

ESTTA Tracking number: **ESTTA662584**

Filing date: **03/23/2015**

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	Gopal's Inc.		
Entity	Corporation	Citizenship	Nevada
Address	800 County Road 125 Sidney, TX 76474 UNITED STATES		

Attorney information	L. Jeremy Craft CRAFT CHU PLLC 1445 NORTH LOOP WEST , SUITE 410 HOUSTON, TX 77008 UNITED STATES trademark@craftchu.com Phone:7138029144		
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Applicant Information

Application No	86425165	Publication date	03/17/2015
Opposition Filing Date	03/23/2015	Opposition Period Ends	04/16/2015
Applicant	Teejay International Inc 15827 Imperial Hwy La Mirada, CA 90638 UNITED STATES		

Goods/Services Affected by Opposition

Class 029. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Natural cheese food products, namely, fresh and fried paneer; clarified butter, namely, ghee and edible oil; Cheeses

Grounds for Opposition

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

U.S. Application No.	86549022	Application Date	02/27/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GOPAL'S		

Design Mark	<h1>GOPAL'S</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2002/00/00 First Use In Commerce: 2002/00/00 On-line retail store services featuring health food products; Retail store services featuring health food products; Wholesale distributorships featuring health food products

Attachments	86549022#TMSN.png(bytes) 549.004.Notice of Opposition.pdf(238943 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	/549/004/
Name	L. Jeremy Craft
Date	03/23/2015

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

Gopal's Inc., <p style="text-align: center;">Opposer,</p> v. Teejay International Inc, <p style="text-align: center;">Applicant.</p>	Opposition No. _____ Application Serial No.: 86425165 Mark: GOPAL Publication Date: March 17, 2015
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NOTICE OF OPPOSITION

Gopal's Inc. (hereinafter "Opposer"), believes that it will be damaged by registration of the mark "GOPAL" and hereby opposes the same, said mark being the subject of U.S. Serial No. 86425165, filed on October 16, 2014 by Teejay International Inc (hereinafter "Applicant"), and published for opposition in the *Official Gazette* on March 17, 2015.

The grounds for opposition are as follows:

1. Opposer Gopal's Inc. is a Nevada corporation located and doing business at 800 County Road 125, Sidney, Texas 76474.
2. Commencing at least as early as 2002, and long prior to the Applicant's filing date and any alleged date of first use in commerce, Opposer has been and is now currently engaged in the sale of health food products in commerce in the United States under and in connection with the trademark "GOPAL'S" (the "Opposer's Mark").
3. In connection therewith, Opposer is the owner of, and will herein rely upon, the following U.S. trademark application for Opposer's Mark:

Mark	Serial No.	Pleaded and Relied Upon Goods/Services	Filing Date
GOPAL'S	86549022	On-line retail store services featuring health food products; Retail store services featuring health food products; Wholesale distributorships featuring health food products, in International Class 035	02/27/2015

4. Attached hereto, as Exhibit "A", is a copy of the aforementioned trademark application printouts from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title.

5. Since at least as early as 2002, Opposer has continuously used the Opposer's Mark in U.S. commerce through various channels of trade to advertise, market, offer for sale, sell and render Opposer's goods and services; identify, designate and distinguish Opposer's goods and services from those of others; and promote Opposer's business to the public. As a result, Opposer's customers and the public in general have come to know and recognize Opposer's Mark; as well as associate it with Opposer and the goods and services advertised, marketed, offered for sale, sold and rendered by Opposer both directly and indirectly. Opposer thus has generated significant goodwill in connection with its business and the sale of goods and services rendered under Opposer's Mark.

6. On October 16, 2014, Applicant filed an application to register the trademark "GOPAL", based on an intention-to-use. Said application was accorded U.S. Serial No. 86425165 and identified the goods and services as "Natural cheese food products, namely, fresh and fried paneer; clarified butter, namely, ghee and edible oil; Cheeses", in International Class 029.

7. The "GOPAL" mark sought to be registered by Applicant is identical to, a

colorable imitation of, or confusingly similar to, Opposer's Mark.

8. The goods and services identified in the application opposed herein are similar or closely related to the goods, services and business in connection with which Opposer uses the Opposer's Mark. There is a specific commercial relationship between "Natural cheese food products, namely, fresh and fried paneer; clarified butter, namely, ghee and edible oil; Cheeses" as identified in the Applicant's application and "On-line retail store services featuring health food products; Retail store services featuring health food products; Wholesale distributorships featuring health food products" as identified in the Opposer's application. These goods and services are typically advertised, marketed, offered for sale, sold or rendered through the same or similar channels of trade or to the same general class of purchaser.

9. Upon information and belief, Applicant had actual knowledge of Opposer's prior use of Opposer's Mark, and sought to trade off of the goodwill and reputation in said mark in adopting the "GOPAL" mark opposed herein.

10. The registration and use of the "GOPAL" mark set forth in the opposed application is likely to cause confusion, result in mistake, suggest a connection, or deceive purchasers as to the origin, sponsorship, association, or endorsement of Applicant's goods and services sold under said mark *vis-à-vis* Opposer's goods and services sold under Opposer's Mark. Further, said registration or use is likely to mislead purchasers of Applicant's goods and services or Opposer's goods and services, as well as the public in general, into believing that either party's goods, services or business are in some direct or indirect way associated with the other party, or are being sold, originated, sponsored, or endorsed by the other party, or *vice versa*, to the damage and detriment of Opposer. Any

defect, objection or fault found with Applicant's goods and services offered in connection with the "GOPAL" mark would necessarily reflect upon and seriously injure the reputation that Opposer has established for the goods and services it offers in connection with the Opposer's Mark.

11. If Applicant is granted registration on the application opposed herein, and Applicant obtains such rights as are conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the damage and detriment of Opposer.

WHEREFORE, Opposer believes and alleges that it will be damaged by registration of U.S. Serial No. 86425165, and prays that:

- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present Opposition be sustained; and
- C. registration of U.S. Serial No. 86425165 be rejected and refused.

Opposer hereby submits the requisite fee of \$300.00 for filing this Notice of Opposition to U.S. Serial No. 86425165 in Class 029.

Respectfully submitted,

DATE: March 23, 2015

By: 

L. Jeremy Craft
Justen S. Barks

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ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2015, a true and correct copy of the foregoing Notice of Opposition was sent by mailing same first class and postage prepaid to the following:

APPLICANT:

Teejay International Inc
15827 Imperial Hwy
La Mirada, CA 90638

APPLICANT'S ATTORNEY/CORRESPONDENT OF RECORD:

Raj Abhyanker
Raj Abhyanker, P.C.
1580 W El Camino Real, Ste 8
Mountain View, CA 94040-2462

By: 

L. Jeremy Craft

EXHIBIT "A"

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Mark: GOPAL'S

GOPAL'S

US Serial Number: 86549022
Application Filing Date: Feb. 27, 2015
Filed as TEAS Plus: Yes
Currently TEAS Plus: Yes
Register: Principal
Mark Type: Service Mark
Status: New application will be assigned to an examining attorney approximately 3 months after filing date.
Status Date: Mar. 13, 2015

Mark Information

Mark Literal Elements: GOPAL'S
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: On-line retail store services featuring health food products; Retail store services featuring health food products; Wholesale distributorships featuring health food products

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: 2002

Use in Commerce: 2002

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Gopal's Inc.
DBA, AKA, Formerly: DBA Gopal's Healthfoods
Owner Address: 800 County Road 125
Sidney, TEXAS 76474
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: NEVADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: L. Jeremy Craft and Andrew W. Chu
Docket Number: 549/005
Attorney Primary Email Address: trademark@craftchu.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: L. JEREMY CRAFT AND ANDREW W. CHU
Craft Chu PLLC

1445 North Loop W Ste 410
Houston, TEXAS 77008-4603
UNITED STATES

Phone: 713-802-9144

Fax: 866-707-7596

Correspondent e-mail: trademark@craftchu.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 13, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 03, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: NEW APPLICATION PROCESSING

Date in Location: Mar. 13, 2015



No assignment has been recorded at the USPTO

For Serial Number: 86549022

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5