

ESTTA Tracking number: **ESTTA552312**

Filing date: **08/05/2013**

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	Bliss World LLC		
Entity	limited liability company	Citizenship	Delaware
Address	75 Varick Street New York, NY 10013 UNITED STATES		

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES ehrllich-docket@fzllz.com Phone:212 813-5920
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Applicant Information

Application No	85852240	Publication date	07/09/2013
Opposition Filing Date	08/05/2013	Opposition Period Ends	08/08/2013
Applicant	William Hsu Wu 9482 Madewood Ct. Roya Palm Beach, FL 33411 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Consumer electronic products, namely, audio amplifiers, audio speakers, audio receivers, electrical audio and speaker cables and connectors, audio decoders, video decoders, speakers, power conversion devices, power converters, and power inverters; Portable vibration speakers; Speaker microphones; Wireless broadband radios; Wireless indoor and outdoor speakers; Wireless receivers and transmitters for portable media players; Wireless transmitters and receivers</p>
<p>Class 021. All goods and services in the class are opposed, namely: Dinnerware, namely, Housewares, namely, bowls, plates, serving forks, serving spoons, serving ladles, pot and pan scrapers, rolling pins, spatulas, coasters not made of paper and not being table linen, utensil holders, spoon rests, olive boats, napkin rings, condiment cups, cutting boards and serving trays, all made in whole or in significant part of renewable and or sustainable materials and resource; Disposable dinnerware, namely, Housewares, namely, bowls, plates, serving forks, serving spoons, serving ladles, pot and pan scrapers, rolling pins, spatulas, coasters not made of paper and not being table linen, utensil holders, spoon rests, olive boats, napkin rings, condiment cups, cutting boards and serving trays, all made in whole or in significant part of renewable and or sustainable materials and resource</p>

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.	2913434	Application Date	01/29/1998
Registration Date	12/21/2004	Foreign Priority Date	NONE
Word Mark	BLISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/06/00 First Use In Commerce: 2003/09/00 SKIN MOISTURIZER, BODY SCRUBS, SKIN SOAP, SHOWER GEL, BODY FIRING GELS AND LOTIONS, SKIN MASKS, [MAKEUP,] HAND CREAM, FACIAL CLEANSERS, SKIN TONERS, EXFOLIATING BODY SCRUBS [, PERSONAL DEODORANTS]		

U.S. Registration No.	2116892	Application Date	05/01/1996
Registration Date	11/25/1997	Foreign Priority Date	NONE
Word Mark	BLISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1996/08/01 First Use In Commerce: 1996/08/01 health spa services		

U.S. Application No.	78275387	Application Date	07/17/2003
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLISS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: Mail order services, on-line retail stores services and retail shops, all featuring: cosmetics; toiletries; spa, skin and beauty care products; sunglasses; clothing; footwear; hair removal systems; bed linens; perfumes; and hair care products		

U.S. Application No.	85688841	Application Date	07/27/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BLISSLABS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use:		

	Nutritional supplements for use as a dietary supplement for promoting healthy skin, healthy nails, healthy hair, active metabolism or relaxation; nutritional supplements; powdered nutritional supplement drink mixes; liquid nutritional supplements; multi-packs containing multiple nutritional supplements of different types; nutritional supplements in the nature of nutritionally fortified soft chews Class 032. First use: powdered mixes for beauty soft drinks containing nutritional supplements; beauty soft drinks containing nutritional supplements
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Attachments	BLISS WORLD LLC vs. WILLIAM HSU WU - Notice of Opposition (F1277252).PDF(143234 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	/dwe/
Name	David Ehrlich
Date	08/05/2013

Opposer also uses the mark “blisslabs” for nutritional supplements and nutritional supplement drinks and drink mixes. All of these rights of Opposer pre-date the February 18, 2013 filing date of the opposed ITU application.

2. Prior to the February 18, 2013 date filing in the application, Opposer also sold, and continues to sell, in its BLISS e-commerce website, many brands of electronic health and beauty devices, eco-friendly products and kitchen products produced by third parties, such as the Verilux clock radio with natural wake-up light (simulating the increasing and decreasing light levels of sunrise and sunset), the Verilux “cleanwave” sanitizing wand to kill germs on hard surfaces in the home, the Verilux “happy light” energy lamp to combat seasonally-induced sadness, the Tria laser hair removal device, Clarisonic electronic rotary skin cleaning brushes, Common Good kitchen cleansers, floor cleaners and all purpose cleaners and various cookbooks. Accordingly, the Opposer has used its BLISS service mark for e-commerce retail services in connection with such goods and continues to do so.

3. Opposer owns two valid and incontestable U.S. trademark registrations for BLISS, U.S. Reg. No. 2,913,434, for “skin moisturizer, body scrubs, skin soap, shower gel, body firming gels and lotions, skin masks, hand cream, facial cleansers, skin toners, exfoliating body scrubs,” and Reg. No. 2,116,892 for “health spa services,” Application Serial No. 85/688,841 for “blisslabs” for nutritional supplements and nutritional supplement drinks, and Application Serial No. 78/275,387 for BLISS for “mail order services, on-line retail stores services and retail shops, all featuring: cosmetics, toiletries; spa, skin and beauty care products; sunglasses; clothing; footwear; hair removal systems; bed linens; perfumes; and hair care products,” among other applications and registrations.

4. Upon information and belief, Applicant has no basis to claim an earlier priority date in the U.S. than its filing date.

5. Applicant's mark so resembles Opposer's marks BLISS and "blisslabs" as to be likely, when applied to the related goods of Applicant, to cause confusion, or to cause mistake, or to deceive.

6. Opposer would be injured by the granting to Applicant of a Certificate of Registration for BLISS because this would tend to damage Opposer's goodwill in its marks.

7. By reason of the foregoing, Applicant is not entitled to register the mark in the application herein opposed.

Dated: New York, New York
August 5, 2013

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 

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Opposer's Ref: BLSW USA TC-13/08459

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first class mail on the Applicant, William Hsu Wu, at 9482 Madewood Ct., Roy Palm Beach, Florida, 33411, on August 5, 2013.



David Ehrlich