPQ 799 (TTAB 1982) at page 891:

Moreover, the principle that similarity between the marks in meaning or commercial significance alone may be sufficient to create a likelihood of confusion is applicable primarily to situations where marks are coined or arbitrary rather than highly suggestive in cast. Penn Dairies, Inc. v. Pennsylvania Agricultural Cooperative Marketing Assn., 200 USPQ 462 (TTAB 1978) (“PENN BEST” and “PENSURPREME” held not confusing for, among other things, soft drinks); In re Haddock, 181 USPQ 796 (TTAB 1974) (“MINI-BASS” and “LIL’ BASS” held not confusing for fish lures); Sure-Fit Products, Co. v. Saltzson Drapery Co., 117 USPQ 295 (CCPA 1958) “RITE-FIT” and “SURE-FIT” held not confusing for slip covers).

As explained in Sure-Fit Products Co. v. Saltzson Drapery Co., 117 USPQ 295, 297 (CCPA 1958) :

It seems both logical and obvious to us that where a party chooses a trademark which is inherently weak, he will not enjoy the wide latitude of protection afforded the owners of strong trademarks. Where a party uses a weak mark, his competitors may come closer to his mark than would be the case with a strong mark without violating his rights. The essence of all we have said is that in the former case there is not the possibility of confusion that exists in the latter case.

Applicant is seeking to register a variation of the weak and widely used terms for which there are numerous similar registrations by third parties, all of which co-exist without any confusion, as is evidenced by such numerous registrations and applications.

In comparing the Applicant's Mark to the cited marks, the Examiner stated the §2(d) analysis regarding "likelihood of confusion" would rely on the *DuPont* infringement factors. See, e.g., *In re E.I. Du Pont de Nemours & Co.*, 476 F.2d 1357 (C.C.P.A. 1973). These factors include, *inter alia*, "appearance, sound, connotation, and commercial impression" as well as a comparison of the goods.

However, after citing to *Du Pont*, the Examiner then used a one-part analysis to reach a broad conclusion that the Applicant's Mark and is too similar to the Cited Mark, and that the services are also similar. Based upon a multiplicity of differences overlooked by this analysis, Applicant respectfully submits that there are substantive differences that overcome any alleged "likelihood of confusion." The Applicant's NEO mark should therefore be allowed to proceed to registration upon the Principal Register.

The approach of the Examining Attorney focusing on NEO and ignoring NEO HYBRID as a whole constitutes dissection of the marks, clearly an improper basis for determining whether confusion is or is not likely to occur. *Rockwood Chocolate Co. v. Hoffman Candy Co.* [372 F.2d 552](#), [152 USPQ 599](#) (CCPA 1967); *Morrison Milling Co. v. General Mills, Inc.*, [436 F.2d 1050](#), [168 USPQ 591](#) (CCPA 1971). Viewed in their entireties, the marks are readily distinguishable from the standpoint of their appearance, their sound and their meaning, particularly when considering the differences in the goods as amended.

As discussed by Professor McCarthy:

[M]arks must be compared in their entireties. A mark should not be dissected or split up into its component parts and each part then compared with corresponding parts of the conflicting mark to determine the likelihood of confusion. It is the impression that the mark as a whole creates on the average reasonably prudent buyer and not the parts thereof, that is important. As the Supreme Court observed: "The commercial impression of a trademark is derived from it as a whole, not from its elements separated and considered in detail. For this reason it should be considered in its entirety."

3 J. Thomas McCarthy, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 23:41, at 23-89 (4th ed. 1999) (hereinafter “MCCARTHY”) (quoting Estate of P.D. Beckwith, Inc. v. Commissioner of Patents, 252 U.S. 538 (1920)). In comparing the marks at issue, the Trademark Examining Attorney is focusing on one word while Applicant’s mark consists of THREE words and Ser. Nos. 86294590 and 86295002 contain one word each. The fact that the marks contain the same word or a component is clearly not dispositive on the issue of likelihood of confusion. See General Mills, Inc. v. Kellogg Company, 824 F.2d 622, 627 (8th Cir. 1987) (“The use of identical, even dominant, words in common does not automatically mean that the two marks are similar...”); Consolidated Cigar Corporation v. R.J. Reynolds Tobacco Company, 181 U.S.P.Q. 44 (C.C.P.A. 1973) (no confusion between the marks DUTCH MASTERS for cigars and DUTCH APPLE for smoking tobacco); Colony Foods, Inc. v. Sagemark, Ltd., 735 F.2d 1336 (Fed. Cir. 1984) (no likelihood of confusion between the mark HUNGRY HOBO and the mark HOBO JOE’S for similar services). For this reason, Applicant submits that its mark BO CA PHE is sufficiently distinctive and differentiated from the cited marks.

The differences between the marks are sufficient to obviate any likelihood of confusion. In In re Haddock, 181 U.S.P.Q. 796 (T.T.A.B. 1974), the Board found no likelihood of confusion between the marks LIL’ BASS and MINI-BASS, both for fishing lures, and stated that “the prior use and registration of a highly suggestive term cannot serve to preclude the subsequent registration of a similarly suggestive but otherwise distinguishable notation or trademark for like or similar goods.” Id. at 796. As in Haddock, the parties here obviously adopted their respective marks to suggest certain characteristics of their respective goods. Accordingly, the readily apparent differences in the sound and appearance of these marks, notwithstanding the possible similarity between them in connotation, is enough to avoid a likelihood of confusion.

While the existence of third party registrations cannot, per se, justify the registration of another mark, third party registrations are of use to the Examining Attorney if they demonstrate that because there is a plethora of similar marks, customers “have been educated to distinguish between different [such] marks on the basis of minute distinctions.” 2 MCCARTHY §11:88 at 11-149, quoting Standard Brands, Inc. v. RJR Foods, Inc., 192 U.S.P.Q. 383 (T.T.A.B. 1976). Applicant submits that use of the term “BO” in conjunction with another term is common in the restaurant field, as evidenced by the cited registrations below.

As a result, Applicant’s Mark must be allowed for publication.

Comparing Marks That Contain Additional Matter:

Determining whether there is a likelihood of confusion requires careful consideration of the nature of the common elements of the marks at issue, as well as the overall commercial impression created by each mark.

Additions or deletions to marks may be sufficient to avoid a likelihood of confusion if: (1) the marks in their entireties convey significantly different commercial impressions; or (2) the matter common to the marks is not likely to be perceived by purchasers as distinguishing source because it is merely descriptive or diluted. *See, e.g., Citigroup Inc. v. Capital City Bank Group, Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011) (affirming TTAB's holding that contemporaneous use of applicant's CAPITAL CITY BANK marks for banking and financial services, and opposer's CITIBANK marks for banking and financial services, is not likely cause confusion, based, in part, on findings that the phrase "City Bank" is frequently used in the banking industry and that "CAPITAL" is the **dominant** element of applicant's marks, which gives the marks a geographic connotation as well as a look and sound distinct from opposer's marks); *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1245, 73 USPQ2d 1350, 1356-57 (Fed. Cir. 2004) (reversing TTAB's holding that contemporaneous use of THE RITZ KIDS for clothing items (including gloves) and RITZ for various kitchen textiles (including barbeque mitts) is likely to cause confusion, because, *inter alia*, THE RITZ KIDS creates a different commercial impression); *Safer, Inc. v. OMS Invs., Inc.*, 94 USPQ2d 1031, 1044-45 (TTAB 2010) (holding DEER-B-GON for animal repellant used to repel deer, other ruminant animals, and rabbits, and DEER AWAY and DEER AWAY PROFESSIONAL for repellant for repelling deer, other big game, and rabbits, not likely to cause confusion, noting that "DEER" is descriptive as applied to the relevant goods and thus has no source-indicating significance); *Bass Pro Trademarks, L.L.C. v. Sportsman's Warehouse, Inc.*, 89 USPQ2d 1844, 1857-58 (TTAB 2008) (finding that, although cancellation petitioner's and respondent's marks were similar by virtue of the shared descriptive wording "SPORTSMAN'S WAREHOUSE," this similarity was outweighed by differences in terms of sound, appearance, connotation, and commercial impression created by other matter and stylization in the respective marks); *In re Farm Fresh Catfish Co.*, 231 USPQ 495, 495-96 (TTAB 1986) (holding CATFISH BOBBERS (with "CATFISH" disclaimed) for fish, and BOBBER for restaurant services, not likely to cause confusion, because the word "BOBBER" has different connotation when used in connection with the respective goods and services); *In re Shawnee Milling Co.*, 225 USPQ 747, 749 (TTAB 1985) (holding GOLDEN CRUST for flour, and ADOLPH'S GOLD'N CRUST and design (with "GOLD'N CRUST" disclaimed) for coating and seasoning for food items, not likely to cause confusion, noting that, because "GOLDEN CRUST" and "GOLD'N CRUST" are highly suggestive as applied to the respective goods, the addition of "ADOLPH'S" is sufficient to distinguish the marks); *In re S.D. Fabrics, Inc.*, 223 USPQ 54, 55-56 (TTAB 1984) (holding DESIGNERS/FABRIC (stylized) for retail fabric store services, and DAN RIVER DESIGNER FABRICS and design for textile fabrics, not likely to cause confusion, noting that, because of the descriptive nature of "DESIGNERS/FABRIC" and "DESIGNER FABRICS," the addition of "DAN RIVER" is sufficient to avoid a likelihood of confusion); *see also* [TMEP §1207.01\(b\)\(viii\)](#).

DILUTION:

The mark NEO is diluted in Class 9.

There is a multitude of NEO trademarks on the USPTO Register that have been co-existing in Class 9 seemingly without confusion, so that no one single entity deserves a monopoly on the registration of NEO or variations of NEO marks in Class 9.

If all the other Class 9 NEO trademarks have been allowed to co-exist with the cited registrations for N.E.O and NEO HYBRID, then the current applied for mark NEO must also necessarily be allowed to co-exist with the two cited registrations for N.E.O and NEO HYBRID.

Because of dilution, all NEO-related marks deserve to co-exist on the Register in Class 9 with the rest of the similar NEO marks and marks that contain variants of NEO in combination with other words.

The registrations listed below contain goods in Class 9 that are just as unrelated to the goods in the current application, as the goods listed in cited N.E.O. registration (mainly video displays for civil and military aviation needs). The registrations listed below also contain goods in Class 9 that are equally unrelated to the goods listed in N.E.O. If all those NEO registrations in Class 9 listed below are allowed to co-exist with the cited N.E.O. registration, then so should the current NEO application.

Similarly, the registrations listed below are just as different to the cited NEO HYBRID trademark registration as the applied for NEO mark.

Thus, if the below marks have been allowed to co-exist with NEO HYBRID and N.E.O., then so should the current NEO mark.



| | |
|---------------------------|--|
| Word Mark | NEO |
| Translations | The wording "NEO" has no meaning in a foreign language. |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Blank smart cards; Calculating machines and data processing equipment; Camcorders; Computer cameras; Computer hardware and computer peripheral devices; Computer software development tools; Computer software for administration of computer networks; Electric navigational instruments; Electrical annunciators; Electrical plugs and sockets; Electrical transducer; Electrical and electronic burglar alarms; Electronic tags for goods; Fire alarms; Gas sensors for measuring gas concentration; Induction voltage regulators; Metal detectors; Radio transmitters and receivers for remote controls, radio controls; Smoke detectors; Sound alarms; Temperature sensors; Humidity sensor with integrated digital and analog output circuitry used in automotive, appliance and light industrial applications to sense both relative humidity and temperature environmental conditions. FIRST USE: 20160325. FIRST USE IN COMMERCE: 20160501 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 26.03.21 - Ovals that are completely or partially shaded 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); |

| | |
|---------------------------------|--|
| | Lines, horizontal |
| Serial Number | 87270947 |
| Filing Date | December 16, 2016 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | May 30, 2017 |
| Registration Number | 5264362 |
| Registration Date | August 15, 2017 |
| Owner | (REGISTRANT) Shenzhen NEO Electronic Co.,Ltd. limited company (ltd.) CHINA 6/F, Building 2 LaoBin Industry, TieZai Road, Xixiang, BaoAn Distrct Shenzhen CHINA |
| Description of Mark | Color is not claimed as a feature of the mark. The mark consists of the stylized wording "NEO", with a horizontal line across the top portion of the letters forming an oval inside the "O". |
| Type of Mark Register | TRADEMARK PRINCIPAL |
| Live/Dead Indicator | LIVE |

NEO

**Word Mark
Goods and Services**

NEO
IC 009. US 021 023 026 036 038. G & S: Computer hardware and software systems for cyber security automation, vulnerability scanning of computer networks, and monitoring, administration and management of network security. FIRST USE: 20140729. FIRST USE IN COMMERCE: 20160620

**Standard Characters
Claimed**

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

86371691

Filing Date

August 20, 2014

Current Basis

1A

Original Filing Basis

1A

Published for Opposition

July 14, 2015

Registration Number

5087090

Registration Date

November 22, 2016

Owner

(REGISTRANT) Kernel Inc. AKA Neo CORPORATION ARKANSAS
1446 S. Grand Baker Circle Aurora COLORADO 80018

Attorney of Record

Jamie Fugitt

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live/Dead Indicator

LIVE

**Word Mark
Goods and
Services**

NEO
IC 009. US 021 023 026 036 038. G & S: downloadable software in the nature of a mobile application with information about infant healthcare and medical and neonatal intensive care information for increased ability to manage infants' health in hospital and post discharge. FIRST USE: 20130601. FIRST USE IN COMMERCE: 20130601
IC 044. US 100 101. G & S: providing personalized healthcare services and health counseling from health coaches by telephone and global computer network for infants'

health in hospital and transition home post neonatal intensive care. FIRST USE: 20130601. FIRST USE IN COMMERCE: 20130601

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 86105616

Filing Date October 30, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition September 30, 2014

Registration Number 4874928

Registration Date December 22, 2015

Owner (REGISTRANT) Aetna, Inc. CORPORATION PENNSYLVANIA 980 Jolly Road Blue Bell PENNSYLVANIA 19422

Attorney of Record Roberta Jacobs-Meadway

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the capital letter "N", lower case "e" on its side and lower case "o".

Type of Mark Register TRADEMARK. SERVICE MARK

Live/Dead Indicator PRINCIPAL
LIVE



Word Mark NEO

Goods and Services IC 009. US 021 023 026 036 038. G & S: Apparatus for recording, transmission or reproduction of sound or images; data processors and computers; computer peripheral devices; computer hardware; computer programs for operating medical and surgical apparatus for general and endoscopic surgery; [blank magnetic data carriers;] optical apparatus and instruments, namely, charge-coupled device cameras; [cameras, microscopes;] remote control apparatus for medical and surgical apparatus for general and endoscopic surgery; downloadable electronic publications in the nature of catalogues, magazines, journals, brochures and informational flyers, letters and sheets in the field of medical technology; * none of the foregoing to include mobile phones, digital or electronic tablets, personal digital assistants (PDAS), portable and handheld electronic devices, or accessories or applications therefore, except for accessories and applications in the medical field *

IC 010. US 026 039 044. G & S: Surgical and medical apparatus for use in general and endoscopic surgery

IC 016. US 002 005 022 023 029 037 038 050. G & S: Printed matter, namely, catalogues, magazines, journals, brochures and informational flyers, letters and sheets in the field of medical technology; binders; printed teaching and instructional manuals in the field of medical technology; photographs

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.19.04 - Cubes (geometric)

Serial Number 79097584

Filing Date January 25, 2011

Current Basis 66A

Original 66A

Filing Basis Published for Opposition Change In Registration Number International Registration Number Registration Date Owner Attorney of Record Priority Date Description of Mark Type of Mark Register Affidavit Text Live/Dead Indicator

November 29, 2011
CHANGE IN REGISTRATION HAS OCCURRED
4173465
1077720
July 17, 2012
(REGISTRANT) KARL STORZ SE & Co. KG GmbH & Co. KG FED REP GERMANY
Dr.-Karl-Storz-Str. 34 78532 Tuttlingen FED REP GERMANY
A. Tally Eitan
July 30, 2010
Color is not claimed as a feature of the mark. The mark consists of cube with three visible sides, with the letter "N" on the top, "E" on the left side, and "O" on the right side.
TRADEMARK
PRINCIPAL
SECTION 71
LIVE

NEO

Word Mark Goods and Services

NEO
IC 009. US 021 023 026 036 038. G & S: Computer software for generating typeface designs and ornamental designs.
FIRST USE: 20040426. FIRST USE IN COMMERCE: 20040426

Standard Characters Claimed Mark Drawing Code Serial Number Filing Date Current Basis Original Filing Basis Published for Opposition Registration Number International Registration Number Registration Date Owner

(4) STANDARD CHARACTER MARK
78622907
May 4, 2005
1A
1A
January 24, 2006
3082699
0938325
April 18, 2006
(REGISTRANT) Monotype Imaging, Inc. CORPORATION
DELAWARE 500 Unicorn Park Drive Woburn
MASSACHUSETTS 01801
(LAST LISTED OWNER) MONOTYPE IMAGING INC.
CORPORATION DELAWARE 600 UNICORN PARK DRIVE
WOBURN MASSACHUSETTS 01801
ASSIGNMENT RECORDED
Debra S. Serota
TRADEMARK
PRINCIPAL
SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20160627.
1ST RENEWAL 20160627
LIVE

Assignment Recorded Attorney of Record Type of Mark Register Affidavit Text Renewal Live/Dead Indicator

NEO

Word Mark NEO
Goods and Services IC 009. US 021 023 026 036 038. G & S: COMPUTER DATA STORAGE SYSTEMS COMPRISING DATA BACKUP AND STORAGE TAPES, TAPE DRIVES, TAPE LOADERS AND TAPE LIBRARIES, EXCLUDING POSTAL, MAILING OR SORTING MACHINES. FIRST USE: 20001129. FIRST USE IN COMMERCE: 20010124

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 78834884
Filing Date March 10, 2006
Current Basis 1A
Original Filing Basis 1B
Published for Opposition August 22, 2006
Registration Number 3446775
Registration Date June 10, 2008
Owner (REGISTRANT) Overland Storage, Inc. CORPORATION CALIFORNIA 9112 Spectrum Center Boulevard San Diego CALIFORNIA 921231599
Attorney of Record Jeffrey L. Van Hoosear
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180620.
Renewal 1ST RENEWAL 20180620
Live/Dead Indicator LIVE

NEO

Word Mark NEO
Goods and Services IC 009. US 021 023 026 036 038. G & S: INSTRUMENTS USED IN BLOOD BANK LABORATORIES FOR TESTING PARAMETERS USEFUL IN HUMAN BLOOD TRANSFUSIONS, NAMELY, BLOOD GROUP TYPING APPARATUS. FIRST USE: 20090830. FIRST USE IN COMMERCE: 20090830

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code LETTER-3-OR-MORE NEO Combination of three or more letters as part of the mark
SHAPES-MISC Miscellaneous shaped designs
Serial Number 77789251
Filing Date July 24, 2009
Current Basis 1A
Original Filing Basis 1B
Published for Opposition January 12, 2010
Registration Number 3874521
Registration Date November 9, 2010
Owner (REGISTRANT) IMMUCOR, INC. CORPORATION GEORGIA 3130 GATEWAY DRIVE NORCROSS GEORGIA 30071
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Andrea F. Sellers
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator

LIVE

NEO

**Word Mark
Goods and Services**

NEO
IC 009. US 021 023 026 036 038. G & S: Sporting goods, namely, a handheld electronic device to provide players with course information and display distances from the golfer to features of interest on a golf course. FIRST USE: 20071204. FIRST USE IN COMMERCE: 20071204

**Standard Characters
Claimed**

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Serial Number

77347087

Filing Date

December 7, 2007

Current Basis

1A

Original Filing Basis

1B

Published for Opposition

May 13, 2008

Registration Number

3627996

Registration Date

May 26, 2009

Owner

(REGISTRANT) L1 Technologies, Inc. CORPORATION CALIFORNIA
591 Camino de la Reina, Suite 200 Attn: Mr. Dana Robinson San Diego
CALIFORNIA 921083102
(LAST LISTED OWNER) BUSHNELL, INC. CORPORATION DELAWARE
9200 CODY OVERLAND PARK KANSAS 66214

Assignment Recorded

ASSIGNMENT RECORDED

Attorney of Record

Joseph V. Myers III

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20181217.

Renewal

1ST RENEWAL 20181217

Live/Dead Indicator

LIVE



**Word Mark
Goods and
Services**

NEO
IC 009. US 021 023 026 036 038. G & S: TELEVISION, VIDEO AND AUDIO SIGNAL PROCESSING, SWITCHING AND GENERATING EQUIPMENT, NAMELY, FRAME SYNCHRONIZERS, AUDIO SYNCHRONIZERS, AUDIO DELAYS, AUDIO EMBEDDERS/DEEMBEDDERS, AUDIO PROCESSORS, LOGO GENERATORS AND INSERTERS, SYNCGENERATORS AND INSERTERS, TIME CODE GENERATORS AND INSERTERS, VIDEO AND AUDIO DISTRIBUTION AND PROCESSING AMPLIFIERS, ANALOG TO DIGITAL CONVERTERS, DIGITAL TO ANALOG CONVERTERS, COLOR ENCODERS AND DECODERS, CLOCK SYSTEM DRIVERS, CLOCK DISPLAYS, AUTOMATION SYSTEM COMPRISING COMPUTER HARDWARE AND SOFTWARE FOR CONTROLLING, MONITORING, ADJUSTING, OPTIMIZING OR OPERATING THE AFORESAID GOODS, AND BROADCAST FACILITIES; VIDEO

AND AUDIO NOISE REDUCERS, VIDEO AND AUDIO COMPRESSION SYSTEMS, NAMELY COMPUTER SOFTWARE, HARDWARE AND MULTI-RATE CODER-DECODERS, CODECS, FOR DECREASING AUDIO, VIDEO, TELEVISION, OR DATA FILE SIZE OR TRANSMISSION BANDWIDTH AND DECODING OR DECOMPRESSING COMPRESSED CONTENT TO SUBSTANTIALLY RESTORE THE ORIGINAL AUDIO, VIDEO, TELEVISION OR DATA CONTENT; TEST AND REFERENCE GENERATORS, FORMAT CONVERTERS, CONVERTERS OF STANDARD TELEVISION AND VIDEO SIGNALS TO AND FROM HIGH DEFINITION FORMATS, ASPECT RATIO CONVERTERS, CLOSED CAPTION AND OTHER ANCILLARY DATA PROCESSING EQUIPMENT, NAMELY, COMPUTER HARDWARE, SOFTWARE, AND ELECTRONIC EQUIPMENT FOR THE INSERTION, DELETION AND/OR MODIFICATION OF ANCILLARY DATA ASSOCIATED WITH VIDEO, AUDIO, OR TELEVISION CONTENT; MULTIPLEXERS, EMBEDDERS, DEEMBEDDERS AND DEMULTIPLEXERS, ROUTERS, SWITCHERS AND SWITCHING ROUTERS, EQUIPMENT ENCLOSURES, REMOTE CONTROL PANELS, AND COMPUTER SOFTWARE FOR CONTROLLING AND MONITORING THE AFORESAID GOODS, ALL FOR INDUSTRIAL USE. FIRST USE: 20010421. FIRST USE IN COMMERCE: 20010421

Mark Drawing Code Design Search Code Serial Number Filing Date Current Basis Original Filing Basis Published for Opposition Registration Number Registration Date Owner

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

26.11.21 - Rectangles that are completely or partially shaded

76336645

November 14, 2001

1A;44E

1A;44D

January 24, 2006

3081095

April 18, 2006

(REGISTRANT) LEITCH TECHNOLOGY CORPORATION CORPORATION CANADA
150 Ferrand Drive, Suite 700 North York, Ontario CANADA M3B 3E5
(LAST LISTED OWNER) ICC IMAGINE COMMUNICATIONS CANADA LTD.
CORPORATION CANADA 595 BARRARD STREET SUITE 2600, THREE BENTALL
CENTRE VANCOUVER, BC CANADA V7X1L3

Assignment Recorded Attorney of Record Priority Date Type of Mark Register Affidavit Text Renewal Live/Dead Indicator

ASSIGNMENT RECORDED

Donald S. Showalter

May 15, 2001

TRADEMARK

PRINCIPAL

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20160105.

1ST RENEWAL 20160105

LIVE

NEO

**Word Mark
Goods and
Services**

NEO
IC 009. US 021 023 026 036 038. G & S: TELEVISION, VIDEO AND AUDIO SIGNAL PROCESSING, SWITCHING AND GENERATING EQUIPMENT, NAMELY, FRAME SYNCHRONIZERS, AUDIO SYNCHRONIZERS, AUDIO DELAYS, AUDIO EMBEDDERS/DEEMBEDDERS, AUDIO PROCESSORS, LOGO GENERATORS AND INSERTERS, SYNCGENERATORS AND INSERTERS, TIME CODE GENERATORS AND INSERTERS, VIDEO AND AUDIO DISTRIBUTION AND PROCESSING AMPLIFIERS, ANALOG TO DIGITAL CONVERTERS, DIGITAL TO ANALOG CONVERTERS, COLOR ENCODERS AND DECODERS, CLOCK SYSTEM DRIVERS, CLOCK DISPLAYS, AUTOMATION SYSTEM COMPRISING COMPUTER HARDWARE AND SOFTWARE FOR CONTROLLING, MONITORING, ADJUSTING, OPTIMIZING OR OPERATING THE AFORESAID GOODS, AND BROADCAST FACILITIES; VIDEO AND AUDIO NOISE REDUCERS, VIDEO AND AUDIO COMPRESSION SYSTEMS, NAMELY COMPUTER SOFTWARE, HARDWARE AND MULTI-RATE CODER-DECODERS, CODECS, FOR DECREASING AUDIO, VIDEO, TELEVISION, OR DATA FILE SIZE OR TRANSMISSION BANDWIDTH AND DECODING OR DECOMPRESSING COMPRESSED CONTENT TO SUBSTANTIALLY RESTORE THE ORIGINAL AUDIO, VIDEO, TELEVISION OR DATA CONTENT; TEST AND REFERENCE GENERATORS, FORMAT CONVERTERS, CONVERTERS OF STANDARD TELEVISION AND VIDEO SIGNALS TO AND FROM HIGH DEFINITION FORMATS, ASPECT RATIO CONVERTERS, CLOSED CAPTION AND OTHER ANCILLARY DATA PROCESSING EQUIPMENT, NAMELY, COMPUTER HARDWARE, SOFTWARE, AND ELECTRONIC EQUIPMENT FOR THE INSERTION, DELETION AND/OR MODIFICATION OF ANCILLARY DATA ASSOCIATED WITH VIDEO, AUDIO, OR TELEVISION CONTENT; MULTIPLEXERS, EMBEDDERS, DEEMBEDDERS AND DEMULTIPLEXERS, ROUTERS, SWITCHERS AND SWITCHING ROUTERS, EQUIPMENT ENCLOSURES, REMOTE CONTROL PANELS, AND COMPUTER SOFTWARE FOR CONTROLLING AND MONITORING THE AFORESAID GOODS, ALL FOR INDUSTRIAL USE. FIRST USE: 20010421. FIRST USE IN COMMERCE: 20010421

**Standard
Characters
Claimed
Mark**

(4) STANDARD CHARACTER MARK

**Drawing
Code**

**Serial
Number**

76336644

**Filing Date
Current
Basis**

November 14, 2001

1A;44E

**Original
Filing Basis
Published**

1A;44D

**for
Opposition
Registration
Number**

January 24, 2006

3081094

**Registration
Date**

April 18, 2006

Owner

(REGISTRANT) LEITCH TECHNOLOGY CORPORATION CORPORATION CANADA

150 Ferrand Drive, Suite 700 North York, Ontario CANADA M3B 3E5
(LAST LISTED OWNER) ICC IMAGINE COMMUNICATIONS CANADA LTD.
CORPORATION CANADA 595 BARRARD STREET SUITE 2600, THREE BENTALL
CENTRE VANCOUVER, BC CANADA V7X1L3

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Donald S. Showalter
Priority Date May 15, 2001
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20160105.
Renewal Live/Dead Indicator 1ST RENEWAL 20160105
LIVE

拼多多neo

Word Mark NEO
Translations The non-Latin characters in the mark transliterate to "PIN DUO DUO" and this means "PUT TOGETHER"; "MANY"; "MANY" in English.
Goods and Services IC 009. US 021 023 026 036 038. G & S: Computer operating programs; Downloadable software in the nature of a mobile application for use in transaction processing in the field of e-business; Downloadable electronic publications in the nature of brochure, posters and magazines in the field of fashion, travel and cosmetics; 3D scanners; electronic notice boards; smartphones; Communication software for providing access to the Internet; virtual reality headsets; Computer-controlled apparatus for testing and measuring radio frequency signals and audio signals, not for medical purposes; Videotapes and video disks recorded with animation
Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 28.01.03 - Chinese characters ; Japanese characters ; Japanese and Chinese characters
Serial Number 88076435
Filing Date August 13, 2018
Current Basis 1B
Original Filing Basis 1B
Published for Opposition January 29, 2019
Owner (APPLICANT) Shanghai Xunmeng Information Technology Co., Ltd. limited company (Ltd.) CHINA ROOM 2902-2913, NO.533, LOUSHANGUAN ROAD CHANGNING DISTRICT SHANGHAI CHINA 200050
Attorney of Record Alex Patel
Description of Mark Color is not claimed as a feature of the mark. The mark consists of three Chinese characters and stylized letters "NEO".
Type of Mark TRADEMARK

**Register
Live/Dead
Indicator**

PRINCIPAL
LIVE

NEO

**Word Mark
Goods and
Services**

NEO

IC 009. US 021 023 026 036 038. G & S: Computer software for data centers, namely, for data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computer programs for data centers, namely, for data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computer software for data center management; pre-recorded video and audio tapes, compact discs, DVD's, CD-ROMs featuring content relating to data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; discs and diskettes, tapes, videos and other media bearing content relating to data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; electronic test and measurement devices for use in the fields of networks and telecommunications, namely, instrumentation used to test and certify new and existing data and voice communication cable and coaxial cable; parts and fittings for all the aforesaid goods; none of the aforementioned goods being electronic equipment and software for controlling valves or electronic equipment and software for controlling and monitoring manufacturing equipment; none of the aforesaid software being for the collection, analysis, transmission, reporting and display of retail and points of sales data; none of the aforesaid software being for advertising or marketing purposes; none being for operating or controlling apparatus and/or instruments for medical procedures, or being for operating or controlling borescopic and/or surgical apparatus and/or instruments, or being for use in connection with borescopic and/or surgical apparatus and/or instruments, or apparatus and/or instruments for medical procedures; all the aforesaid relating to the management, operation, auditing, planning, controlling, organising and optimisation of data centers

IC 035. US 100 101 102. G & S: Business management and administration services in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; inventory management and tracking services in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; business project management in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; business data analysis services in the field of data center infrastructure management, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; data analysis in the field of data center infrastructure management, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; auditing services, namely, data auditing and business

auditing; computerized auditing, namely, data auditing and business auditing; compilation of business data in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; data handling, namely, data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; data management in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; database management services, namely, data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computerised database management in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; data center business management services; business operation and management of data centers; business consulting services in the field of data center infrastructure management, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; business consulting services in the field of data center computer server capacity planning, computer network capacity planning, computer equipment and IT infrastructure capacity planning, communications bandwidth capacity planning, physical space capacity planning, data center electrical load and power capacity planning, cooling equipment capacity planning, computer hardware rack capacity planning, physical and data security capacity planning, electrical capacity planning; business consulting services in the field of branch circuit monitoring for data centers, namely, consulting services concerning the monitoring of electrical power and electrical loads and the monitoring and management of data center infrastructure; computerised business analysis of data relating to data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; technical business data analysis services in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; providing technical business advice and assistance in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting via an interactive web site or a global computer information network; providing technical business advice, information and assistance about the Internet; providing consumer information in the field of computers and computer peripherals; providing a website featuring a computer database in the field of business data analysis, business data management, data systemization, data processing, work management, work flow management, asset management and optimization, and task management; information, advisory and consultancy services relating to all the aforementioned services; none of the aforesaid services being for advertising or marketing purposes; all the aforesaid services relating to the management, operation, auditing, planning, controlling, organising and optimisation of data centers IC 042. US 100 101. G & S: Design services in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computer hardware and software design and testing, namely, in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computer systems analysis in the field of data center infrastructure management, data

analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computer programming services; design of computer hardware and computer software; rental and leasing of computers; providing a website featuring a computer database in the field of data center infrastructure management, technological data analysis, technological data management, network mapping and management, data center capacity planning and utilization, and data center reporting; engineering services in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; engineering design for others in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; project management being technical support, namely, remote administration and management of in-house and hosted datacenter devices, databases and software applications; computerised technological analysis of data relating to data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; technological data analysis services in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; providing technological advice and assistance in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting via an interactive web site or a global computer information network; providing technological advice, information and assistance about the Internet; providing technological and design information in the field of computers and computer peripherals; maintenance and updating of computer software for data centers, namely, for data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; computer support services, namely, troubleshooting of computer hardware and software in the field of data center infrastructure management, data analysis, data management, data systemization, data processing, work management, work flow management, asset management and optimization, network mapping and management, data center capacity planning and utilization, task management and data center reporting; consultancy services relating to information technology; room layout design services, namely, planning and layout design for the interior space of business establishments; data center management services, namely, providing on-site management of information technology systems of others, providing remote management of information technology systems of others, monitoring of computer systems by remote access to ensure proper functioning, and remote computer backup services; operation and management of data centers, namely, providing on-site management of information technology systems of others, providing remote management of information technology systems of others, monitoring of computer systems by remote access to ensure proper functioning, and remote computer backup services; computer systems integration services; design, development, and consulting services in the field of software for data center management, data center infrastructure management, data center operations and data center efficiency; technical support services, namely, troubleshooting of facilities management and building automation computer software problems; technical support services, namely, troubleshooting in the nature of diagnosing building automation, facilities management and data center computer software and hardware problems; facilities management services, namely, monitoring of data centers and computer storage facilities with respect to electrical and mechanical systems; monitoring data center systems and mission critical systems, namely, monitoring generators, air conditioning units, transfer switches, uninterruptible power supplies, power distribution units, battery systems, chillers, pumps, on-site power generators, building management systems and network systems; monitoring information technology infrastructure power and electrical

systems, information, advisory and consultancy services relating to all the aforementioned services; none of the aforementioned services relating to electronic equipment and software for controlling valves or electronic equipment and software for controlling and monitoring manufacturing equipment; none of the aforesaid services being for advertising or marketing purposes; all the aforesaid services relating to the management, operation, auditing, planning, controlling, organising and optimisation of data centers

Standard Characters Claimed Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87147317
Filing Date August 23, 2016
Current Basis 44E
Original Filing Basis Published for Opposition 1B
September 4, 2018
Owner (APPLICANT) nlyte Software Limited private limited company UNITED KINGDOM Riverside House 26 Osiers Road London ENGLAND SW181NH
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Laura M. Konkel
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

NEO

Word Mark Goods and Services NEO
IC 009. US 021 023 026 036 038. G & S: News engine optimization software
Standard Characters Claimed Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86091373
Filing Date October 15, 2013
Current Basis 1B
Original Filing Basis Published for Opposition 1B
November 27, 2018
Owner (APPLICANT) AirPR, Inc. CORPORATION DELAWARE
760 Market Street, 5th Floor San Francisco CALIFORNIA 94102
Attorney of Record Elizabeth Oliner
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

Furthermore, in addition to the numerous above-listed NEO marks in Class 9, there are combination marks containing NEO in Class 9 on the USPTO Principal

Register, which through extensive use of NEO-related marks by various parties in respect of Class 9 goods have become diluted, and which have all been allowed to co-exist seemingly without confusion. Furthermore, all of the below-listed registrations or applications do contain “phone cases”, or “protective cases for phones”, or variations of such goods, and therefore, since the USPTO has taken the position that the applied for mark NEO will not cause likelihood of confusion if registered on a combination phone case and a wallet and if allowed to co-exist with various below registrations that contain NEO- and which are registered in respect of phone cases, then the USPTO, for the same reason, must allow NEO and NEO HYBRID to co-exist on similar goods. As mentioned before, the N.E.O. citation must be withdrawn, as the goods in it are just too different and far removed from those of the Applicant, and the channels of commerce and target consumer are too different from those of the Applicant’s in order to have any chance of confusion to exist.

NEOHOLDER

| | |
|------------------------------------|---|
| Word Mark | NEOHOLDER |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Carrying cases specially adapted for electronic equipment, namely, a combination phone case and wallet; Cell phone cases |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87556229 |
| Filing Date | August 4, 2017 |
| Current Basis | 1B |
| Original Filing Basis | 1B |
| Published for Opposition | November 21, 2017 |
| Owner | (APPLICANT) QUEST USA CORP CORPORATION NEW YORK 495 FLATBUSH AVE Brooklyn NEW YORK 11225 |
| Attorney of Record | Michael J. Feigin, Esq. |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

NEOSAIL

| | |
|------------------------------------|--|
| Word Mark | NEOSAIL |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: 3D spectacles; Accumulators, electric; Battery chargers; Cabinets for loudspeakers; Cases for smartphones; Couplings, electric; Covers for smartphones; Electrical adapters; Electrical cables and cordsets; Headphones; Protective films adapted for smartphones; Wire connectors. FIRST USE: 20171101. FIRST USE IN COMMERCE: 20171101 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 87712663 |
| Filing Date | December 7, 2017 |
| Current Basis | 1A |
| Original Filing | 1A |

| | |
|---|--|
| Basis Published for Opposition Registration Number | May 8, 2018 5523687 |
| Registration Date Owner | July 24, 2018 (REGISTRANT) YIWU SURMOUNT IMPORT EXPORT CO.,LTD limited company (Ltd.) CHINA No.407, Yongjun Road Beiyuan Street Yiwu Zhejiang CHINA 322000 |
| Type of Mark Register Live/Dead Indicator | TRADEMARK PRINCIPAL LIVE |

NEORTX

| | |
|-------------------------------|--|
| Word Mark | NEORTX |
| Translations | The wording "NEORTX" has no meaning in a foreign language. |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Audio cables; Cases for music, audio and related electronic equipment, namely, cases for audio tuners, audio receivers, amplifiers, tape players, compact disc players, MP3 controllers/players, audio mixers, audio speakers in the nature of music studio monitors, microphones, audio speakers, compact discs, audio tapes, portable computers, antennas, phonographic record players, audio recording equipment, and the cables associated with all of the foregoing equipment; Cell phone cases ; Computer cables; Computer hardware, namely, wireless network extenders; Computer network adapters; Electronic equipment, namely, transformers, baluns, and cables, all used in connection with computers, computer peripheral devices, televisions, audio-video equipment, closed-circuit TV equipment and telecommunication equipment; Ethernet adapters; Notebook and laptop computers; Power adapters; Power cables; Printer cables; Solar-powered battery chargers; Stereo headphones; Televisions and monitors; USB cables; Wireless adapters used to link computers to a telecommunications network; Wireless chargers; Wireless headsets for smartphones; Wireless indoor and outdoor speakers; Wireless routers. FIRST USE: 20150501. FIRST USE IN COMMERCE: 20150501 |

| | |
|---|--|
| Standard Characters Claimed Mark Drawing Code Serial Number | (4) STANDARD CHARACTER MARK 87563133 |
| Filing Date Current Basis | August 10, 2017 1A |
| Original Filing Basis Published for Opposition Registration Number | 1A December 19, 2017 5417767 |
| Registration Date Owner | March 6, 2018 (REGISTRANT) Shenzhen Ruitexun Technology Co., Ltd. LIMITED |

LIABILITY COMPANY CHINA Minzhi, Longhua District
808-98, Minde Building, Minde 2nd Road Shenzhen,
Guangdong CHINA 518000

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

NeoThinking

Word Mark NEO THINKING
Translations The wording "NEOTHINKING" has no meaning in a foreign language.
Goods and Services IC 009. US 021 023 026 036 038. G & S: Adapter plugs; **Cases** for pocket calculators; Cell phone **cases**; Cell phone covers; Computer monitors; Electric sockets; Electrical connectors; Flat panel display screens; Keyboard covers; LCD panels; LCDs; Light emitting diode (LED) displays; Liquid crystal displays; Motherboards; Stands adapted for mobile phones; Stands adapted for tablet computers; Thin Film Transistor-Liquid Crystal Display (TFT-LCD) panels; Touch screen pens; Touch screens. FIRST USE: 20160915. FIRST USE IN COMMERCE: 20160915

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Serial Number 87264260
Filing Date December 10, 2016

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 23, 2017

Registration Number 5259978

Registration Date August 8, 2017

Owner (REGISTRANT) Shenzhen WEIQI Technology Co., Ltd limited company (Ltd.) CHINA 2901, F Building, Unit 1, Liu Tang Yang Guang Garden, QianJin 2 Road BaoAn Dist., Shenzhen CHINA

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized wording "NEO THINKING", with "NEO" in a smaller font size than "THINKING" and positioned to the upper left of "THINKING", with a horizontal line underlining "NEO".

Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

NeotrixQI

Word Mark Goods and Services NEOTRIXQI
IC 009. US 021 023 026 036 038. G & S: Cell phone **cases**; USB cables for cellphones; Battery chargers for use with mobile phones; Stands adapted for mobile phones; Fitted plastic films known as skins for covering and protecting electronic apparatus, namely, mobile phones; Power supplies, electrical; Wireless indoor and outdoor speakers; Wireless headsets for smart phones; Virtual reality glasses; Armbands specially adapted for personal electronic devices, namely, mobile phones; Magnifying lenses; Cell phone battery chargers for use in vehicles; Electrical plugs and sockets; Wireless charger; Capacitive styluses for touch screen devices. FIRST USE: 20170411. FIRST USE IN COMMERCE: 20170411

Standard Characters Claimed Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87522709

Filing Date July 11, 2017

Current Basis 1A

Original Filing Basis Published for 1A
December 12, 2017

Opposition Registration Number 5411510

Registration Date February 27, 2018

Owner (REGISTRANT) Lian, Jianliang INDIVIDUAL CHINA Rm5-820, No.241. Zhongshanyuan Rd., Nanshan Dist. Shenzhen CHINA

Type of Mark TRADEMARK

Register Live/Dead Indicator PRINCIPAL
LIVE

The below NEOEYE mark has been allowed for registration, but a Statement of Use was never filed.

NeoEye

Word Mark Goods and Services NEOEYE
(ABANDONED) IC 009. US 021 023 026 036 038. G & S: Cameras; Digital Cameras; Camcorders; Apparatus and instruments for cameras and camcorders, namely, integrated circuits, integrated circuit modules, and camera and camcorder **cases**; Accessories for mobile phones and tablet computers in the nature of a camera specially adapted for mobile phones and tablet computers; Computer software for viewing, managing and editing photographs and videos; Computer application software for mobile phones, tablet computers, and portable media players, namely, computer software for capturing, editing, managing, transmitting and playing videos and photos

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87137163
Filing Date August 12, 2016
Current Basis 1B
Original Filing Basis 1B
Published for Opposition January 17, 2017
Owner (APPLICANT) ECAPTURE CO., LIMITED LIMITED HONG KONG ROOM 615, 6/F., LAKESIDE 2, EAST WING NO. 10 SCIENCE PARK WEST AVE., H.K. SCIENCE, PARK PHASE II SHATIN, N.T. HONG KONG
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Christopher Lee
Type of Mark Register TRADEMARK PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date October 15, 2018

NEOPINE

Word Mark Goods and Services NEOPINE
 IC 009. US 021 023 026 036 038. G & S: Batteries and battery chargers; Battery chargers for use with cameras and video cameras; Camera **cases**; Camera filters; Camera flashes; Camera mounts and supports; Camera straps; Camera tripods; Diving goggles; Lens filters; Lenses for cameras; Monopods for cameras; Monopods for handheld digital electronic devices, namely, cameras and video cameras; Monopods used to take photographs by positioning a smartphone or camera beyond the normal range of the arm; Screen protectors comprised of optical glass adapted for use with portable electronic devices; Scuba diving masks; Scuba goggles; Scuba masks; Scuba snorkels; Snorkels; Bags for cameras and photographic equipment; Bags for underwater camera enclosures; Bags specially adapted for underwater camera housings; Battery packs for cameras and video cameras; Divers masks; Face masks for diving; Face masks for diving; Goggles for scuba diving; Goggles for scuba diving; Harnesses specially adapted for holding electronic devices, namely, cameras and video cameras; Monopods for cameras; Monopods used to take photographs by positioning a smartphone or camera beyond the normal range of the arm; Mounting devices for cameras and monitors; Nautical and photographic apparatus and instruments, namely, underwater housings for cameras, underwater enclosures for cameras and underwater enclosures for photographic lenses; Scuba diving masks; Scuba masks; Scuba snorkels; Scuba diving masks; Scuba goggles; Skin diving masks; Skin diving masks; Swim masks; Swimming face masks. FIRST USE: 20131015. FIRST USE IN COMMERCE: 20131015

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86935698
Filing Date March 10, 2016
Current Basis 1A
Original Filing Basis 1A
Published for Opposition July 26, 2016
Registration 5059422

Number
Registration Date October 11, 2016
Owner (REGISTRANT) Neopine LLC LIMITED LIABILITY COMPANY CALIFORNIA 4232 MAXSON RD EL MONTE CALIFORNIA 91732
Attorney of Record Ryan Connolly
Prior Registrations 4575929
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

NEOPINE

Word Mark NEOPINE
Goods and Services IC 009. US 021 023 026 036 038. G & S: Bags for cameras and photographic equipment; Bags for underwater camera enclosures; Bags specially adapted for underwater camera housings; Battery packs for cameras; Camera **cases**; Camera filters; Camera flashes; Camera hoods; Camera mounts and supports; Camera straps; Camera tripods; Cameras; Conversion lenses for cameras; Digital camera accessory in the nature of a digital photo viewer; Digital cameras; Digital single-lens reflex (DSLR) cameras; Flash lamps; Lens caps for use with film, digital, and video cameras; Lens filters; Lenses for cameras; Mounting devices for cameras and monitors; Multiple purpose cameras; Photographic cameras; Photographic flash units; Shutter releases; Viewfinders; Wide-angle lenses for cameras. FIRST USE: 20131015. FIRST USE IN COMMERCE: 20131015

Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 86159381
Filing Date January 7, 2014
Current Basis 1A
Original Filing Basis 1A
Published for Opposition May 13, 2014
Registration Number 4575929
Registration Date July 29, 2014
Owner (REGISTRANT) USA NEO PHOTOGRAPHIC EQUIPMENT LLC LIMITED LIABILITY COMPANY NEVADA Unit B, 10F Lee May 788-790 Nathan Road Mongkok Kowloon HONG KONG
(LAST LISTED OWNER) NEOPINE LLC LIMITED LIABILITY COMPANY CALIFORNIA 4232 MAXSON RD EL MONTE CALIFORNIA 91732

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Ryan Connolly
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead LIVE

Indicator

The below NeoVision mark has been allowed for registration, but a Statement of Use was never filed.

NeoVision

| | |
|------------------------------------|--|
| Word Mark | NEOVISION |
| Goods and Services | (ABANDONED) IC 009. US 021 023 026 036 038. G & S: Children's eye glasses; Corrective glasses; Eye glass cases ; Eye glass chains; Eye glass cords; Eye glasses |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 86197666 |
| Filing Date | February 19, 2014 |
| Current Basis | 1B |
| Original Filing Basis | 1B |
| Published for Opposition | February 10, 2015 |
| Owner | (APPLICANT) Semcken Companies LLC LIMITED LIABILITY COMPANY COLORADO 10601 W. I 70 Frontage Road North Wheat Ridge COLORADO 80033 |
| Type of Mark | TRADEMARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | DEAD |
| Abandonment Date | November 9, 2015 |

NEOGEAR

| | |
|------------------------------------|---|
| Word Mark | NEOGEAR |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: Carrying cases for portable communications devices, namely, two-way radios; cellular phones; wireless digital communicators; PCS phones; pagers; two-way pagers; wireless computer transmitters; wireless personal digital assistants; wireless bar code readers; two-way family radios; portable scanners; GPS receivers; cordless phones and medical transceivers devices. FIRST USE: 20100101. FIRST USE IN COMMERCE: 20100601 |
| Standard Characters Claimed | |
| Mark Drawing Code | (4) STANDARD CHARACTER MARK |
| Serial Number | 85173148 |
| Filing Date | November 10, 2010 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Published for Opposition | November 24, 2015 |
| Registration Number | 4896948 |
| Registration Date | February 9, 2016 |
| Owner | (REGISTRANT) Larson, Troy INDIVIDUAL UNITED STATES 20258 Paseo Robles Walnut |

Attorney of Record CALIFORNIA 91789
Type of Mark Register Raj Abhyanker
TRADEMARK
Live/Dead Indicator PRINCIPAL
LIVE

NEOTEC

Word Mark
Goods and Services

NEOTEC
IC 009. US 021 023 026 036 038. G & S: computer carrying **cases** [electronic personal organizer **cases**]. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100
(CANCELLED) IC 016. US 002 005 022 023 029 037 038 050. G & S: [Business accessories, namely, writing instruments, jotters, organizers for stationary use]. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100
IC 018. US 001 002 003 022 041. G & S: backpacks, business **cases**, [luggage,] duffel bags, [briefcase-type portfolios]. FIRST USE: 20060800. FIRST USE IN COMMERCE: 20060800

Standard Characters Claimed

Mark Drawing Code

Serial Number

Filing Date

Current Basis

Original Filing Basis

Published for Opposition

Change In Registration

Registration Number

Registration Date

Owner

(4) STANDARD CHARACTER MARK

78657122

June 23, 2005

1A

1B

August 8, 2006

CHANGE IN REGISTRATION HAS OCCURRED

3382890

February 12, 2008

(REGISTRANT) Leedsworld, Inc. CORPORATION PENNSYLVANIA
400 Hunt Valley Road New Kensington PENNSYLVANIA 15068

ASSIGNMENT RECORDED

Noland J. Cheung

TRADEMARK

PRINCIPAL

SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20170424.

1ST RENEWAL 20170424

LIVE

Assignment Recorded

Attorney of Record

Type of Mark

Register

Affidavit Text

Renewal

Live/Dead Indicator

neo-Style

Word Mark
Goods and Services

NEO-STYLE

IC 009. US 021 023 026 036 038. G & S: [Camera **cases**; Environmental enclosures, namely, structures specially adapted to hold and protect cameras from outdoor elements and tampering; Clear protective covers specially adapted for personal electronic devices; Bags and **cases** specially adapted for holding or carrying portable telephones and telephone equipment and accessories; Carrying **cases** for cell phones; **Cases** for mobile phones; Cell phone covers;] Cell phone battery chargers for use in vehicles; Cell phone battery chargers; [Desk or car mounted units incorporating a loudspeaker to allow a telephone handset to be used hands-free; Devices for hands-free use of mobile phones; Hands free kits for phones; Communications headsets for use with communication

radios, intercom systems, or other communications network transceivers; Apparatus for wireless transmission of acoustic information;] Apparatus for transmission of communication; [Cellular phone accessory charms; Decorative charms for cellular telephones; Decorative ornaments for cellular telephones; Mobile phone straps;] Power supplies electrical; [Battery chatteries;] Batteries, electric; Battery charge devices; [Bangers;] Battery packs; Charging appliances for rechargeable equipment; Rechargeable electric batteries; [Batteries and] battery chargers; [Cellular telephones;] Chargers for electric batteries; Cable connectors; Cables, electric; Connection cables; Electric charging cables; USB (universal serial bus) hardware; [Ear phones; Earphones; Earphones and headphones; Headphones; Headsets for telephones; Personal headphones for use with sound transmitting systems]. FIRST USE: 20090825. FIRST USE IN COMMERCE: 20090825

**Standard Characters Claimed
Mark Drawing Code
Trademark Search Facility
Classification Code**

(4) STANDARD CHARACTER MARK
LETTER-3-OR-MORE NEO Combination of three or more letters as part of the mark
NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs, prescription marks

**Serial Number
Filing Date
Current Basis
Original Filing Basis
Published for Opposition
Registration Number
Registration Date
Owner**

77557776
August 28, 2008
1A
1B
May 19, 2009
3868027
October 26, 2010
(REGISTRANT) Ever Win International Corporation
CORPORATION CALIFORNIA 17579 Railroad Street City of
Industry CALIFORNIA 91748
Joe Nieh
TRADEMARK
PRINCIPAL
SECT 15. SECT 8 (6-YR).
LIVE

**Attorney of Record
Type of Mark
Register
Affidavit Text
Live/Dead Indicator**

Based on the above, it is respectfully requested that the Examiner withdraw the 2(d) likelihood of confusion objections and approve the application for publication.

Identification of Goods

The Applicant hereby accepts Examiner’s proposal to amend the identification of goods to read as follows:

“Carrying cases specially adapted for electronic equipment, namely, ***a phone case featuring a wallet***; Cell phone cases” in International Class 9.

Respectfully Submitted,

/Michael Feigin/

Michael J. Feigin
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CLIFTON, NJ 07013
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Email: michael@PatentLawNY.com