

Response to the Office Action

Applicant sincerely holds that the pending mark “POPCORN” (No.88249386) is not similar with the cited mark “PH POPCORN HOUR” (Reg.3515703) for the following factors.

Differences in appearances give potential consumers different first impressions. It is easily noted that there is a bucket of popcorn before the wording “POPCORN HOUR” . It is widely known that we would like have popcorn at a movie, in other words, movie time is popcorn hour, a time for pleasure and enjoying. With such a background, the connotations behind registered mark “Popcorn Hour” is closely connected with goods of “digital device” which is important tool to play movies. However, the pending mark only contains “POPCORN” . For general consumers when they hear a brand of battery or chargers named “popcorn” , they will not think this brand is related with movie time or popcorn hour. To this aspect, most consumer will know the wording meaning of “popcorn” and the it is just a brand name for battery device. However, most consumers will have more imagination and associative memories about the players brand “POPCORN HOUR” with popcorn device. Though both marks share the same wording “POPCORN” , yet due to the completely unrelated protection goods and different impressions for these two brand, the applicant holds that there is no likelihood of confusion among consumers who hear or see the cited mark and pending mark.

In addition, “POPCORN” is the dominant name of its applicant “Shenzhen Popcorn Tech Innovation Co., Ltd. ” . Based on the basic function of trademarks, that’ s, to identify the separate providers of goods or service, the pending mark “POPCORN” directly indicate its sources via POPCORN. On the contrary, the registered mark “POPCORN HOUR” shows its owner by a complex way, which more emphasize the connection with goods via the brand connotation than the connection with its owner. What’ s more, in accordance with the cited mark’ s good “Digital media streaming devices” , its wording “POPCORN HOUR” plus the popcorn design give an impression of cinema happy hour, which conveys the feeling of happiness, relaxation, fun and entertainment. Taken together with the visual, aural and commercial impression differences between the marks, it is clear that the marks are not likely to be confused in the marketplace. And It is clearly that we should consider the impact of the strength of the cited mark. The emphasized wording “HOUR” is the soul of the whole mark, making consumer the registered mark’ s goods is related with players for movie or music. Finally, there are many other trademarks consisting of a noun plus “HOUR” , building a new meaning to the whole mark. For example, “YOGA” (Reg.4822390) and “YOGA HOUR” (Reg.5213479). Thus, such differences in connotation and meaning are key factors in determining the likelihood of confusion and obviously the two marks are totally different.

For the actual use in goods, “POPCORN HOUR” sales digital media streaming devices but the applicant of “POPCORN” mainly focus on battery chargers. And the applicant is willing to delete “ Consumer electronic products, namely, audio amplifiers,

audio speakers, audio receivers, electrical audio and speaker cables and connectors, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Bags adapted for laptops; Battery chargers for laptop computers; Battery chargers for tablet computers; Car video recorders; Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, smartphones, laptops, tablets, personal digital assistants; Cell phone battery chargers for use in vehicles; Closed circuit TV systems for security and surveillance, namely, cameras, switchers, monitors, microphones, and recorders; Digital video cameras; Game headphones; Smart watches; Webcams” to avoid any potential likelihood of confusion.

Considering the two marks have various appearances, connotations and create substantially distinctive commercial impression, similarity confusion will not occur between them, and the applicant respectfully asks for reconsideration of the registration of the pending mark.

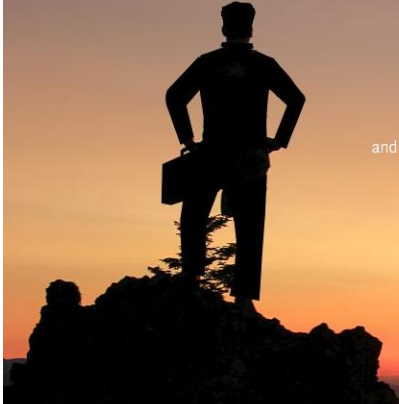
YOGA

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


YOGAHOUR

Word Mark YOGAHOUR
Goods and Services IC 009. US 021 023 026 036 038. G & S: Downloadable mobile applications for yoga instruction; digital media, namely, downloadable audio files featuring yoga instruction. FIRST USE: 20101231. FIRST USE IN COMMERCE: 20101231
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87210154
Filing Date October 20, 2016
Current Basis 1A
Original Filing Basis 1A
Published for Opposition March 14, 2017
Registration Number 5213479
Registration Date May 30, 2017
Owner (REGISTRANT) Tirtha Studios LIMITED LIABILITY COMPANY ARIZONA 412 E Elias Avenue Tucson ARIZONA 85710
Attorney of Record Dan S. Cohn
Prior Registrations 4039918
Type of Mark TRADEMARK
Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

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Delivering
Value
and helping to solve your toughest ICT challenges



STRATEGIC PARTNERSHIP

Strategically partner with some of the biggest brands in the industry, we provide you with seamless integration, solid infrastructure and ICT solutions.



SALE!

Popcorn Hour Transformer Media Computer

~~\$95.90 - \$115.90~~ \$85.99 - \$99.99



Open Source 4K HDR Android Player, NAS, Linux PC, Server and Retro-gaming Machine

- Rockchip RK3328
- 2GB/4GB LPDDR3
- 16GB/32GB eMMC Module (Removable and Upgradable Designs)
- 128Mb SPI Flash
- Real Time Clock
- Gigabit Ethernet
- SATA Interface for 2.5" HDD
- MicroSD Card Reader
- 1x USB 2.0, 1x USB 2.0/OTG
- HDMI 2.0a up to 4K@60Hz with HDR10/HLG
- Audio Jack (Analog Stereo or Optical S/PDIF)
- Infra Red Receiver and Remote Control
- High Quality Aluminum Casing with Passive Cooling Fins

We partnered with PINE64 to support all the ROCK64 firmware including Open Source community firmware developed for ROCK64 such as LibreELEC, Android TV, Linux OS, OpenMediaVault, Lakka (RetroArch) and etc. Popcorn Hour Transformer is fully compatible with ROCK64 firmware

Visit www.cloudmedia.com/transformer Wiki page for detail guides.

Popcorn Hour Transformer Media Computer hardware is identical to Popcorn Hour Transformer NAS. The different is, it pre-loaded with stock Android 7.1.2 firmware.

Package Content



Popcorn Hour A-500 Review – What's in the Box?

When I received the Popcorn Hour A-500 media player I was impressed with the weight of the box. So many media players ship in flimsy boxes that weigh next to nothing thanks to the cheaper construction of the media players themselves. Opening the box the media player shipped in I was greeted by the great looking orange and white packaging of the Popcorn Hour A-500.

The orange and white packaging looks stunning with the orange and white colours complimenting each other nicely. The orange pops nicely on the white background. There is some really nice simple illustrations on the packaging with I think helps keep the premium look. A less is more approach was a great move from Cloud Media.



Videos



Popcorn Hour A500
Media Player Review

AVForums
YouTube - Jun 20, 2016



Popcorn Hour A 500
Award Winning
Jukebox

dadcz
YouTube - May 22, 2016



Popcorn Hour A-500
Review!

HT mag
YouTube - Jul 25, 2016



Goods of Popcorn Hour





Goods of POPCORN