



**TTAB**

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**Julia A. Yun**  
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June 29, 2011

Director of the United States Patent and Trademark Office  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

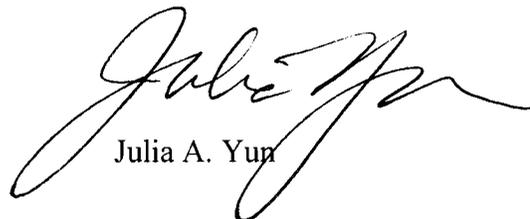
**Re: Teavana Corporation: Notice of Opposition to the TEAYANA & Design  
U.S. Trademark Application (Serial No. 85/072,591)  
(Our File No: 23910.0002)**

Dear Sir:

Our firm serves as counsel for the Opposer, Teavana Corporation, a Georgia corporation. Enclosed please find a copy of the Notice of Opposition and Certificate of Service that was filed today, June 29, 2011, against the above-referenced trademark application.

The Applicant, Ahmed Mohamed Saleh Baeshen & Co., is a Saudi Arabian company that has not designated a domestic representative. However, the Applicant appears to have appointed an attorney of record who was also served this Notice of Opposition today. This courtesy copy of the Notice of Opposition and Certificate of Service is to ensure proper service of papers. Please let us know if you have any questions.

Very truly yours,



Julia A. Yun

Enclosures



**07-06-2011**

U.S. Patent & TMO/PTO Mail Rpt. Dt: 472

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

In the matter of trademark application Serial No. 85/072,591  
For the mark: TEAYANA & Design  
Published in the Official Gazette on March 1, 2011

TEAVANA CORPORATION,  
Opposer,

v.

AHMED MOHAMED SALEH  
BAESHEN & CO.  
Applicant.

)  
)  
) Opposition No. \_\_\_\_\_  
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**NOTICE OF OPPOSITION**

Opposer, Teavana Corporation, a Georgia corporation located and doing business at 3630 Peachtree Road, NE, Suite 1480, Atlanta, Georgia 30326, believes it will be damaged by the registration of the claimed design mark for TEAYANA as shown in Application Serial No. 85/072,591 filed on June 28, 2010 by Ahmed Mohamed Saleh Baeshen & Co., a Saudi Arabian company ("Applicant"), and published for opposition in the Official Gazette of March 1, 2011. Teavana Corporation hereby opposes registration of said claimed mark. The grounds of opposition are as follows:

1. Teavana Corporation ("Teavana" or "Opposer") is a Georgia corporation located and doing business at 3630 Peachtree Road, NE, Suite 1480, Atlanta, Georgia 30326.
2. Ahmed Mohamed Saleh Baeshen & Co. ("Applicant") is a Saudi Arabian company located within the Kingdom of Saudi Arabia, P.O. Box 18, Jeddah 21411.
3. Teavana is the owner of an extensive line of tea products sold under its distinctive and famous house mark, TEAVANA (Registration No. 2,612,225).

4. Long before the January 23, 2006 protection date of Applicant's TEAYANA registration in the Kingdom of Saudi Arabia, Registration No. 867/4 (attached as Exhibit A), and long before the June 28, 2010 filing date of U.S. Trademark Application, Serial No. 85/072,591 (the "TEAYANA & Design Application"), Teavana has continuously and extensively engaged in the sale and distribution of teas and tea-related products and services in interstate commerce in the United States in connection with Teavana's distinctive and famous TEAVANA trademark. The TEAVANA trademark has been in use by Teavana for over ten (10) years.

5. During its fiscal year 2010, Opposer generated \$133.9 million in revenue for TEAVANVA-brand goods and services.

6. Furthermore, Opposer also currently owns over 150 TEAVANA-brand stores, each displaying Opposer's unique and unmistakable trade dress under the TEAVANA house mark. These stores are located across thirty-five (35) states and in Mexico.

7. Based on Teavana's aforesaid use, Teavana has prior common law rights to the TEAVANA trademark, and the exclusive right to the use thereof in connection with teas, tea-related products, and tea-related services, including retail and store services.

8. Based on Teavana's aforesaid use, Teavana did apply for and received U.S. Trademark Registration No. 2,612,225 for the mark TEAVANA in International Class 35, which grants to Teavana the exclusive right to the use the TEAVANA mark in connection with the offer and sale of teas, tea accessories, baked goods, electric and non-electric appliances, house wares, glassware, giftware, plates, bowls storage containers, clothing, candles, musical recordings, and books. Teavana began using its TEAVANA trademark in connection with such goods and services at least as early as November 10, 2000. Said registration is valid and subsisting. Furthermore, said registration is incontestable pursuant to 15 U.S.C. §§1065 and 1115(b).

9. Teavana is also the owner of approximately seventy-nine (79) federal trademark registrations and applications (the "Teavana Marks") that are used closely with the TEAVANA house mark:

(a) The mark, MATE'VANA (Registration No. 3,398,177), is a derivative mark stemming from the TEAVANA house mark.

(b) The Teavana Marks consists of goods and services in International Classes 8, 9, 11, 16, 21, 30, 35, 36, and 41, which includes, without limitation, teas, teaspoons, tea pots, various mugs and cups, tea gift sets, charitable services, advertising, promotional, and display services, on-line blogging services, and retail/online store services.

10. Teavana has extensively advertised and promoted its TEAVANA-brand of teas and tea-related products and services, and as such, the TEAVANA trademark is well known throughout the United States and recognized by a significant portion of consumers and the trade as identifying Opposer's goods and services.

11. Teavana also maintains the domain name, [www.teavana.com](http://www.teavana.com), wherein consumers may review information on Opposer's tea products and related goods and services.

12. Based on Teavana's aforesaid use, Teavana's mark is not only well known within the tea industry but also qualifies as a famous mark under the Lanham Act for tea-related goods and services. By reason of the adoption and continuous use of the TEAVANA mark, this mark has attained a distinctive quality and has acquired special and particular significance within the tea industry. Accordingly, the TEAVANA mark has achieved very valuable good will as identifying Opposer and its goods and services. As such, Opposer's TEAVANA mark has become distinctive and famous through, *inter alia*, Opposer's extensive use, advertising, and promotion of those goods throughout the United States and Mexico for a variety of tea-related goods and services for over ten (10) years.

13. Upon information and belief, prior to filing its TEAYANA & Design Application, Applicant was aware of Opposer's use of the TEAVANA trademark in the United States in connection with teas, tea-related products, and various related services.

14. Upon information and belief, Applicant's goods and services include teas, tea-related products, and tea-related services, as evident from Applicant's website, [www.teayana.com](http://www.teayana.com), which shows that Applicant's *predominant* focus of its business conducted under its alleged TEAYANA mark is providing various tea products to consumers. Please see Exhibit B for printouts of Applicant's website.

15. Upon information and belief, Applicant filed a Canadian trademark application on March 9, 2009 for the identical design mark at issue here (attached as Exhibit C). Unlike Applicant's U.S. TEAYANA & Design Application, Applicant's Canadian application incorporates its intent to use the TEAYANA mark in connection with the following:

(a) Wares: "Iced coffee, non-alcoholic carbonated and non-carbonated coffee flavoured iced beverages, artificial coffee, **tea, iced tea, tea flavored sodas, herbal infusions made of teas, herbs**, grasses, barks, fruits, flowers and other botanicals and combinations thereof, and **fruit tisanes, herbal tea**, crepes, bread, biscuits, cakes, pies, tarts, desserts, strudel, brownies, ice creams, bee honey, black honey[,] mineral and sparkling water, non-alcoholic carbonated and non-carbonated fruit drinks and fruit juices, syrups for lemonade [and] beers" [emphasis added].

(b) Services: "Restaurant services, cafés, **tea rooms**, cafeterias, canteens, restaurants, light food restaurants, self-service restaurants, take-out restaurant services, information of food and drink places, consultation relating to food, drink, catering, restaurant and cafeteria services, operations of a business providing instant food, providing food and drinks for parties, providing food and drinks for exhibitions" [emphasis added].

16. Applicant filed an application for its TEAYANA & Design Application on June 28, 2010 for the following services:

(a) International Class 41: Summer camps.

(b) International Class 43: Providing of food and drink; restaurant, café, and cafeteria services; canteen services; restaurants; cocktail lounge services; snack-bars; carry-out restaurants; serving food and drinks; fast-food restaurants; food preparation services; providing news and information in the field of food and drinks; providing temporary accommodation; arranging temporary housing accommodations; hotels; motels; tourist homes; contract food services; and travel accommodations information services, namely, providing information regarding temporary accommodations, hotels and motels.

17. Upon information and belief, Applicant's identification of goods and services intentionally omits any reference to its tea products and related services, in contrast to its official website and its Canadian trademark application. Opposer believes that this omission is a deliberate attempt to circumvent Opposer's TEAVANA-brand of teas, tea products, and tea-related services.

18. Upon information and belief, the goods and services for which Applicant will use its TEAYANA & Design mark are those goods and services that are either identical or closely related to the goods and services rendered in connection with the Teavana Marks.

19. Upon information and belief, there is no evidence that Applicant is currently using the TEAYANA & Design mark in connection with Class 41 summer camp services.

20. Applicant's intended use of the TEAYANA & Design trademark for services in Classes 41 and 43, is likely to cause confusion, mistake, or deception with the Opposer, its TEAVANA house mark, its Teavana Marks, and its goods and services. This confusion, mistake, and/or deception will result in damage to Teavana's reputation and good will.

21. Applicant's TEAYANA & Design trademark is confusingly similar to Opposer's TEAVANA mark, and Opposer has reason to believe that Applicant's intended use of the mark will exceed the scope of its Class 41 and Class 43 description of services. By virtue of Teavana's prior use, common law rights, and federal registration of the TEAVANA trademark, Applicant is not entitled to registration of the TEAYANA & Design mark under the law.

22. Because of Teavana's exclusive and extensive use of its TEAVANA trademark, its TEAVANA brand has acquired considerable value and has become well known and famous among the consuming public and trade throughout the United States as identifying and distinguishing both Teavana and TEAVANA-brand goods and services exclusively and uniquely as the source of teas and tea-related products and services.

23. For the reasons specified above, Applicant is not entitled to registration of the Application, Serial No. 85/072,591 under the law, specifically 15 U.S.C. §1052(d).

24. By virtue of Teavana's belief that Teavana will be damaged by the registration of the mark shown in Application, Serial No. 85/072,591, said Application is hereby opposed pursuant to the provisions of 15 U.S.C. §1063.

WHEREFORE, Teavana prays that Application, Serial No. 85/072,591 be rejected and stricken, and that no registration be issued thereon to Applicant, that this Opposition be sustained in favor of Teavana, or that Teavana be granted such or other relief as the Board may deem appropriate.

Teavana submits herewith the requisite filing fee in the amount of \$600.00.

Please address all correspondence to Robert H.G. Lockwood of Miller & Martin, PLLC,  
1170 Peachtree Street, N.E., Suite 800, Atlanta, Georgia 30309.

Dated: June 29, 2011

MILLER & MARTIN PLLC

By: /s/ Robert H.G. Lockwood  
Robert H.G. Lockwood  
Georgia Bar No. 455045  
Charles W. Forlidas  
Reg. No. 41,758  
Julia A. Yun  
Georgia Bar No. 855208  
1170 Peachtree Street, N.E.  
Suite 800  
Atlanta, Georgia 30309  
(404) 962-6100  
Fax: (404) 962-6300

*Attorneys for Opposer,  
Teavana Corporation*

**CERTIFICATE OF SERVICE**

I, Julia A. Yun, hereby certify that a true copy of the **NOTICE OF OPPOSITION** has been served on Applicant's last known attorney of record:

Patrick J. Jennings  
Pillsbury Winthrop Shaw Pittman, LLP  
2300 N Street, N.W.  
Washington, D.C. 20037,

postage prepaid by Priority Mail on June 29, 2011.

Executed on June 29, 2011, at Atlanta, Georgia.

/s/ Julia A. Yun  
Julia A. Yun



CONSULATE GENERAL OF THE  
UNITED STATES OF AMERICA

GENERAL AUTHENTICATION CERTIFICATE

Kingdom of Saudi Arabia )  
Western Province ) ss:  
City of Jeddah )  
American Consulate General )

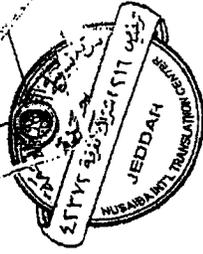
I Certify that the official named below, whose true signature and official seal are, respectively, subscribed and affixed to the annexed document, was, on this day, empowered to act in the official capacity designated in the annexed document, to which faith and credit are due. The Consulate does not assume any responsibility for the contents of the attached document.

Saud H. Eshmawi

**Cecelia K. El Khatib**  
Consul of the  
United States of America

April 7, 2010

SEAL



بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

مركز نسايبة الدولي للترجمة

الدكتور عبدالعزيز عبدالستار تركستاني



NUSAIBA INT'L TRANSLATION CENTER

Abdul Aziz Abdul Sattar Turkistani Phd.

INTERNATIONAL  
TRANSLATION CENTER

بهذا نشهد أن الترجمة المرفقة تعبر عن المعنى كاملاً وبدقة  
*We hereby certify that this translation conveys  
the full meaning accurately*

Handwritten signature in Arabic script.

We hereby certify  
that this translation  
conveys the full  
meaning accurately  
بهذا نشهد  
أن هذه الترجمة  
تعبر عن المعنى  
كاملاً وبدقة  
مركز نسايبة الدولي للترجمة  
NUSAIBA INT'L TRANSLATION CENTER  
تأسس في ١٦٦٦ شارع الملك عبدالعزيز رقم ٤٤٢٧٤

لقد اذقنا ذرة الخلقية، صرع حذرة من...  
على صحة الخبر والمترجم: وسب  
مستوثقتاً عن المختومين...  
للحق

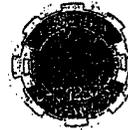
١٤٣١



SAUD H. AL-MALIK

رئاسة قسم التصديق

Handwritten signature.



١١٠٤-٤

٢١٧/٢٢٢

١١١٤٥١٤

١١١٤٥١٤

التوقيع مطبق دون أذى سعودي رقم ٤٤٢٧٤  
رقم الترخيص ٤٤٢٧٤  
رقم الهاتف ١١١٤٥١٤  
مركز نسايبة الدولي للترجمة  
جسرة وهران، الرياض، السعودية رقم ٤٤٢٧٤  
وذلك مقابل تسليق مستندات

**Kingdom of Saudi Arabia**  
*Ministry of Commerce and Industry*

**Trademark Registration Certificate**  
**(True Copy)**

Registration No. : 867/4  
Date of registration : 09/10/2006G  
Protection start date : 23/01/2006G  
Protection expiry date : 05/10/2015G  
Classification of goods : 43

**Description of the mark:**

The word Teayana is written in Arabic and Latin characters in special format, each of them appears inside label frame with drawings of two cups as shown in label.

Owner's name : Company of Ahmed Mohamed Saleh Baeshen & Co.  
Owner's address : Kingdom of Saudi Arabia, P.O.Box18, Jeddah 21411.  
Owner's Nationality : Saudi

**Type of Goods:**

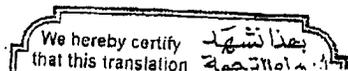
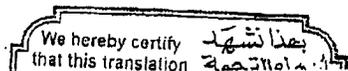
Food and beverages supplies services, Restaurant, café and Cafeterias services, Place of drinking Non-alcoholic drinks, food lounges, canteens, self service restaurants, take a way restaurants, snacks taking places services, services for halls which introduce cocktail, information providing services pertaining to food and drink taking places and windows of introducing ready meals. Providing Temporary accommodation and housing rooms services, facilities for staying in hotels, motels, overnight accommodation and home-stays and information providing in respect of all places mentioned above, summer camps services, tourists homes services, services pledges to provide food and beverages during concerts, banquets and services providing of facilities for exhibitions.

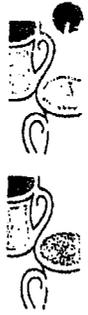
The above-mentioned trademark was duly registered at the trademark registry administration under the above indicated number, to be used on the above mentioned commodities. The mark owner shall be entitled for enjoying protection rights in accordance with the trademark regulation applied in the Kingdom of Saudi Arabia, for a period of ten years effective from the protection start date and for equal periods of extension thereof upon application presented by the owner of the mark.

Computer No.: 142608525

Director of Trademark Registration Administration  
Name: **Nawaf Nayef Al-Mitairi**  
Signature: (signed)

*Official stamp (affixed)*

We hereby certify  that this translation 



تيناينا

teayana

المملكة العربية السعودية  
وزارة التجارة والصناعة  
جهاز تسجيل علامه تجارية  
صرح بلسن الأصل

رقم التسجيل : ٤/٨٦٧  
تاريخ التسجيل : ١٤٢٧/٩/١٦  
بداية الحماية : ١٤٢٦/١٢/٢٢  
نهاية الحماية : ١٤٣٦/١٢/٢١  
فئة العلامة : ٤٣

وصف العلامة : كلمة تي يانا بحروف عربية ولائيلية بشكل خاص كل منهما داخل بطاقة مع رسم كوبيين بشكل خاص كما بالشكل الموضح

اسم المالك : شركة احمد محمد صالح باعثن وشركاه

OWNER'S NAME : N/A

عنوان المالك : السعودية ص ب ١٨ جده ٢١٤١١

OWNER'S ADDRESS : N/A

جنسية المالك : السعودية

أنواع البضائع : خدمات تزويد الطعام والشراب وخدمات المطاعم والمقاهي والكافيتريات واماكن احتساء المشروبات غير

والخدمات : الكحولية وصلات الطعام والكافيتريات وخدمات مطاعم الخدمة الذاتية ومطاعم الوجبات السريعة وخدمات اماكن تناول الوجبات الخفيفة وخدمات الاستراحات التي تقدم اللكوكتيل وخدمات تقديم المعلومات ذات الصلة باماكن تناول الطعام والشراب ومانافذ بيع الوجبات الجاهزة وخدمات توفير الاطوار المؤقت وحجر السكن المؤقت والتسهيلات الاقامة والفنادق والموتيلات واماكن المبيت وبيوت الاستضافة وتوفير المعلومات المتعلقة بها جميعا وخدمات المخيمات الصيفية وخدمات بيوت السواح وخدمات تعهدات تقديم المأكولات والمشروبات خلال الحفلات والولائم وخدمات توفير التسهيلات للمعارض

إن العلامة الموضحة أعلاه قد سجلت بإدارة تسجيل العلامات التجارية بالرقم المشار اليه وذلك لوضعها على البضائع المبينة أعلاه ليكون لصاحبها حق التمتع بحمايتها بموجب نظام العلامات التجارية المعمول به بالملكة العربية السعودية لمدة عشر سنوات اعتبارا من تاريخ بداية الحماية قابلة للتمديد لمدة أو مدد مماثلة بناء على طلب يقدمه صاحب العلامة .

مدير إدارة تسجيل العلامات التجارية

الاسم :



رقم الحساب القسي : ٤٢١٠٨٥٢٥



HOME ABOUT US OUR TEA TEA LOUNGE NEWS TEA SHOP ARTICLES TEA FACTS

BLACK TEA  
GREEN TEA  
WHITE TEA  
OOLONG TEA  
HERBAL TEA



Tea of the season



Box

**Try teayana's new box for all your gatherings**

A choice of soup or salad, one choice of sandwich in a freshly baked baguette (Smoked Salmon or shrimps or Crab and more) Home made cake and teayana special Ice Tea. Available through delivery. [more](#)

**BLACK TEA**

**NORTH INDIA Darjeeling Ambootia**

This is a supreme organic black tea from the Ambootia Estate, which has been producing superb Darjeeling tea since 1861. Ambootia has rich, green hillsides reaching up towards the Himalayas; the highest mountain range in the world. Nothing can be healthier than a cup of this superlative tea with its exquisite flowery bouquet. When brewed, it becomes a sparkling amber color, which is smooth and mellow with a distinctive Muscat flavor, the signature of the world's finest Darjeelings.



Basket

**Try teayana's new basket for all your gatherings**

Deluxe sandwiches made with freshly baked Baguette (Smoked Salmon, Shrimps, Crab and more) Accompanied by 10 teayana special ice teas, Good for 8-12 Person and Available through delivery. [more](#)

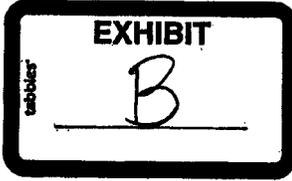


Soup

**Now! Experience "teayana" healthy Soup**

Available at all "teayana" branches with different types

- Shrimp Chowder
- French onion
- Chicken noodles
- Cream of Mushroom



**White Tea**

**NORTH INDIA Darjeeling Finest 1st Flush**

The first new shoots of the Darjeeling season are plucked in April and these first tea types are highly sought after for their very high prices at the world auctions. The green brown leaves, specially handpicked and sorted, provide an exquisite aroma and the taste of Muscatel grapes.

## Waffle

**Indulge your senses with the fresh "teayana" waffle that will compliment your preferred cup of tea**

With your choice of topping, Maple syrup, Honey, Chocolate sauce, Mixed berry compote, Toffee sauce and Vanilla ice cream.



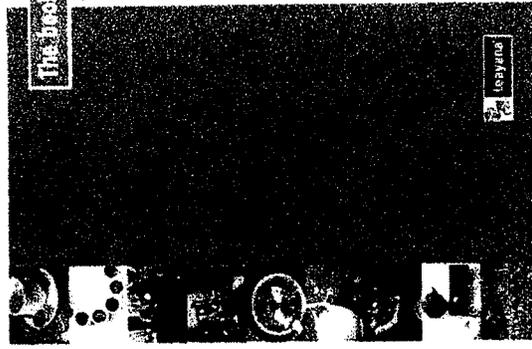
## The Book of Tea

The world of tea is as ancient as it is rich in its variety of choice. It is a magical world with an infinite variety from over 25 different growing countries and thousands of different estates from around the globe. Tea is a personal experience, within a group or alone, at home or outside, during the day or at night and whether your mood is up or down there is always a cup of tea for you.

With "teayana" tea book, we offer you the chance to read and learn more about tea, and explore the wide selection of tea types served at "teayana".

Hopefully after reading the book you become as passionate as we are about tea.

➔ **Order the book of tea**



## Delivery

**Now !!** The same distinctive experience, anywhere you want.. We are pleased to announce to you that our Delivery Service is now available in our following branches during lunch and dinner times.

➔ **download delivery menu**

**Delivery Unified Number**

**920001377**

**Teayana Hamra,**

Andalus street, Planet food Mall

**668 1660**

**Teayana Khairiyah,**

Rawdah Street, Lines Mall

**606 2646**

**Teayana Redsea Mall,**

Malek Road, Redsea Mall, Gate #9

**215 0620**

[Home](#) | [Contact Us](#)

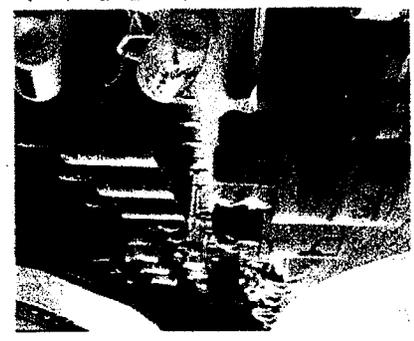
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- BLACK TEA
- GREEN TEA
- WHITE TEA
- OOLONG TEA
- HERBAL TEA



### Tea Shop

Teayana is an exclusive tea lounge that offers you a healthy life style. Discover the wonderful experience through our retail products:

The tea tower displaying tea canisters that contain 150 tea types in three main colors, each color represent a tea category for example: the green representing green tea, the red representing black tea and the orange representing Herbal tea.

The museum wall displaying all tea types in transparent drawers allowing you to fulfill all your senses and help you choosing your desired tea type.



### BLACK TEA

**NORTH INDIA Darjeeling Ambootia**  
This is a supreme organic black tea from the Ambootia Estate, which has been producing superb Darjeeling tea since 1861. Ambootia has rich, green hillsides reaching up towards the Himalayas, the highest mountain range in the world. Nothing can be healthier than a cup of this superlative tea with its exquisite flowery bouquet. When brewed, it becomes a sparkling amber color, which is smooth and mellow with a distinctive Muscat flavor, the signature of the world's finest Darjeelings.

### NORTH INDIA Darjeeling Finest 1st Flush

The first new shoots of the Darjeeling season are plucked in April and these first tea types are highly sought after for their very high prices at the world auctions. The green brown leaves, specially handpicked and sorted, provide an exquisite aroma and the taste of Muscatel grapes.

### White Tea

**TEAYANA Darjeeling Moonlight**  
Darjeeling white tea is very rare and exceptional in the white tea world. It

Check out some of the retail photos we uploaded for you.

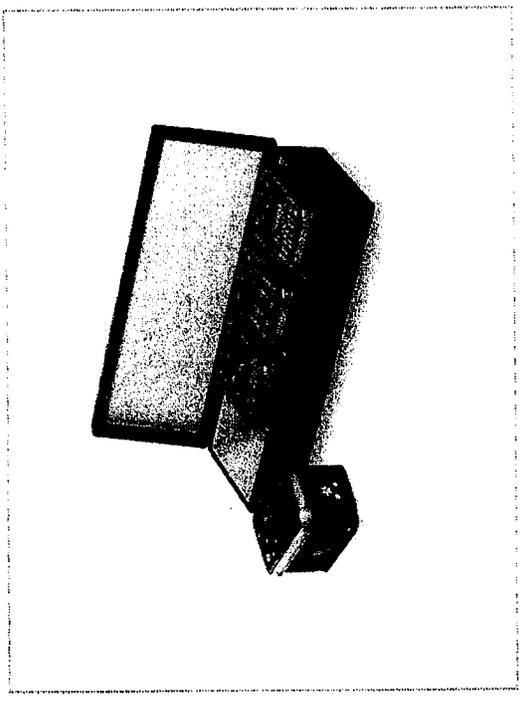
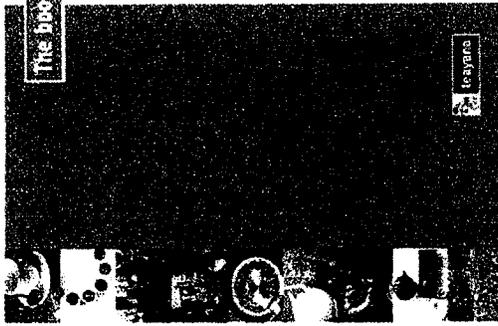


Image 7: International



The world of tea is as ancient as it is rich in its variety of choice. It is a magical world with an infinite variety from over 25 different growing countries and thousands of different estates from around the globe. Tea is a personal experience, within a group or alone, at home or outside, during the day or at night and whether your mood is up or down there is always a cup of tea for you.

With "teayana" tea book, we offer you the chance to read and learn more about tea, and explore the wide selection of tea types served at "teayana".

Hopefully after reading the book you become as passionate as we are about tea.

➔ [Order the book of tea](#)

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is produced in the early spring by steaming and drying the first buds and tips. The tea buds are picked with loving care since the quality and value of this tea depends on it. This results in the leaves appearing to be in their unprocessed, natural state until you infuse them. It's mild and slightly sweet like other white tea, but with the muscatel flavor and astringency of a fine first flush Darjeeling.

### Delivery

**Now !!** The same distinctive experience , anywhere you want.. We are pleased to announce to you that our Delivery Service is now available in our following branches during lunch and dinner times.

➔ [download delivery menu](#)

Delivery Unified Number  
920001377

Teayana Hamra,  
Andalus street, Planet food Mall  
668 1660

Teayana Khaldiyah,  
Rawdah Street, Lines Mall  
606 2646

Teayana Redsea Mall,  
Malek Road, Redsea Mall, Gate #9  
215 0620

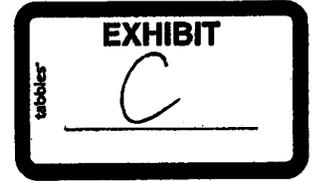
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Canadian Intellectual  
Property Office  
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Industry Canada

Office de la propriété  
intellectuelle du Canada  
Un organisme  
d'Industrie Canada

Canada



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⇨ [Search Page](#)

## CANADIAN TRADE-MARK DATA

\*\*\* Note Data on trade-marks is shown in the official language in which it was submitted.

The database was last updated on: 2011-06-28

**APPLICATION NUMBER:**

1431389

**REGISTRATION NUMBER:**

not registered

**STATUS:**

PROPOSED OPPOSITION

**37(3) NOTICE:**

TMA778,428

**FILED:**

2009-03-09

**FORMALIZED:**

2009-03-20

**ADVERTISED:**

2011-03-23

**APPLICANT:**

A.M.S. Baeshen & Co.  
Baeshen Building,  
Al-Zahab Street (Albalad Area)  
P.O. Box 18  
Jeddah 21411  
SAUDI ARABIA

**AGENT:**

SIM & MCBURNEY  
330 UNIVERSITY AVENUE  
6TH FLOOR  
TORONTO  
ONTARIO M5G 1R7

**REPRESENTATIVE FOR SERVICE:**

SIM & MCBURNEY  
330 UNIVERSITY AVENUE  
6TH FLOOR  
TORONTO  
ONTARIO M5G 1R7

**INTERESTED PARTIES:**

**OPPONENT**

Teavana Corporation  
{unknown address}

**AGENT:**

GOWLING LAFLEUR HENDERSON LLP  
SUITE 2600, 160 ELGIN STREET  
OTTAWA  
ONTARIO K1P 1C3

**REPRESENTATIVE FOR SERVICE:**

GOWLING LAFLEUR HENDERSON LLP  
SUITE 2600, 160 ELGIN STREET

OTTAWA  
ONTARIO K1P 1C3

**TRADE-MARK:**



**MARK DESCRIPTIVE REFERENCE:**  
teayana & Design

**INDEX HEADINGS:**  
TEAYANA

**VIENNA INFORMATION:**

- | Code    | Description  |
|---------|--|
| 11.3.1  | Drinking vessels, cups (trophies)                      |
| 11.3.4  | Cups, cups with saucers                                |
| 26.4.2  | Rectangles   |
| 26.4.7  | Two quadrilaterals, one inside the other               |
| 26.4.16 | Quadrilaterals containing other figurative elements    |
| 26.4.18 | Quadrilaterals containing one or more letters          |
| 26.4.24 | Quadrilaterals with dark surfaces or parts of surfaces |

**WARES:**

- (1) Iced coffee, non-alcoholic carbonated and non-carbonated coffee flavoured iced beverages, artificial coffee, tea, iced tea, tea flavoured sodas, herbal infusions made of teas, herbs, grasses, barks, fruits, flowers and other botanicals and combinations thereof, and fruit tisanes, herbal tea, crepes, bread, biscuits, cakes, pies, tarts, desserts, strudel, brownies, ice creams, bee honey, black honey.
- (2) Mineral and sparkling water, non-alcoholic carbonated and non-carbonated fruit drinks and fruit juices, syrups for lemonade, beers.

**SERVICES:**

- (1) Restaurant services, cafés, tea rooms, cafeterias, canteens, restaurants, light food restaurants, self-service restaurants, take-out restaurant services, information of food and drink places, consultation relating to food, drink, catering, restaurant and cafeteria services, operation of a business providing instant food, providing food and drinks for parties, providing food and drinks for exhibitions.

**CLAIMS:**

Used in SAUDI ARABIA.  
Registered in or for OHIM (EC) on April 17, 2008 under No. 005779756.

<b>ACTION</b>	<b>DATE</b>	<b>BF</b>	<b>COMMENTS</b>
Filed	2009-03-09		
Created	2009-03-18		
Formalized	2009-03-20		
Search Recorded	2009-10-27		
Examiner's First Report	2009-10-27	2010-04-27	

Correspondence Created	2010-05-20	2010-11-20
Approval Notice Sent	2011-01-18	2011-02-15
Approved	2011-03-10	
Extracted for Advertisement	2011-03-18	
Advertised	2011-03-23	
Proposed Opposition	2011-05-27	

APPROVED BY PROGRAM EX200M1  
Vol.58 Issue 2943 2011/03/23

Vol.58 Issue 2943  
Proposed Opposition Filed by receiving mail.

**OPPOSITION ACTIONS**

**CASE #1**

Teavana Corporation

**pending**

**STAGES / ACTIONS**

**DATE**

**BF**

STATEMENT OF OPPOSITION

Extension of Time Granted to Opponent

2011-05-31

Deadline to File S/O

2011-08-23

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Last updated 2011-06-28