

ESTTA Tracking number: **ESTTA702905**

Filing date: **10/19/2015**

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	Eveden Inc.		
Entity	Corporation	Citizenship	Massachusetts
Address	65 Sprague Street BOSTON, MA 02136 UNITED STATES		

Attorney information	William J. Seiter Seiter Legal Studio 2500 Broadway, Bldg F, Suite F-125 Santa Monica, CA 90404 UNITED STATES williamjseiter@seiterlegalstudio.com		
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Applicant Information

Application No	86616450	Publication date	09/22/2015
Opposition Filing Date	10/19/2015	Opposition Period Ends	10/22/2015
Applicant	Jiang, Li 509 Saddle Ridge Ln Rockville, MD 20850 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2015/02/01 First Use In Commerce: 2015/02/01 All goods and services in the class are opposed, namely: Adhesive bras; Body stockings; Bras; Knee-high stockings; Lingerie; Panties; Panties, shorts and briefs; Pantyhose; Shapewear, namely, girdles, bras; Socks and stockings; Sports bras; Stockings; Strapless bras
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Grounds for Opposition

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

U.S. Registration No.	2447377	Application Date	02/18/1999
Registration Date	05/01/2001	Foreign Priority Date	NONE
Word Mark	FANTASIE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 025. First use: First Use: 1996/00/00 First Use In Commerce: 1996/00/00 WOMEN'S CLOTHING; NAMELY LINGERIE		
U.S. Registration No.	3133514	Application Date	06/17/2004
Registration Date	08/22/2006	Foreign Priority Date	NONE
Word Mark	FANTASIE		
Design Mark	FANTASIE		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2005/11/01 First Use In Commerce: 2005/11/01 Swimwear, beachwear, bikinis, bathing suits		

Attachments	76597906#TMSN.png(bytes) Notice of Opposition (US TM App 86616450).pdf(159315 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	/wjs/
Name	William J. Seiter
Date	10/19/2015

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

In the Matter of Application Serial No. 86616450
Mark: FANTASA
Published: September 22, 2015

Eveden Inc.,)
A Massachusetts corporation)
)
Opposer,)
)
v.) Opposition No. _____
)
Jiang, Li,)
a China individual)
)
Applicant.)

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NOTICE OF OPPOSITION

Opposer Eveden Inc., a corporation organized under the laws of Massachusetts, located and doing business at 65 Sprague Street, Boston, Massachusetts 02136, believes that it would be damaged by the issuance of a registration for the trademark FANTASA as applied for by Applicant Jiang, Li, a China individual, and therefore opposes the application as to all of the applied for goods in International Class 25. As grounds for its opposition, Opposer, by its attorneys Seiter Legal Studio, alleges as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 2447377, filed February 18, 1999, registered May 1, 2001, and with a date of first use and use in U.S. commerce of 1996, for the mark FANTASIE (hereinafter, "Opposer's Mark"), in International Class 25 for "WOMEN'S CLOTHING; NAMELY LINGERIE." Opposer's Mark is in use in commerce on or in connection with the aforementioned goods. Registration No. 2447377 is valid, subsisting, and is incontestable. It constitutes conclusive evidence of the validity of the mark FANTASIE and of the registration, and of Opposer's

ownership of and exclusive right to use the mark in connection with the goods set forth in the registration.

2. Opposer is also the owner of U.S. Trademark Registration No. 3133514, filed June 17, 2004, registered August 22, 2006, and with a date of first use and use in U.S. commerce of November 1, 2005, for Opposer's Mark in International Class 25 for "Swimwear, beachwear, bikinis, bathing suits." Opposer's Mark is in use in commerce on or in connection with the aforementioned goods. Registration No. 3133514 is valid, subsisting, and is incontestable. It constitutes conclusive evidence of the validity of the mark FANTASIE and of the registration, and of Opposer's ownership of and exclusive right to use the mark in connection with the goods set forth in the registration.

3. Opposer's Mark has been promoted extensively and is well known to the consuming public. Opposer has invested substantial time, effort and money in promoting Opposer's Mark. As a result, Opposer's Mark have become distinctive of Opposer's goods, and has come to represent substantial goodwill for Opposer, widely recognized by the consuming public of the United States as a designation of source of the goods of Opposer.

4. On May 1, 2015, Applicant filed Application Serial No. 86616450 for the mark FANTASA based on claimed use in United States commerce since February 1, 2015 in International Class 25 for "Adhesive bras; Body stockings; Bras; Knee-high stockings; Lingerie; Panties; Panties, shorts and briefs; Pantyhose; Shapewear, namely, girdles, bras; Socks and stockings; Sports bras; Stockings; Strapless bras."

5. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86616450 during or before 1996, the date of first use in U.S. commerce of Opposer's Mark.

6. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86616450 on or before February 18, 1999, the filing date of Opposer's application which resulted in U.S. Trademark Registration No. 2447377.

7. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86616450 on or before June 17, 2004, the filing date of Opposer's application which resulted in U.S. Trademark Registration No. 3133514.

8. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86616450 on or before February 1, 2015, the claimed a date of first use and use in U.S. commerce of the mark in said application.

9. Upon information and belief, Applicant made no use of the mark in Application Serial No. 86616450 on or before May 1, 2015, the filing date of said application.

10. The mark that Applicant seeks to register is similar in sound, appearance, meaning and commercial impression to Opposer's Mark, and could be used in connection with goods identical or closely related to Opposer's goods. Based on the confusing similarity of the two marks and identity or relatedness of the parties' respective goods, the public is likely to associate the goods of Applicant under the mark FANTASA with Opposer and/or its licensees or with Opposer's and/or its licensees' goods under its mark FANTASIE, or to believe that Applicant's goods are sponsored, endorsed or licensed by

Opposer or its licensees, or that there exists some relationship between Applicant and Opposer and/or its licensees.

11. For the above reasons, any use of the mark FANTASA by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods offered under the mark by Applicant emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

REQUEST FOR RELIEF

12. Opposer is the owner of U.S. Trademark Registration No. 2447377, filed February 18, 1999, registered May 1, 2001, and with a date of first use and use in U.S. commerce of 1996, for its aforementioned goods.

13. Opposer is also the owner of U.S. Trademark Registration No. 3133514, filed June 17, 2004, registered August 22, 2006, and with a date of first use and use in U.S. commerce of November 1, 2005, for its aforementioned goods.

14. Opposer will be irreparably harmed and financially damaged by Application Serial No. 86616450. Therefore, Application Serial No. 86616450 should be ordered denied as to all goods in listed therein.

WHEREFORE, Opposer believes that it will be damaged by the registration of the mark in Application Serial No. 86616450, and respectfully requests that this opposition be sustained and that the registration sought by Application Serial No. 86616450 be denied as to all of the applied for goods in International Class 25.

The Opposition fee in the amount of \$300.00 for one class is filed electronically herewith.

