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June 27, 2007

BY CERTIFIED MAIL

United States Patent & Trademark Office
Trademark Trial and Appeal Board
P.O.Box 1451
Alexandria, VA 22313-1451

Dear Sir/Madam:

Enclosed herewith for filing are the following documents:

1. Notice of Opposition for the application S/L No. 78/763352 ;
2. A check of US\$300 for the filing fee
3. Certificate of Service to Applicant's counsel of record

Respectfully submitted,
Herba Natural Products, Inc.

By: _____


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06-29-2007

U.S. Patent & TMO/TM Mail Rcpt Dt #34

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

HERBA NATURAL PRODUCTS, INC.)	
AND ROYAL KING, INC.)	
Petitioner,)	MARK: Royal Nest & Design
)	Serial No. 78/763352
)	Published on Feb. 27, 2006
v.)	Opposition No.
)	
TJ SEVEN INCORPORATION)	
)	
Applicant)	

NOTICE OF OPPOSITION

HERBA NATURAL PRODUCTS, INC. and ROYAL KING INC. ("Opposer"), are New York corporations, with an office located at 211 41 Street, Brooklyn, NY 11232 believes that they will be damaged by registration of the mark shown in Application Serial No. 78/763352 for "edible birds nests" and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer, by itself and through its predecessors, licensees, and related companies (collectively referred to hereinafter as "Opposer"), have for many years been engaged, in interstate commerce, in the business of distributing, advertising and selling a line of health goods including herbal supplements and food beverage.

2. Since at least as early as August 1994, and long prior to the date of filing of Applicant's application, Nov. 30, 2005, Opposer adopted and has continuously used the mark ROYAL KING & CROWN and its Chinese equivalent shown hereunder covering health food goods including dietary herbal supplements and food beverage and edible birds nests.

3. Opposer is the owner of a number of federal trademark registrations for ROYAL KING & CROWN and marks that include ROYAL KING & CROWN and its Chinese equivalents in connection with health goods, including, among others:

- ROYAL KING & CROWN U.S. Reg. No. 2,058,440
- ROYAL KING & CROWN U.S. Reg. No. 2,141,623

- ROYAL KING & CROWN U.S. Reg. No. 2,513,007
- ROYAL KING & CROWN U.S. Reg. No. 2,594,578
- ROYAL KING & CROWN U.S. Reg. No. 2,643,248
- ROYAL KING & CROWN U.S. Reg. No. 2,972,424
- GINSENG ROYAL JELLY & CROWN U.S. Reg. No. 2,070,337
- ROYAL KING & CROWN U.S. S/L No. 76/675158 covering among others the “edible bird’s nest,” etc.
- ROYAL KING & CROWN U.S. S/L. No. 78/947613

The afore-cited registrations and applications are subsisting, unrevoked and uncanceled, and some of them have obtained incontestable status. Opposer owns these cited marks shown therein and the goodwill connected therewith. In addition, Opposer is the owner or applicant of a number of foreign trademark registrations or applications for ROYAL KING & CROWN-formative marks for health goods.

4. Since its adoption, Opposer’s ROYAL KING & CROWN-formative mark has been conspicuously applied to Opposer’s products. Said products so marked, promoted and advertised have been widely shipped, distributed and sold in interstate commerce throughout the United States and elsewhere. By virtue of the widespread sales, advertising and promotion of Opposer’s goods under the Opposer’s ROYAL KING & CROWN-formative mark and the choice quality of the goods themselves, Opposer’s ROYAL KING & CROWN-formative mark is recognized and relied upon as identifying Opposer’s goods and as distinguishing them from the goods of others, and has come to represent and symbolize a valuable goodwill and business belonging exclusively to Opposer.

5. By the application herein opposed, Applicant seeks to register the mark ROYAL NEST and three Chinese characters meaning “The King of Kings or emperors” for “edible bird’s nests” under Int. Class 029 as shown below (to the left is Opposer’s mark and right is Applicant’s) :



6. Of its five wording elements, both in English and Chinese, in the mark, i.e. two English words ROYAL NEST plus three Chinese characters meaning “The King of Kings or emperors.” Applicant’s mark takes three vital elements from that of the Opposer, that is, “ROYAL” and “KING” as per the foreign equivalent principle, and its Chinese characters “皇” and “王” transliterating to HUANG and WANG; the former

normally translates to "emperor" and the latter to "king." Besides, there are no non-Latin characters in the mark that transliterates into "YINWO" meaning "BIRDNEST" in Applicant's mark. By total impression, the Applicant's mark so resembles to Opposer's ROYAL KING & CROWN marks in sight, sound, meaning and commercial impression, and the goods in the subject application being published are either identical or highly related to the goods sold under Opposer's marks as both covers edible bird's nest goods and/or the related health food goods.

7. Due to the similar nature of Applicant's mark to Opposer's mark, due to the identical nature of the goods offered under the marks, and due to the extensive reputation of Opposer's ROYAL KING & CROWN mark, concurrent use of the mark ROYAL NEST and its Chinese characters meaning "KING" by Applicant and Opposer in the identical field of health food goods would likely result in consumer confusion as to source, sponsorship, approval, or affiliation within the meaning of 15 U.S.C. § 1114 and 1125(a), and, therefore, Opposer is likely to be damaged by registration of Applicant's proposed mark within the meaning of 15 U.S.C. § 1063(a).

WHEREFORE, Opposer prays that the instant opposition be sustained and application Serial No. 78/763352 be denied.

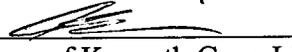
POWER OF ATTORNEY

Opposer hereby appoints KENNETH CANG LI OF LAW OFFICES OF KENNETH CANG LI, 65 Broadway, suite 802, New York, N.Y. 10006, its attorneys, to prosecute this opposition proceeding and to transact all business before the United States Patent Office and Trademark Office in connection therewith.

The filing fee for this Op[osition, in the amount of \$300, is enclosed herewith.

This 27th day of June, 2007

Respectfully submitted,
For Herba Natural Products, Inc.
And Royal King, Inc.

By: 
Law Offices of Kenneth Cang Li
Attorneys-At-Law
Kenneth Cang Li
65 Broadway, Suite 802
New York, NY 10006
(212) 430-6810
Email: Kennethcli@hotmail.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served on:

John E. Russell, Esq.
Allmark Trademark
4041 Sugar Maple Dr. Ste. A
Danville, CA 94506-4640

By placing same with the U.S. Postal Service, via first class mail, postage pre-paid, this
27 of June, 1007

CERTIFICATE OF MAILING

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O.Box 1451
Alexandria, VA 22313-1451

I hereby certify that this NOTICE OF OPPOSITION with a check covering the filing fee
of US\$300 is being deposited with the United States Postal Service with sufficient
postages as first class mail in an envelope addressed to: United States Patent and
Trademark Office, Trademark Trial and Appeal Board, P.O.Box 1451, Alexandria, VA
22313-1451
on 27 of June, 1007

Dated: 6/27/07

By: 

Name: CANG LZ
(PRINT OUT)