Electronic System for Trademark Trials and Appeals

View ESTTA technical requirements, new features and other important user guidelines

If you are using Internet Explorer, please ensure that the Compatibility View (Tools>Compatibility View settings) is disabled or not enabled.

Browse ESTTA forms and learn when and how to use them

<u>File Size Limits:</u> The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB.

Please choose one of the following options to start filing a form for

•	Request for Extension of Time to File an Opposition File a request for extension of time to file a notice of opposition, relinquish an extension, or other actions related to extensions of time to oppose. Enter the application serial number to which the filing applies: Start Fees are required for certain requests for extension that can be filed using this form.
•	File a New Proceeding Use these options to file a new opposition, cancellation or appeal from a final refusal to register. Choose your filing and enter the serial number of the application to be opposed, the registration number of the registration to be cancelled, or the serial number of the application to be appealed.
	Type of filing: Notice of Opposition
	There is a filing fee associated with these forms.
•	File Documents in a Board Proceeding Use these options to file documents (motions, briefs, etc.) in an already existing opposition, cancellation, concurrent use, or appeal proceeding. Choose a filing option and enter the opposition number (91xxxxxx), cancellation number (92xxxxxx), concurrent use number (94xxxxx), or application serial number to which your filing applies.
	Type of filing: Start
	Most filings do not require a fee.

Start screen

Electronic System for Trademark Trials and Appeals

 Notice of Opposition Navigation: - Application Data
 ESTTA v.

 OMB No. 0851-0040 (Exp.
)

Application Data

Applicant	
Application Serial Number	
Filing Date of Application	
Date of Publication	
International Classes	
Applied-for Mark	

This is the correct application/registration

Cancel

Save Session

New Opposer verify application screen

Electronic System for Trademark Trials and Appeals

 Notice of Opposition
 ESTTA v.

 Navigation: - Application Data
 PTO-2120 (Exp.)

 OMB No. 0851-0040 (Exp.)
)

Application Data

Applicant	
Application Serial Number	
Filing Date of Application	
Date of Publication	
International Classes	
Applied-for Mark	

There have been one or more <u>extensions of time to oppose</u> the above application. Please choose from the following list to identify yourself

	Name			Granted to Date		
Next		Cancel		Save Session		

Returning Potential Opposer verify application screen

Electronic System for Trademark Trials and Appeals

Notice of Opposition Navigation: <u>Application Data</u> - Goods/Services ESTTA v. PTO-2120 (Exp. OMB No. 0851-0040 (Exp.

Goods and Services Opposed

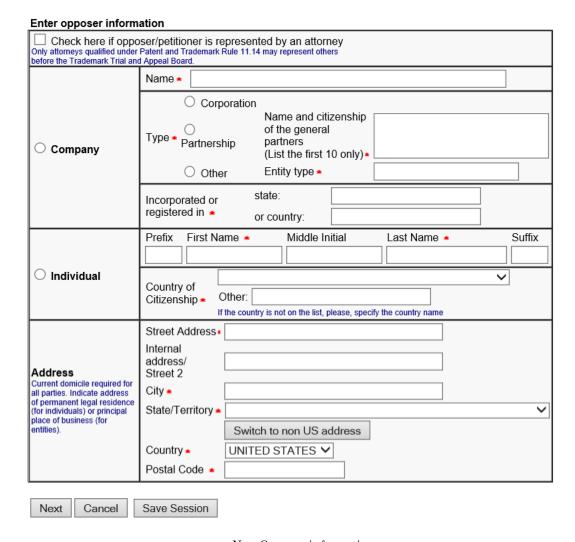
Application Serial No has copposed.	lass. Please indicate below which goods/services are being
O All of the goods in this class	IC
O Some of the goods in this class (delete goods or services that do not apply)	Opposed Goods and Services.
O None of the goods in this class	First use: First use in commerce:
Next Back Cancel Reset	Save Session

Goods and services screen

Electronic System for Trademark Trials and Appeals

Notice of Opposition Navigation: - Opposer

Opposer Information



 $New\ Opposer\ information\ screen$



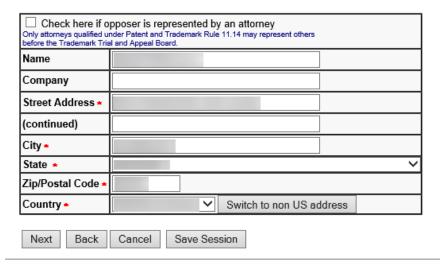
Electronic System for Trademark Trials and Appeals

 Notice of Opposition
 ESTTA v.

 Navigation: Application Data - Opposer
 PTO-2120 (Exp.)

 OMB No. 0851-0040 (Exp.)

Opposer Information



Returning Potential Opposer information screen

Electronic System for Trademark Trials and Appeals

Notice of Opposition Navigation: - Add/Modify

ESTTA v. PTO-2120 (Exp. OMB No. 0851-0040 (Exp.

Add/Modify Information

Please choose one of the following actions: Add another serial number to the request	
Enter the serial number of the mark:	Add Property
Add another opposer to the request	
Click this button to enter information about additional oppose	r: Add Opposer
Change information in the request	
Opposed application	
Applicant:	Remove
Class Opposed all goods and services in the class:	Edit
Opposer	
: Citizenship:	Edit
 Continue If you do not need to change the above information, click "Next" button below to procorrespondence information 	ceed with
Next Cancel Save Session	

Electronic System for Trademark Trials and Appeals

 Notice of Opposition
 ESTTA v.

 Navigation: Add/Modify - Related
 PTO-2120 (Exp.)

 OMB No. 0851-0040 (Exp.)

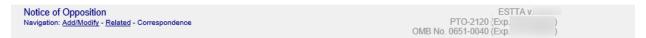
Related Proceedings

If the parties are involved in proceedings involving the same or similar marks, identify those proceedings below

Related Proceedings	
Next Back C	ancel Save Session

 $Related\ proceedings\ screen$

Electronic System for Trademark Trials and Appeals



Opposer's Correspondence Information

Enter the address at which you would like to receive correspondence regarding this proceeding. Name -Title Business Street address Internal address/ Street 2 City -State/Territory . Postal Code . Switch to non US address Country * Primary Email Address . (You may enter only one address.) **Email Address** Secondary Email Address(es) (You may enter up to 10 addresses. These are addresses to which the Board will also transmit correspondence.) Telephone Number Next Back Cancel Save Session

 $Correspondence\ screen$

Attorney Correspondence Information

Enter the address at which you would like to receive correspondence regarding this proceeding. Name • Firm Docket Number Year of Admission ~ State/Commonwealth/Territory Bar Membership Number Membership . You must enter either "N/A" or a membership number if your U.S. state, commonwealth, or territory issues one. This number will not be publically displayed. This attorney of record is an active member in good standing of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. commonwealth or territory. Street address Internal address/ Street 2 City -State/Territory Postal Code . Country . UNITED STATES 🗸 Switch to non US address Primary Email Address * (You may enter only one address.) Email Address Secondary Email Address(es)
(You may enter up to 10 addresses. These are addresses to which the Board will also transmit correspondence.) Telephone Number Next Back Cancel Save Session

Attorney correspondence screen (Note: Bar membership information only visible to filer-not available on TTABVUE)

Electronic System for Trademark Trials and Appeals

Notice of Opposition Navigation: <u>Add/Modify</u> - <u>Related</u> - <u>Correspondence</u> - GroundsUS

Next Back Cancel Save Session

ESTTA v. PTO-2120 (Exp. OMB No. 0651-0040 (Exp.

Grounds for Opposition

Please check as many grounds for opposition as are applicable. If a particular ground is not listed, check the "Other" box and fill in the ground in the text box provided.

The	grounds for opposition are as follows:	
	Priority and likelihood of confusion	Trademark Act Section 2(d)
	The mark is merely descriptive	Trademark Act Section 2(e)(1)
	The mark is generic	Trademark Act Sections 1, 2 and 45
	The mark is deceptively misdescriptive	Trademark Act Section 2(e)(1)
	The mark is primarily geographically descriptive	Trademark Act Section 2(e)(2)
	The mark is primarily geographically deceptively misdescriptive	Trademark Act Section 2(e)(3)
	The mark is primarily merely a surname	Trademark Act Section 2(e)(4)
	The mark comprises matter that, as a whole, is functional	Trademark Act Section 2(e)(5)
	No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
	No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)
	Failure to function as a mark	Trademark Act Sections 1, 2 and 45
	The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)
	Dilution by blurring	Trademark Act Sections 2 and 43(c)
	Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
	Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1
	False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)
	Deceptiveness	Trademark Act Section 2(a)
	Immoral or scandalous matter	Trademark Act Section 2(a)
	Disparaging	Trademark Act Section 2(a)
	Geographic indication which, if used on or in connection with wine or spirits, identifies a place other than the origin of the goods	Trademark Act Section 2(a)
	Consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof	Trademark Act Section 2(b)
	Consists of or comprises a name, portrait, or signature of a living individual without written consent, or the name, portrait, or signature of a deceased president without the written consent of the surviving spouse	Trademark Act Section 2(c)
	Registration barred by claim or issue preclusion	Mayer/Berkshire Corp. v. Berkshire Fashions Inc., 424 F.3d 1229, 76 USPQ2d 1310 (Fed. Cir. 2005)
	Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)
	Misuse of Registration symbol	Copelands' Enterprises Inc. v. CNV Inc., 945 F.2d 1563, 20 USPQ2d 1295 (Fed. Cir. 1991)
	Title of single creative work	Trademark Act Sections 1, 2 and 45, Mattel Inc. v. Brainy Baby Co.,101 USPQ2d 1140 (TTAB 2011)
	Other (please concisely indicate grounds and statutory or common-law basis for opposition)	

Electronic System for Trademark Trials and Appeals

Notice of Opposition
Navigation: <u>Add/Modify</u> - <u>Related</u> - <u>Correspondence</u> - <u>GroundsUS</u> - Pleading

ESTTA v. PTO-2120 (Exp.)
OMB No. 0851-0040 (Exp.)

Pleading

You must attach a <u>short and plain statement of the grounds</u> setting forth, in numbered paragraphs, averments that include the reason(s) why the opposer believes it is or will be damaged by the registration of the opposed mark (i.e., opposer's standing), as well as the ground(s) for opposition. [See TBMP § 309.03(a)(2)].

To attach your file(s):

- Pre-filing checklist.
- Please make sure that the file name does not contain any special characters such as (!@#\$%^&*(){}).
- The maximum size for each attached file is 6 MB. A single ESTTA filing may comprise more than one attached file, totaling no more than 53 MB. Tips for attaching a large file.
- Choose the "Browse" button below and select a file in an <u>accepted format</u> (TIFF, PDF, or TXT) from your computer. (To attach a document saved in TIFF format, the document must first be saved using this extension: .tiff)
- The name of the file you want to attach should appear in the text box below. Click the "Attach File" button
- 6. When you have attached all desired files, click "Next Screen" at the bottom of the page to proceed.



Attachment screen

Electronic System for Trademark Trials and Appeals Notice of Opposition Navigation: Additionally - Related - Correspondence - Grounds US - Pleading - Sign PTO-2120 (Emp. OMB No. 0081-0040 (Emp.

Signature

The submission must be signed by the filer. The Board will accept any combination of letters, numbers, spaces or punctuation marks as a valid signature if it is placed between two forward slash (/) symbols.

Sign the request by co	ompleting the following fields						
п	N THE UNITED STATES PATE BEFORE THE TRADEMARK	NT AND TRADEMA TRIAL AND APPEAI	RK OFFICE L BOARD				
	Notice of (Opposition					
Notice is hereby given that the following party opposes registration of the indicated application.							
Opposer Informati	tion						
Name							
Entity		Citizenship					
Address			,				
Correspondence information							
Applicant Informa	ation						
Application No		Publication date					
Opposition Filing Date	Not assigned yet	Opposition Period Ends					
Applicant							
Goods/Services At	ffected by Opposition						
Grounds for Oppo	osition						
Attachments							
Signature: * Name: *							
Name: * Date:							
Next Back Ca	ancel Save Session						

Uspto Electronic System for Trademark Trials and Appeals Notice of Opposition Navigation: Add/Modify - Related - Correspondence - GroundsUS - Pleading - Sign - Validate PTO-2120 (Exp.) OME No. 0851-0040 (Exp.)

Validate

Review the information below and click on the "to proceed with payment" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).

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Electronic System for Trademark Trials and Appeals

Notice of Opposition

Navigation: Add/Modify - Related - Correspondence - GroundsUS - Pleaded Mark(e) - Pleading - Sign

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Signature

The submission must be signed by the filer. The Board will accept any combination of letters, numbers, spaces or punctuation marks as a valid signature if it is placed between two forward slash (i) symbols

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Notice is hereby given that the following party opposes registration of the indicated application.							
Opposer Information							
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Attorney informa	ition						
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Opposition Filing Date	Not assigned yet		Opposition Period Ends				
Applicant							
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Grounds for Oppo	osition						
Attachments							
Signature							
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Electronic System for Trademark Trials and Appeals

Notice of Opposition
Navigation: Add/Modify - Related - Correspondence - GroundsUS - Pleaded Mark(e) - Pleading - Sirgn - Validate
PTO-2120 (Exp. 0)
OMB No. 0851-0040 (Exp. 0)

Validate

Review the information below and click on the "to proceed with payment" button if the information is correct. If you need to edit any information, go back to proper screen using navigation facilities on this web page and make your correction(s).

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Opposer Information							
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Entity			Citizenship				
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Attorney info	rma	tion					
Docket Numb	er						
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