

ESTTA Tracking number: **ESTTA661138**

Filing date: **03/16/2015**

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	Choiskycn Biotechnology (Beijing) Co., Ltd.		
Entity	Corporation	Citizenship	China
Address	No. 2, A Zone, 16/F, NO.7 Guanghua Road (Hanwei Plaza), Chaoyang District Beijing, 100020 CHINA		

Domestic Representative	Guo Kai 2723 South State Street Suite 150, PMB 227 Ann Arbor, MI 48104 UNITED STATES usa-ip@hotmail.com
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Applicant Information

Application No	86371066	Publication date	02/17/2015
Opposition Filing Date	03/16/2015	Opposition Period Ends	03/19/2015
Applicant	Choiskycn USA Inc. 4660 Distriplex Drive West Memphis, TN 38118 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2011/00/00 First Use In Commerce: 2012/00/00 All goods and services in the class are opposed, namely: Cosmetics
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Grounds for Opposition

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Likelihood of Confusion

Attachments	NOTICE OF OPPOSITION.pdf(149448 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	/Wu Bin/
Name	Wu Bin

Date	03/16/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of application Serial No. 86/371,066
Filed on August 19, 2014
For the mark Desing&CHOISKYCN&Chinese characters



Published in the *Official Gazette* on February 17, 2015

_____)	NOTICE OF OPPOSITION
Choiskycn Biotechnology (Beijing) Co., Ltd.)	
Opposer,)	
v.)	
Choiskycn USA Inc.,)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer Choiskycn Biotechnology (Beijing) Co., Ltd. believes that it will be damaged by registration of the mark shown in the above-identified application Serial No. 86/371,066 published in the February 17, 2015 Official Gazette and hereby opposes the same.

The grounds for opposition are as flows:

THE PARTIES

1. Opposer Choiskycn Biotechnology (Beijing) Co., Ltd. (“Beijing Choiskycn”) is a China corporation with a place of business at No. 2, A Zone, 16/F, NO.7 Guanghua Road (Hanwei Plaza), Chaoyang District, Beijing, China.
2. Upon information and belief, Applicant Choiskycn USA Inc. (“Applicant”) is a Tennessee corporation with a place of business at 4660 Distriplex Drive West Memphis

TENNESSEE 38118.

FACTUAL BACKGROUND

3. Since 1999, the president- Mr. Wu Bin of Choiskycn Biotechnology (Beijing) Co., Ltd. (“Beijing Choiskycn”) has been devoted himself in researching that getting and producing the effective elements to use in cosmetics. Mr. Wu Bin built up the research team and spent much money on the researching of the cosmetics.
4. In 2010, “Beijing Choiskycn” was established in Beijing China. The president of “Beijing Choiskycn” is Mr. Wu Bin. In 2010 Mr. Wu Bin has gotten the patent invention protection in China. Patent name: Product capable of improving skin metabolism and deferring senility and preparation method thereof (Patent No. ZL201010129132.6). Most of the products of “Beijing Choiskycn” have used the patent method.
5. Opposer has engaged in extensive and continuous advertising and promoting of its trademark , especially in cosmetics. In addition, based on the excellent products and affection, the products of “Beijing Choiskycn” have gotten the love from the customers and the trademark has been proper good known in the customers. The cosmetics of “Beijing Choiskycn” are sold by distributors in many countries and the products also sold in online shops and distributors.
6. Opposer has filed the mark  in USA on March 15, 2015 in classes 03(Serial No. 86564351), 32(Serial No. 86564352), 35(Serial No. 86564357) and the mark also is registered with the name “Choiskycn Biotechnology (Beijing) Co., Ltd.” in European Union (registration No. 012977096) and United Kingdom (registration No. UK00003059313).
7. On August 19, 2014, Applicant filed an application to register the mark in class 03, based

on an alleged first use date of 20110000 and first use in commerce dated of 20120000 which was designated Application Serial No. 86/371,066.

8. The application was published for opposition in the Official Gazette on February 17, 2015.

GROUNDS FOR OPPOSITION

Applicant's Mark is Filed Fraudulently and in Bad Faith

9. Applicant's Mark is filed fraudulently and in bad faith. Applicant's president is Yifan Kong (according to the signature of Applicant's trademark application). We think he/she is a Chinese who knows the Opposer's mark very well. He/she firstly built up a Company "Choiskycn USA Inc." in Tennessee, USA and then filed the mark  in USA so that it could deceive the customers that the cosmetic products are sold and produced by "Choiskycn USA Inc.". It also could deceive the customers that "Beijing Choiskycn" has a branch USA company.

10. The opposer has never empowered the establishment of USA company and never empowered the registration of mark  in the name of "Choiskycn USA Inc.".

11. The applicant provided the using evidence of its mark- Choiskycn aging mask package. Yet anyone could buy the masks from the opposer and the opposer doubts that the facticity of alleged use of applicant.

12. In addition, the trademark showed in using specimen of the applicant provides is "  " which contains design  . It is identical with the opposer's trademark

and a little different from the applicant's filed mark  , lack of design  .

13. The profits of opposer will deeply damaged by the use and registration of Applicant's

mark.

Likelihood of Confusion

14. The applicant's mark is nearly identical with the opposer's mark:



Beijing Choiskycn's mark



Applicant's mark

Opposer is and/or will be damaged by the use and registration of by Applicant for Applicant's identical and highly related goods because potential customers, purchasers, persons in the trade and publish, including Opposer's and Applicant's own customers, will be confused as to the source or origin of Applicant's goods sold under such mark to the detriment of Opposer.

WHEREFORE, opposer respectfully prays that this opposition be sustained and that Application Serial No. for  be rejected and denied. Please direct all correspondence with respect to this opposition at the address below.

Respectfully submitted,

Choiskycn Biotechnology (Beijing) Co., Ltd.

Opposer

Dated March 16, 2015

By: /Wu Bin/

Wu Bin, Esq.

Correspondence address:

2723 South State Street

Suite 150, PMB 227

Ann Arbor Michigan 48104

Email: usa-ip@hotmail.com

President for Choiskycn Biotechnology (Beijing) Co., Ltd.

