

ESTTA Tracking number: **ESTTA701819**

Filing date: **10/13/2015**

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	Huang Zhibao
Granted to Date of previous extension	01/06/2016
Address	No. 3 Lane 6, Team 2 Huangmu Village, Chini Town, Guangdong, CHINA

Attorney information	JAY A BONDELL LADAS & PARRY LLP 1040 AVENUE OF THE AMERICAS NEW YORK, NY 10018 UNITED STATES jbondell@ladas.com, masbell@ladas.com
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Applicant Information

Application No	86291483	Publication date	09/08/2015
Opposition Filing Date	10/13/2015	Opposition Period Ends	01/06/2016
Applicant	Jing chang Unit 6 PanZhiHua,SiChuan, CHINA		

Goods/Services Affected by Opposition

Class 018. First Use: 2008/10/01 First Use In Commerce: 2009/01/19 All goods and services in the class are opposed, namely: Backpacks; Bags for sports; Briefcases; Garment bags for travel; Handbags; Haversacks; Satchels; Traveling bags; Valises; Wallets
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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	applicant is not the owner of the mark

Attachments	Petition in Opposition.pdf(179344 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	/Jay A. Bondell/
Name	JAY A BONDELL
Date	10/13/2015

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

In the matter of U.S. Trademark Application SN. 86-291483

For the mark: KAUKKO

Publication Date: September 8, 2015

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Huang Zhibao,)
)
Petitioner)
)
v.)
)
Jing Chang,)
)
Applicant.)
-----X	

Opposition No.

PETITION IN OPPOSITION

Huang Zhibao (“Petitioner”) believes that he will be materially harmed and damaged by the issuance of a registration based on U.S. Trademark Application SN. 86-291483, published in the *Official Gazette* of September 8, 2015 for KAUKKO and accordingly opposes same. Petitioner has been granted an extension of time through January 6, 2016 to file the present petition.

Petitioner alleges as follows:

1. Petitioner is an individual of Chinese nationality, residing at No. 3 Lane 6, Team 2, Huangmu Village, Chini Town, Huadu Dist., Guangzhou, Guangdong, China.

2. Upon information and belief, Jing Chang (“Applicant”) is an individual of Chinese nationality, having an address of Unit 6, No. 8 Airport Road, East Area, PanZhiHua, SiChuan, China.

3. Petitioner is manufacturer and distributor of a wide variety of leather and imitation leather and apparel products which are distributed under the mark KUAKKO. Petitioner is the owner of the mark KUAKKO (stylized) with Chinese Characters (“Petitioner’s Mark”) as depicted in the attached Exhibit 1, as well as Chinese and European trademark registrations therefor. Petitioner also is the owner of corresponding Chinese copyright registrations for Petitioner’s Mark.

4. Petitioner has filed United States Trademark Applications, Ser. Nos. 86-619234 and 86-619242, for Petitioner’s mark. Petitioner’s Application No. 86-619234 lists the covered goods as animal skins; bags of leather for packaging; bags and holdalls for sports clothing; bags for sports; briefcases; cosmetic bags sold empty; haversacks; imitation leather; key cases; leather shopping bags; mesh shopping bags; pocket wallets; reusable shopping bags; rucksacks; school bags; shopping bags with wheels attached; travel baggage; traveling bags; travelling cases of leather; travelling trunks; trunks; umbrellas; wheeled shopping bags in International Class 018, with a date of first use in commerce of October 10, 2012, while Application No. 86-619242 lists the covered goods as bathing suits; clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; clothing layettes; clothing, namely, arm warmers; clothing, namely, knee warmers; footwear; gloves as clothing; headgear, namely, hats and caps; hosiery; jerseys; scarfs; sports jerseys; sports singlets; tee shirts; underwear; vests; waterproof jackets and pants in International Class 25, with a date of first use in commerce of October 10, 2013.

5. Applicant's application No. 86-291483 for the mark KUAKKO lists the covered goods as backpacks; bags for sports; briefcases; garment bags for travel; handbags; haversacks; satchels; traveling bags; valises; wallets in International Class 18, has been cited against Petitioner’s applications and, if registered, would likely bar Petitioner’s registration of its mark.

6. Applicant's mark is virtually identical to Petitioner's Mark and is likely to be perceived by purchasers and potential purchasers as either a variation or another of Petitioner's KUAKKO marks, and would create a likelihood of confusion among consumers, to the harm and damage of Peitioner.

7. Applicant's goods as set forth in Applicant's application are identical and/or closely related to goods marketed and sold by Petitioner under Petitioner's mark. Indeed, to the extent Applicant's goods are not identical to those of Petitioner, consumers are likely to mistakenly believe that Petitioner has expanded its use of Petitioner's Mark to related and/or complimentary goods, to the harm and damage of Petitioner.

8. Applicant's KUAKKO mark is likely to be confused with Petitioner's Mark such that the average consumer is likely to be confused and deceived into believing that Applicant's products originate with, are in some way associated with, or are connected, sponsored or authorized by, Petitioner when they are not, to the harm and damage of Petitioner.

9. Applicant's specimens submitted to the U.S. Trademark Office as evidence of use include an image of a bag or satchel bearing the internet address of kaukko.tmall.com, which is Petitioner's page on the third party retail website, Taobao.com.

10. Applicant's specimens submitted as evidence of use are images of Petitioner's goods. Upon information and belief, Applicant was and is aware of Petitioner's ownership and use of Petitioner's Mark in China, and filed its U.S. application in bad faith, claiming ownership of a mark which Applicant knew was owned by Petitioner.

11. As Applicant is not the rightful owner of the KUAKKO mark as set forth in Applicant's application, Applicant's application is void *ab initio*.

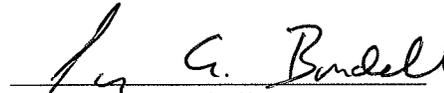
12. Upon information and belief, Applicant was not using the KUAKKO mark on the filing date of Applicant's application or on the claimed first use dates of October 1, 2008 anywhere and

January 19, 2009 in U.S. commerce. Applicant's assertion of use on these dates is untrue, and upon information and belief was made with knowledge of the falsity of the assertion and with intent to deceive the U.S. Trademark Office. Applicant has committed fraud in the procurement of a registration for the KUAKKO mark.

WHEREFORE, the Petitioner prays that the present petition be granted and Application SN 86-291483 be denied registration and cancelled, and that Petitioner be granted such other relief as may be warranted.

New York, New York
October 13, 2015

Respectfully submitted,



Matthew D. Asbell

Jay A. Bondell

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Attorneys for Petitioner

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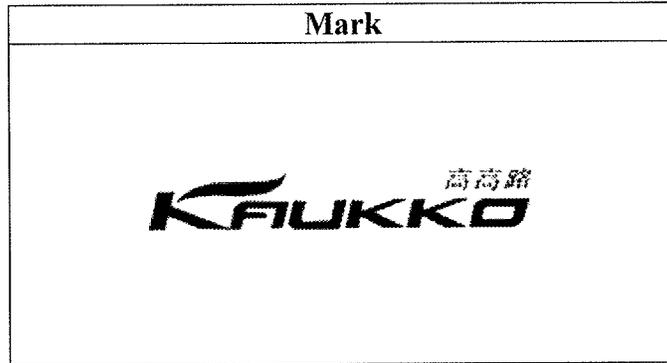
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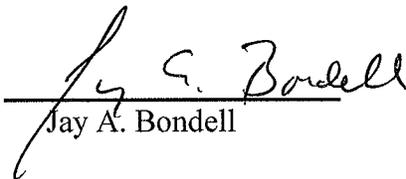
EXHIBIT 1



CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Petition In Opposition has been served Applicant on by mailing said copy on October 13, 2015, via First Class Mail, postage prepaid, to the correspondence address set forth in opposed application:

Tan Ying Yuan
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Shenzhen CHINA

By: 
Jay A. Bondell