

ESTTA Tracking number: **ESTTA550845**

Filing date: **07/28/2013**

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	Cloud-Clone Corp.		
Entity	Corporation	Citizenship	Texas
Address	11271 Richmond Ave., Suite H104 Houston, TX 77082 UNITED STATES		

Attorney information	Darren S. Rimer Rimer & Mathewson LLP 30021 Tomas, Suite 300 Rancho Santa Margarita, CA 92688 UNITED STATES trademarks@rimermath.com Phone:9493671541		
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Applicant Information

Application No	85807217	Publication date	07/16/2013
Opposition Filing Date	07/28/2013	Opposition Period Ends	08/15/2013
Applicant	WUHAN EIAAB SCIENCE CO. LTD A1710 Guangguguoji, Guandongyuan Road 2-2 East Lake Hi-Tech Development Zone WUHAN, 430074 CHINA		

Goods/Services Affected by Opposition

Class 005. First Use: 2010/05/18 First Use In Commerce: 2010/05/18 All goods and services in the class are opposed, namely: Antibiotics; Bacterial and bacteriological preparations for medical or veterinary purposes; Chemical reagents for medical or veterinary purposes; Diagnostic preparations for medical or veterinary purposes; Medical diagnostic reagents; Medical diagnostic reagents and assays for testing of body fluids; Stem cells for medical purposes; Stem cells for veterinary purposes; Vaccines
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85824508	Application Date	01/16/2013
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	USCN LIFE SCIENCE INC.		
Design Mark			
Description of Mark	The mark consists of logo and USCN LIFE SCIENCE INC.		
Goods/Services	<p>Class 001. First use: First Use: 2012/03/07 First Use In Commerce: 2012/03/07 (Based on Use in Commerce) Biochemical reagents used for non-medical purposes; Biochemicals, namely, monoclonal antibodies for in vitro scientific or research use; Enzymes for use in protein hydrolysis; Laboratory chemicals, namely, an antibody reagent used for the detection of antigens in cell and tissue analysis for in vitro diagnostic use; Protein arrays and nucleotide arrays for scientific and medical research; Protein for industrial use; Protein in raw material form for scientific and medical research(Based on 44(e)) Kit comprising of regeneration solution, serum samples and sensor chips for scientific use</p> <p>Class 005. First use: Animal feed additive for use as a nutritional supplement for medical purposes; Bacterial and bacteriological preparations for medical or veterinary purposes; Diagnostic kits consisting primarily of monoclonal antibodies, buffers, and reagents for use in disease testing; Nutritional supplements; Protein supplements; Vaccines</p>		

Attachments	Notice of Opp.pdf(371130 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	/Darren S. Rimer/
Name	Darren S. Rimer
Date	07/28/2013

Case **CLOUD-004M**
Trademark Opposition

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

In Re U.S. Application Serial No. 85/807,217

Cloud-Clone Corp.)	
)	Opposition No.
Opposer,)	
)	
vs.)	
)	
Wuhan Eiaab Science Co. Ltd)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir/Madam:

In the matter of the application of Wuhan Eiaab Science Co. Ltd of Wuhan, China (hereinafter “Applicant”) for registration of the trademark USCN N LIFE (AND DESIGN), Application Serial No. 85/807,217, published in the Official Gazette of July 16, 2013, Cloud-Clone Corp., a Texas corporation, with an address of 11271 Richmond Avenue, Suite H104, Houston, TX 77082 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 85/807,217, and hereby opposes the same.

The grounds for opposition are as follows:

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1. On its own and through assignment, Opposer has been engaged in the business of offering various biochemical reagents for laboratory use, and related products, for many years. In connection therewith, Opposer has used, in interstate commerce, the trademark USCN LIFE SCIENCE INC. (AND DESIGN) (hereinafter Opposer's USCN Trademark), for the aforementioned goods since long prior to Applicant's filing date and date of first use alleged in application Serial No. 85/807,217 for the mark USCN N LIFE (AND DESIGN) (hereinafter Applicant's USCN Trademark). Opposer's use of Opposer's USCN Trademark for its products predates Applicant's filing date and alleged date of first use of Applicant's USCN Trademark.

2. Since first use of Opposer's USCN Trademark, Opposer has continuously used such mark in connection with the marketing, offering for sale and sale of its high quality products offered under Opposer's USCN Trademark in the United States and abroad.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products offered under Opposer's USCN Trademark, and has created valuable goodwill among the purchasing public under Opposer's USCN Trademark.

4. As a result of the continuous and extensive use of Opposer's USCN Trademark by Opposer, such mark has become and continues to function as a valuable business and marketing asset of Opposer, and serves to indicate to the trade and consuming public the products originating from Opposer.

5. Notwithstanding Opposer's rights in and to Opposer's USCN Trademark, Applicant, on information and belief, filed an application for registration of Applicant's USCN Trademark in International Class 5, on December 20, 2012. Said application was published for opposition in the Official Gazette of July 16, 2013.

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6. Opposer enjoys priority of use of its pleaded trademark in the United States over any use or constructive use of the Applicant's USCN Trademark by the Applicant.

7. Applicant's use and registration of the instant trademark will lessen or diminish the capacity of Opposer's famous USCN Trademark to identify and distinguish the products offered by Opposer, regardless of whether there exists any direct competition between Opposer and Applicant, and regardless of whether there exists any likelihood of confusion, mistake or deception between Applicant's products at issue and Opposer's products. Opposer's mark has been extensively used by Opposer since at least as early as 2009, and Opposer's USCN Trademark is famous under the Lanham Act.

8. Applicant's USCN Trademark is confusingly similar to Opposer's USCN Trademark, and its registration and use by Applicant for the products claimed in the subject application is likely to cause confusion, deception and mistake.

9. Applicant's use of the instant trademark interferes with Opposer's use of Opposer's USCN Trademark, and use of, or registration of, the instant trademark by Applicant will seriously damage Opposer. There is additional damage to Opposer because Applicant's mark has been cited as a bar to Opposer's registration of Opposer's USCN Trademark in its U.S. Application Serial No. 85/824,508, even though Opposer enjoys priority of use over Applicant.

10. Applicant has also fraudulently filed its present trademark application under Section 1(a) of the Trademark Act. Prior to December 20, 2012, Applicant had not sold its listed products in U.S. commerce.

11. On information and belief, the specimen filed by Applicant for the present trademark application does not show a genuine product offered for sale by Applicant in the United States since prior to December 20, 2012.

12. On information and belief, the Applicant's specimen has been modified, and the Applicant's specimen does not accurately reflect any product actually sold by Applicant in the United States prior to the filing date of the instant trademark application.

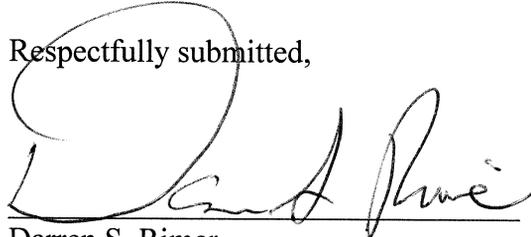
WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of the Applicant's USCN Trademark to Applicant be denied.

The filing fee for this Opposition has been submitted with this Notice of Opposition.

Respectfully submitted,

Date: 7/27/13

By:



Darren S. Rimer
RIMER & MATHEWSON LLP
30021 Tomas, Suite 300
Rancho Santa Margarita, CA 92688
(949) 367-1541

Counsel for Opposer

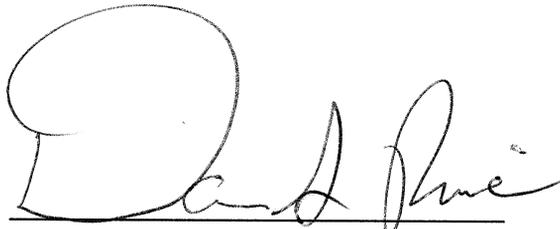
PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 30021 Tomas, Suite 300, Rancho Santa Margarita, California 92688. On July 27, 2013, the attached **NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

Vera Zuo
Dorunto(USA) Intellectual Property Service Co., LT
113 Barksdale Professional Ctr
Newark, DE 19711

Executed on July 27, 2013. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of RIMER & MATHEWSON LLP at whose direction service was made.



Darren S. Rimer