

ESTTA Tracking number: **ESTTA677437**

Filing date: **06/10/2015**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Dayan Diaz
Granted to Date of previous extension	06/10/2015
Address	2950 N.E. 188 Street #414 Aventura, FL 33180 UNITED STATES
Party who filed Extension of time to oppose	DayanDiaz
Relationship to party who filed Extension of time to oppose	The space between opposer's first and last name was omitted in the extension request.

Name	DDC Trading Inc.
Granted to Date of previous extension	06/10/2015
Address	9340 S.W. 25 Street Miami, FL 33165 UNITED STATES

Attorney information	Oliver A. Ruiz Malloy & Malloy, P.L. 2800 SW Third Avenue Miami, FL 33129 UNITED STATES oruiz@malloylaw.com Phone:305-858-8000
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**Applicant Information**

Application No	86395626	Publication date	02/10/2015
Opposition Filing Date	06/10/2015	Opposition Period Ends	06/10/2015
Applicant	Zhou, San BaoAN Shenzhen, 518000 CHINA		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Carrying cases specially adapted for elec-
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tronic equipment, namely, mobile phones, tablets, and laptops; Notebook computer carrying cases; Protective covers and cases for cell phones; Camera cases; laptops and portable media players; Protective cases for smartphones; Protective carrying cases for portable music players

## 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.	86415980	Application Date	10/06/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DDC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2014/10/01 First Use In Commerce: 2014/10/01 Armbands specially adapted for personalelectronic devices, namely, mobile phones; Blank integrated circuit cards for recording, transmitting, and reproducing sound and images in mobile telephone services; Carrying cases for cell phones; Carrying cases, holders, protective casesand stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, mobile phone; Cell phone battery chargers; Cell phone cases; Cell phones		

Attachments	86415980#TMSN.png( bytes ) Notice of Opposition -.pdf(120713 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	/Oliver A. Ruiz/
Name	Oliver A. Ruiz
Date	06/10/2015

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

In the matter of application Serial No. 86/395,626  
For the mark “DDCTEK”  
Published in the Official Gazette on February 10, 2015

_____	)	
DDC TRADING INC., and,	)	
DAYAN DIAZ,	)	
	)	
Opposers,	)	
	)	
vs.	)	Opposition No.
	)	
SAN ZHOU,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

COME NOW the Opposers, DDC TRADING INC., a Florida corporation having a principal place of business at 9340 S.W. 25 Street, Miami, FL 33165, and DAYAN DIAZ (hereinafter collectively referred to as “Opposer”), and oppose Application Serial No. 86/395,626, filed by San Zhou (“Applicant”), an individual and citizen of China, with an address at BaoAN, Shenzhen 518000, in China. Opposer believes that it is or will be damaged by Application Serial No. 86/395,626 and the registration of the mark applied for therein, and alleges the following for opposition of same:

1. Prior to the filing date of the opposed Application, or any other date upon which Applicant can rely, Opposer adopted and used the trademark “DDC” (“Opposer’s Mark”), for use in connection with armbands specially adapted for personal electronic devices, namely, mobile phones; Blank integrated circuit cards for recording, transmitting, and reproducing sound and images in mobile telephone services; Carrying cases for cell phones; Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, mobile phone; Cell phone battery chargers; Cell phone cases; Cell phones.

2. Since its adoption, Opposer has continuously used the Opposer's Mark for and in connection with such goods and services, and has not abandoned this mark.

3. Opposer has expended considerable time, money, and effort in promoting its services under the Opposer's Mark. The strength of Opposer's Mark has grown, such that Opposer has established exceedingly valuable goodwill in the mark.

4. The alleged trademark sought to be opposed is Serial No. 86/395,626, an intent-to-use application for the alleged mark "DDCTEK" for use in connection with:

Carrying cases specially adapted for electronic equipment, namely, mobile phones, tablets, and laptops; Notebook computer carrying cases; Protective covers and cases for cell phones; Camera cases; laptops and portable media players; Protective cases for smartphones; Protective carrying cases for portable music players

Applicant filed the above-referenced intent-to-use application on September 19, 2014.

#### **LIKELIHOOD OF CONFUSION**

5. The mark identified in Applicant's Serial No. 86/395,626, for the mark "DDCTEK", is identical or highly similar to Opposer's Mark.

6. The services identified in Applicant's Serial No. 86/395,626 for the mark "DDCTEK", are identical to, substantially similar to, or within the normal expansion of, the services offered by Opposer in connection with Opposer's Mark.

7. There is a likelihood of confusion between Opposer's Mark for its services, and Applicant's mark "DDCTEK" for the services set forth in Serial No. 86/395,626.

8. If Applicant is permitted to obtain a registration for Serial No. 86/395,626, for the mark "DDCTEK," in connection with the services set forth therein, there will be a continued likelihood of confusion, mistake, and deception among the consuming public and the trade, all in violation of §2(d) of the Lanham Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer prays that this Opposition be granted and that the aforesaid Application Serial No. 86/395,626 for the mark "DDCTEK" be denied registration.

An electronic copy of this Notice of Opposition and the fee required in 37 C.F.R §2.6(a)(17) are enclosed herewith.

Respectfully submitted,

Dated: June 10, 2015

/Oliver Alan Ruiz/  
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*Attorneys for Opposer*

**CERTIFICATE OF FILING**

I HEREBY CERTIFY that the foregoing Notice of Opposition was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, on June 10, 2015.

/Oliver Alan Ruiz/  
Oliver Alan Ruiz

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and complete copy of the foregoing Notice of Opposition has been served on the Applicant, by mailing said copy on June 10, 2015, via First Class Mail, postage prepaid, with a courtesy copy by email, to:

**Correspondent**

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/Oliver Alan Ruiz/

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