

ESTTA Tracking number: **ESTTA700226**

Filing date: **10/05/2015**

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 | Etonic Holdings, LLC |
| Granted to Date of previous extension | 10/07/2015 |
| Address | c/o A. Uzzo & Company, C.P.A.'s, P.C. 287 Bowman Avenue Purchase, NY 10577 UNITED STATES |

| | |
|----------------------|---|
| Attorney information | William H. Cox Gordon, Herlands, Randolph & Cox LLP 355 Lexington Avenue New York, NY 10017 UNITED STATES wcox@gordonherlands.com, pvrnum@gordonherlands.com Phone:212-986-1200 |
|----------------------|---|

Applicant Information

| | | | |
|------------------------|--|------------------------|------------|
| Application No | 86513369 | Publication date | 06/09/2015 |
| Opposition Filing Date | 10/05/2015 | Opposition Period Ends | 10/07/2015 |
| Applicant | Elaine Ton 650 E. 16th St. #C Los Angeles, CA 90015 UNITED STATES | | |

Goods/Services Affected by Opposition

| |
|---|
| Class 018. First Use: 2014/09/01 First Use In Commerce: 2014/09/01 All goods and services in the class are opposed, namely: All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; Purses |
| Class 025. First Use: 2014/09/01 First Use In Commerce: 2014/09/01 All goods and services in the class are opposed, namely: Combinations; Pants |

Grounds for Opposition

| | |
|--------------------------------------|-----------------------------|
| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

| | | | |
|-----------------------|---------|------------------|------------|
| U.S. Registration No. | 3456272 | Application Date | 12/21/2006 |
|-----------------------|---------|------------------|------------|

| | | | |
|---------------------|--|-----------------------|------|
| Registration Date | 07/01/2008 | Foreign Priority Date | NONE |
| Word Mark | ETONIC | | |
| Design Mark |  | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 018. First use: First Use: 2004/01/01 First Use In Commerce: 2004/01/01 travel bags</p> <p>Class 025. First use: First Use: 1945/01/01 First Use In Commerce: 1945/01/01 shirts, tank tops, shorts, socks, jackets; running shoes, athletic shoes, golf shoes, bowling shoes, walking shoes</p> <p>Class 028. First use: First Use: 1971/01/01 First Use In Commerce: 1971/01/01 Golf gloves and golf bags, ball markers, namely, golf ball markers</p> | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 872644 | Application Date | 11/22/1968 |
| Registration Date | 07/08/1969 | Foreign Priority Date | NONE |
| Word Mark | ETONIC | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 025. First use: First Use: 1912/02/00 First Use In Commerce: 1912/02/00 MEN'S AND WOMEN'S STREET AND SPORT SHOES AND SPORTS CLOTHING-NAMELY, SHIRTS, SWEATERS [, SLACKS, SHORTS, SKIRTS, SPORT-COATS, DRESSES, CULOTTES, HOSIERY AND RAINWEAR]</p> | | |

| | | | |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 766756 | Application Date | 02/12/1963 |
| Registration Date | 03/17/1964 | Foreign Priority Date | NONE |
| Word Mark | ETONIC | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 025. First use: First Use: 1912/02/00 First Use In Commerce: 1912/02/00 Men's and Women's Street and Sport Shoes</p> | | |

| | |
|-------------|---|
| Attachments | 77070011#TMSN.png(bytes) etonce.opposition.notice.pdf(449443 bytes) |
|-------------|---|

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 | /peter j. vranum/ |
| Name | Peter J. Vranum |
| Date | 10/05/2015 |

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

-----X
ETONIC HOLDINGS, LLC,)
)
Opposer,) Opposition No.
)
v.)
)
ELAINE TON,)
)
Applicant.)
-----X

Re: Trademark Application:
Applicant: Elaine Ton, a U.S. citizen
Mark: ETONCIE AND DESIGN
Serial No. 86513369
Filed: January 24, 2015
For: All purpose sport bags; All-purpose athletic bags; All-purpose carrying
bags; purses, in International Class 18
Combinations; pants, in International Class 25
Class: 18, 25
Published: June 9, 2015

NOTICE OF OPPOSITION

In the matter of an application for registration of the mark ETONCIE AND DESIGN, Serial No. 86513369 for: "All purpose sport bags; All-purpose athletic bags; All-purpose carrying bags; purses," in International Class 18 and "Combinations; pants," in International Class 25, filed under Section IA of the Trademark Act on January 24, 2015 by Elaine Ton of 650 E. 16th St. #C, Los Angeles, California 90015 (hereinafter called "Applicant"), published on June 9, 2015, Etonic Holdings, LLC, a limited liability company organized under the laws of the State of New York, with an address c/o A.

Uzzo & Company, C.P.A.'S, P.C., 287 Bowman Avenue, Purchase, New York 10577 (hereinafter called "Opposer"), believes that it would be damaged by such registration and hereby opposes the same.

The grounds for opposition, on information and belief, are as follows:

1. Opposer, Etonic Holdings, LLC, and/or its predecessor in interest, is now and has been engaged in the design, sale and distribution of clothing, footwear, head wear and other products, including but not limited to men's and women's street and sport shoes, and sports clothing, namely, shirts, sweaters, golf gloves and travel bags.

2. Opposer has used and presently uses the mark "ETONIC" in connection with the design, sale and distribution of the products identified in paragraph 1.

3. Opposer is the owner of the following federal trademark registrations for ETONIC: a) Reg. No. 0872644, issued by the USPTO on July 8, 1969, for men's and women's street and sport shoes and sports clothing namely, shirts and sweaters; b) Reg. No. 0766756, issued by the USPTO on March 17, 1964, for men's and women's street and sport shoes; and c) Reg. No. 3456272, issued by the USPTO on July 1, 2008, for travel bags, shirts, tank tops, shorts, and other goods. Such registrations are valid, subsisting and unrevoked. Copies of the USPTO database printouts showing the current status of such registrations are attached hereto as Exhibit A.

4. Since prior to the filing date, and prior to any purported date of first use, of Application Serial No. 86513369, Opposer, its predecessor and/or its authorized licensees did use and have continuously used in interstate commerce the mark ETONIC in connection with the various goods described in paragraph 1 herein extensively throughout the United States. By reason of such extensive use and

promotion, Opposer has attained an enviable reputation for high standards of quality, and the mark ETONIC and variations thereof have become distinctive of and associated in the minds of the trade and purchasing public with the Opposer. The Opposer's ETONIC mark has achieved fame and tremendous public recognition.

5. Applicant's mark ETONCIE AND DESIGN is, in its appearance, sound and overall commercial impression, identical and/or confusingly similar to Opposer's mark. The goods of the Applicant are identical and/or related to the various goods of Opposer as described in paragraph 1 herein, and are likely to move within the same channels of trade and be purchased and/or used by the same class of purchaser so that Applicant's mark is likely, when used in association with the goods of Applicant, to cause confusion or to deceive purchasers in the mistaken belief that the goods of Applicant emanate from, are offered for sale, or are provided and/or sold by Opposer or under Opposer's approval, sponsorship or control, all to the great damage of Opposer.

6. Opposer believes that Applicant's selection of the mark ETONCIE AND DESIGN may take advantage of the nationwide reputation of Opposer and its mark ETONIC, and may take advantage of the goodwill of Opposer gained by extensive and persistent advertising and expenditures of large sums of money therefore, and if continued in commerce, will be likely to confuse, mislead or deceive the trade and members of the public in suggesting to them that Applicant's mark identifies services and/or goods sold, sponsored or approved by Opposer or to suggest falsely a trade connection between Opposer and Applicant.

7. If the specified goods and/or services of Applicant are inferior in quality, there will be irreparable injury to Opposer's valuable goodwill and its mark.

Furthermore, the use and registration of the mark ETONCIE AND DESIGN will blur and/or tarnish the distinctive character or otherwise cause dilution of Opposer's valuable trademark, ETONIC.

WHEREFORE, Opposer, by and through its counsel, respectfully requests that the mark sought to be registered by Applicant be refused and that a Notice of Opposition be sustained.

Please recognize William H. Cox, William B. Randolph and Peter J. Vranum of the firm of Gordon, Herlands, Randolph & Cox LLP, all members of the Bar of the State of New York, 355 Lexington Avenue, New York, New York 10017, as attorneys for Opposer.

Respectfully submitted,

GORDON, HERLANDS,
RANDOLPH & COX LLP



Peter J. Vranum, Esq.
Attorneys for Opposer
355 Lexington Avenue
New York, New York 10017
(212) 986-1200

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing Opposer's Notice of Opposition to be served by First Class mail, postage prepaid, on October 5, 2015, on:

Tommy SF Wang
Yang & Wang, P.C.
355 S. Grand Avenue, Ste. 2450
Los Angeles, CA 90071-9500

Elaine Ton
650 E. 16th St. #C
Los Angeles, CA 90015



Peter J. Vranum

EXHIBIT A



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Etonic

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| Word Mark | ETONIC |
| Goods and Services | IC 018. US 001 002 003 022 041. G & S: travel bags. FIRST USE: 20040101. FIRST USE IN COMMERCE: 20040101 IC 025. US 022 039. G & S: shirts, tank tops, shorts, socks, jackets; running shoes, athletic shoes, golf shoes, bowling shoes, walking shoes. FIRST USE: 19450101. FIRST USE IN COMMERCE: 19450101 IC 028. US 022 023 038 050. G & S: Golf gloves and golf bags, ball markers, namely, golf ball markers. FIRST USE: 19710101. FIRST USE IN COMMERCE: 19710101 |
| Mark Drawing Code | (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS |
| Design Search Code | 25.03.05 - Backgrounds covered with dots; Dotted backgrounds 26.05.21 - Triangles that are completely or partially shaded 27.03.01 - Geometric figures forming letters, numerals or punctuation |
| Trademark Search Facility Classification Code | SHAPES-MISC Miscellaneous shaped designs SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles |
| Serial Number | 77070011 |
| Filing Date | December 21, 2006 |
| Current Basis | 1A |

Original Filing Basis 1A
Published for Opposition April 15, 2008
Registration Number 3456272
International Registration Number 0927157
Registration Date July 1, 2008
Owner (REGISTRANT) Etonic Worldwide LLC LIMITED LIABILITY COMPANY DELAWARE 260 Charles Street Waltham MASSACHUSETTS 02453

(LAST LISTED OWNER) ETONIC HOLDINGS, LLC LIMITED LIABILITY COMPANY NEW YORK 287 BOWMAN AVENUE C/O A. UZZO & COMPANY, C.P.A.'S, P.C. PURCHASE NEW YORK 10577
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record William H. Cox
Prior Registrations 0766756;1057749;1328691;1338021;AND OTHERS
Description of Mark Color is not claimed as a feature of the mark.
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark ETONIC
Goods and Services IC 025. US 039. G & S: MEN'S AND WOMEN'S STREET AND SPORT SHOES AND SPORTS CLOTHING-NAMELY, SHIRTS, SWEATERS [, SLACKS, SHORTS, SKIRTS, SPORT COATS, DRESSES, CULOTTES, HOSIERY AND RAINWEAR]. FIRST USE: 19120200. FIRST USE IN COMMERCE: 19120200
Mark Drawing Code (1) TYPED DRAWING
Serial Number 72312854
Filing Date November 22, 1968
Current Basis 1A
Original Filing Basis 1A
Registration Number **0872644**
Registration Date July 8, 1969
Owner (REGISTRANT) ETONIC WORLDWIDE LLC COMPANY MASSACHUSETTS 260 CHARLES STREET WALTHAM MASSACHUSETTS 02453
 (LAST LISTED OWNER) ETONIC HOLDINGS, LLC LIMITED LIABILITY COMPANY NEW YORK 287 BOMAN AVENUE C/O A. UZZO & COMPANY, C.P.A.'S, P.C. PURCHASE NEW YORK 10577
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record William H. Cox
Prior Registrations 0766756

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 8(10-YR) 20090325.
Renewal 2ND RENEWAL 20090325
Live/Dead Indicator LIVE

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Typed Drawing

| | |
|------------------------------|--|
| Word Mark | ETONIC |
| Goods and Services | IC 025. US 039. G & S: Men's and Women's Street and Sport Shoes. FIRST USE: 19120200. FIRST USE IN COMMERCE: 19120200 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Serial Number | 72162542 |
| Filing Date | February 12, 1963 |
| Current Basis | 1A |
| Original Filing Basis | 1A |
| Registration Number | 0766756 |
| Registration Date | March 17, 1964 |
| Owner | (REGISTRANT) CHARLES A. EATON COMPANY CORPORATION MASSACHUSETTS 147 CENTER ST. BROCKTON MASSACHUSETTS (LAST LISTED OWNER) ETONIC HOLDINGS, LLC LIMITED LIABILITY COMPANY NEW YORK 287 BOWMAN AVENUE . PURCHASE NEW YORK 10577 |
| Assignment Recorded | ASSIGNMENT RECORDED |
| Attorney of Record | William H. Cox |
| Prior Registrations | 0407704 |
| Type of Mark Register | TRADEMARK PRINCIPAL |
| Affidavit Text | SECT 15. SECTION 8(10-YR) 20140227. |

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Indicator** LIVE

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