

ESTTA Tracking number: **ESTTA283350**

Filing date: **05/12/2009**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Farouk Systems, Inc.		
Entity	Corporation	Citizenship	Texas
Address	250 Pennbright, Suite 150 Houston, TX 77090 UNITED STATES		

Attorney information	Ben D. Tobor; Mark G. Chretien Greenberg Traurig LLP 1000 Louisiana Street, Suite 1700 Houston, TX 77002 UNITED STATES chretienm@gtlaw.com, toborb@gtlaw.com, laipmail@gtlaw.com, vinsonl@gtlaw.com, taglem@gtlaw.com Phone:713-374-3568
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Applicant Information

Application No	77554386	Publication date	04/14/2009
Opposition Filing Date	05/12/2009	Opposition Period Ends	05/14/2009
Applicant	Frank Tavakoli 7830 Westpark Drive Houston, TX 77063 UNITED STATES		

Goods/Services Affected by Opposition

Class 011. All goods and services in the class are opposed, namely: Hair dryers
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3426769	Application Date	11/30/2004
Registration Date	05/13/2008	Foreign Priority Date	NONE
Word Mark	CHI		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2004/11/29 First Use In Commerce: 2004/11/29 Hair coloring preparations, namely, hair color lighteners, color lock treatments, color developers, and colors

U.S. Registration No.	2660257	Application Date	06/19/2000
Registration Date	12/10/2002	Foreign Priority Date	NONE
Word Mark	CHI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/01/18 First Use In Commerce: 2001/01/18 ELECTRIC HAIR CURLING IRONS		

U.S. Registration No.	3107769	Application Date	05/07/2004
Registration Date	06/20/2006	Foreign Priority Date	NONE
Word Mark	CHI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2005/12/01 First Use In Commerce: 2005/12/01 electric hand-held hair dryers		

U.S. Registration No.	3527483	Application Date	04/25/2008
Registration Date	11/04/2008	Foreign Priority Date	NONE
Word Mark	CHI		

Design Mark	<h1>CHI</h1>		
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 2006/12/31 First Use In Commerce: 2006/12/31 Hair clippers, hair shears and scissors, hair trimmers, razors, and blades for hair clippers, hair trimmers, and razors		

U.S. Registration No.	3054490	Application Date	01/27/2005
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	CHI		
Design Mark	<h1>CHI</h1>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2004/12/31 First Use In Commerce: 2004/12/31 Magazines in the field of haircare, beauty, and fashion		

U.S. Registration No.	3387588	Application Date	12/01/2006
Registration Date	02/26/2008	Foreign Priority Date	NONE
Word Mark	CHI NANO		

Design Mark	CHI NANO
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/12/01 First Use In Commerce: 2006/12/01 Electric hair curling irons, electric hair styling irons, electric hair straightening irons, electric hair flat irons Class 011. First use: First Use: 2006/12/01 First Use In Commerce: 2006/12/01 Hair dryers

U.S. Registration No.	3341114	Application Date	04/26/2005
Registration Date	11/20/2007	Foreign Priority Date	NONE

Word Mark	ULTRA CHI
Design Mark	ULTRA CHI
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/07/06 First Use In Commerce: 2007/07/06 Electric hair curling irons, electric hair flat irons, and electric hair straightening irons

U.S. Registration No.	3331008	Application Date	05/04/2005
Registration Date	11/06/2007	Foreign Priority Date	NONE
Word Mark	ULTRA CHI		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2007/08/24 First Use In Commerce: 2007/08/24 Electric hand-held hair dryers and hair dryers for household and professional salon purposes

Attachments	78524660#TMSN.jpeg (1 page)(bytes) 78414762#TMSN.jpeg (1 page)(bytes) 77457984#TMSN.jpeg (1 page)(bytes) 78555431#TMSN.jpeg (1 page)(bytes) 77055581#TMSN.jpeg (1 page)(bytes) 78617337#TMSN.jpeg (1 page)(bytes) 78622448#TMSN.jpeg (1 page)(bytes) SHI opposition (class 11).pdf (4 pages)(98755 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/mgc/
Name	Ben D. Tobor; Mark G. Chretien
Date	05/12/2009

but not limited to the marks CHI NANO and ULTRA CHI (collectively, the CHI Mark and the CHI Formative Marks are sometimes referred to herein as the "Opposer Marks").

4. Opposer is the owner of several federal registrations for the Opposer Marks, including U.S. Registration Nos. 3,426,769, 2,660,257, 3,107,769, 3,527,483 and 3,054,490, for the mark CHI®; U.S. Registration No. 3,387,588, for the mark CHI NANO®; and U.S. Registration Nos. 3,341,114, and 3,331,008 for the mark ULTRA CHI®. The CHI registrations cover goods in International Classes 3, 8, 9, 11, and 16. U.S. Registration No. 3,107,769 is for CHI® for use in "electric hand-held dryers" in Class 011.

5. As a result of Opposer's substantially exclusive and continuous use of the CHI Mark in connection with the Opposer Goods, the CHI mark has developed substantial goodwill and a positive reputation among the industry, the trade, and consumers, and has become a very valuable asset of Opposer.

6. As a result of Opposer's substantially exclusive and continuous use of the CHI Formative Marks in connection with the Opposer Goods, the CHI Formative Marks have developed substantial goodwill and a positive reputation among the industry, the trade, and consumers, and have become a very valuable asset of Opposer.

7. On information and belief, Applicant is a individual residing at 7830 Westpark Drive Houston, Texas 77063.

8. On or about August 24, 2008, Applicant filed the Opposed Application covering hair dryers ("Applicant's Goods") in International Class 11.

9. The Opposed Application was filed without Opposer's authorization or consent.

10. The CHI Mark, including Opposer's common law rights and U.S. Registration Nos. 3,426,769, 2,660,257, 3,107,769, 3,054,490, 3,527,483, 3,387,588, 3,341,114 and 3,331,008 all substantially predate the Opposed Application. Opposer therefore has rights that are senior to any rights that may be claimed by Applicant.

11. The Applicant's Mark is confusingly similar with the Opposer Marks. The last two letters of Applicant's Mark are the same as the last two letters in Opposer's CHI Mark, and the entireties of the marks are very similar sounding.

12. The goods with which Applicant proposes to use its mark are identical or substantially similar to the goods with which Opposer uses its marks.

13. As a result of confusing similarity between Applicant's Mark and the Opposer Marks, the registration of Applicant's Mark is likely to cause confusion, mistake and/or deception of purchasers as to (a) the source of the parties' respective goods, (b) the affiliation, connection, or association between Opposer and Applicant, and (c) the origin, sponsorship, or approval of Applicant's Goods by Opposer, all of which will damage Opposer, Farouk Systems, Inc.

WHEREFORE, Opposer Farouk Systems, Inc. respectfully requests that the Opposed Application, Serial No. 77/554,386, be rejected, that registration for Applicant's Mark be refused, and that this Opposition be sustained.

Dated this 12th Day of May, 2009.

Respectfully submitted,

FAROUK SYSTEMS, INC.

By Mark G. Chretien

Ben D. Tobor

Mark G. Chretien

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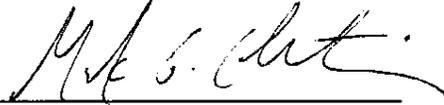
Attorneys for Opposer,

Farouk Systems, Inc.

CERTIFICATE OF SERVICE

I, Mark G. Chretien, counsel for Farouk Systems, Inc., in the above-captioned action, hereby certify that, on the 12th day of May, 2009, I served a copy of the foregoing Notice of Opposition, via First Class Mail, postage prepaid, upon the following entity, identified in the Opposed Application as the correspondence address for Applicant's domestic representative.

JOHN R. CASPERSON, PA
PO BOX 36369
PENSACOLA, FL 32516-6369



Mark G. Chretien