

ESTTA Tracking number: **ESTTA708624**

Filing date: **11/13/2015**

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	Buddha Bodai Kosher Vegetarian Restaurant, Inc.
Granted to Date of previous extension	11/14/2015
Address	77 Mulberry Street New York, NY 10013 UNITED STATES
Attorney information	Hazel F. Chin Hazel F. Chin Law Offices, P.C. 36-09 Main Street, Suite 7C Flushing, NY 11354-6504 UNITED STATES chinesq@aol.com, hazel.hchinlaw@gmail.com Phone:718-888-0017

**Applicant Information**

Application No	86480751	Publication date	09/15/2015
Opposition Filing Date	11/13/2015	Opposition Period Ends	11/14/2015
Applicant	Buddha Bodai One Vegetarian Restaurant Inc. 5 Mott Street New York, NY 10013 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 043. First Use: 2014/05/00 First Use In Commerce: 2014/05/00 All goods and services in the class are opposed, namely: Restaurant services
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**Grounds for Opposition**

The mark is merely descriptive	Trademark Act section 2(e)(1)
Other	likelihood of confusion and misleading to Opposer's customers; directly competes with Opposer's business; dilute the distinctiveness of Opposer's mark and name

Attachments	NoticeofOpposition.Filed.111315.pdf(848731 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	/Hazel F. Chin/
Name	Hazel F. Chin
Date	11/13/2015

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

BUDDHA BODAI KOSHER VEGETARIAN RESTAURANT, INC.,	)	
	)	
Opposer,	)	Opposition No. _____
v.	)	Serial No. 86480751
	)	Mark: BUDDHA BODAI ONE
BUDDHA BODAI ONE VEGETARIAN RESTAURANT, INC.,	)	Filing Date: December 15, 2014
	)	Publication Date: September 15, 2015
Applicant.	)	
	)	

NOTICE OF OPPOSITION

BUDDHA BODAI KOSHER VEGETARIAN RESTAURANT, INC., a New York corporation, located and doing business at 77 Mulberry Street, New York, New York, 10013 (hereinafter “Opposer”), believes it will be damaged by the registration of the mark shown in Application Serial No. 86480751 in International Class 043 (U.S. Classes 100, 101); filed by BUDDHA BODAI ONE VEGETARIAN RESTAURANT, INC. (hereinafter “Applicant”) on December 15, 2014; against which Opposer has secured an extension of time to oppose expiring November 14, 2015; and opposes said Application Serial No. 86480751.

The grounds for this opposition are as follows:

1. The Opposer is well-known in the Chinese vegetarian restaurant community, and its restaurant doing business as “Buddha Bodai” (hereinafter “Opposer’s Restaurant”), via one of its principals KENT ZHANG has appeared in the news media and advertisements. EXHIBIT A (news programs, u-tube videos, yelp.com).

2. The Opposer's principals had formerly operated a Chinese vegetarian restaurant business "Buddha Bodai, Inc." DOS ID# 2352242, from 1999 until 2007. EXHIBIT B (DOS listing).
3. The Opposer's principals had formerly operated Chinese vegetarian restaurant businesses which includes but not limited to "Buddha Bodai Kosher Inc." DOS ID# 34519129, from 2006 until 2013. EXHIBIT C (DOS listing).
4. Opposer's latest Chinese vegetarian restaurant business is located at 77 Mulberry Street, New York, New York, 10013, since December, 2014. EXHIBIT D (DOS listing).
5. The Opposer's Restaurant, and Opposer's predecessors, have made substantial investment in advertising and promoting its service under the name "Buddha Bodai", and have built a reputation, good will for its Chinese vegetarian restaurant service, such that Opposer's customers and the public in general have come to know and recognize Opposer's business name and associate the same with Opposer and/or goods and services sold by Opposer.
6. The Opposer has established a valuable trademark, under common and statutory trademark law, in the New York Metropolitan area since 2006.
7. Upon information and belief, the Applicant's Application Serial No. 86480751 for a standard character claim service mark of "Buddha Bodai One" without any particular font style, size or color is for a Chinese vegetarian restaurant business at 5 Mott Street, New York, New York, 10013 (hereinafter "Applicant's Restaurant").
8. Opposer's Restaurant at 77 Mulberry Street is a mere four (4) minute walk, 0.2 miles, not even one half mile away, along the sidewalk to Applicant's Restaurant at 5 Mott Street. EXHIBIT E (Map).

9. Customers familiar with Opposer's Restaurant are likely to be confused by any mark of "Buddha Bodai One" offered without any particular font style, size or color.
10. Applicant's application is for a mark nearly identical to the name of Opposer's Restaurant.
11. Applicant's application is for a name and term commonly referencing a major world religion, "Buddha", and a concept and term commonly used by that major world religion, "Bodai", meaning "enlightenment", strongly associated with generic vegetarian food.  
EXHIBIT F (Definition from Wikipedia.com and Encyclopedia.com)
12. Applicant's application is for a name and term which conflicts with prior trademark uses.
13. Accordingly, Applicant's alleged mark, without any particular font style, size or color, is merely "descriptive".
14. And accordingly, Opposer, upon information and belief, avers that its customers, and the general public, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed services of Application Serial No. 86480751, in that the applied for, alleged, mark using common terms strongly associated with generic vegetarian food, without any particular font style, size or color will:
  - a. mislead Opposer's customers into believing that such services emanate from, are licensed by, or are in some way directly or indirectly associated with, approved by or sponsored by Opposer;
  - b. directly compete with Opposer's business; and
  - c. dilute the distinctiveness of Opposer's Mark and name;
15. For the foregoing reasons, Opposer believes and alleges it will be damaged by the registration of Applicant's alleged mark.

WHEREFORE, by its undersigned attorneys, Opposer prays that this Notice of Opposition be sustained, that said Application be rejected, and no registration be issued thereon to Applicant.

Electronically submitted herewith is the applicable fee of \$300 for filing this Notice of Opposition. Please charge any deficiencies to Opposer's counsel,

Dated: November 13, 2015

Respectfully Submitted,

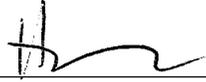


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Hazel F. Chin, Esq.  
HAZEL F. CHIN LAW OFFICES, P.C.  
36-09 Main Street Suite 7C  
Flushing, New York 11354  
(718) 888-0017 (phone)  
(718) 559-6979 (fax)  
Attorney for Opposer

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned attorney hereby certifies that the attached **NOTICE OF OPPOSITION** was filed electronically with the Trademark Trial and Appeal Board on November 13, 2015.



\_\_\_\_\_  
Hazel F. Chin

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of this **NOTICE OF OPPOSITION** was served by first class mail on November 13, 2015 to the following address, such being the address listed in the USPTO's TSDR database for Applicant's Attorney of Record and Correspondent as of this date:

Howard Natter, Esq.  
Natter & Natter  
501 5<sup>th</sup> Avenue Suite 808  
New York, NY 10017



\_\_\_\_\_  
Hazel F. Chin

**EXHIBIT "A"**

Ad displayed.

Up r



# Buddha Bodai TV show on ABC



emily zhang



282 views

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0

0

Published on Nov 2, 2014

Buddha Bodai Vegetarian Restanurant  
Kosher Cuisine

77 Mulberry Street, New York , NY 10013

Tel : (212) 233 – 2921

Fax : (212) 233 – 2852

Email: BuddhaVegetarian@gmail.com

Category

People & Blogs

License

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Ad displayed.

Up r



0:03 / 6:09

# 紐約玩翻天 TV Show



emily zhang



120 views

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Published on Nov 2, 2014

Buddha Bodai Vegetarian Restanurant  
Kosher Cuisine

77 Mulberry Street, New York , NY 10013

Tel : (212) 233 - 2921

Fax : (212) 233 - 2852

Email: BuddhaVegetarian@gmail.com

Category People & Blogs

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Find tacos, cheap dinner, Max's

Near Flushing, NY

Home About Me Write a Review Find Friends Messages Talk Events



# Buddha Bodai Kosher Vegetarian Restaurant

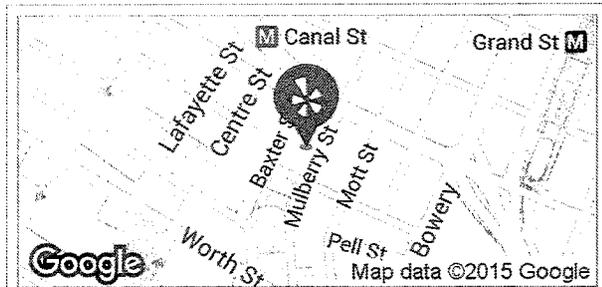


44 reviews

Details

\$\$ · Vegan, Kosher, Chinese

Edit



77 Mulberry St

Edit

New York, NY 10013

b/t Walker St & Canal St

Chinatown

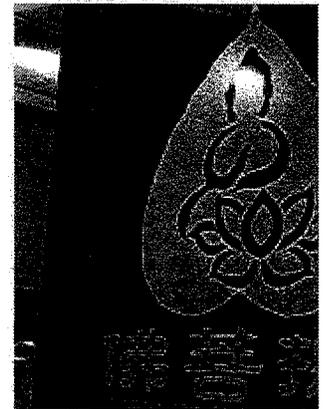
Get Directions

J N Q Z Canal St. and 2 more stations

(929) 273-1714

Message the business

BuddhaVegetarian.com



Buddha Bodai Kosher Restaurant - New York

Watch video

Mention Yelp - Get 10% Off



"This superior establishment is run by the original creator/owner of Buddha Bodai of Mott Street [taken over by his landlord]." in 7 reviews



"Definitely make sure to try the soup dumplings next time!" in 6 reviews



"After heavy research on a boring Monday at work I decided to order some vegetarian meat buns and vegetarian steak with chinese broccoli and brown rice." in 3 reviews

\$1.50 38 Brown Rice

## Recommended Reviews

Search reviews

Sort by **Yelp Sort**

English (44)

Your trust is our top concern, so businesses can't pay to alter or remove their reviews. [Learn more.](#) ✕



**Start your review of Buddha Bodai Kosher Vegetarian Restaurant.**

Start your review of **Buddha Bodai Kosher Vegetarian Restaurant.**

Select your rating.



**Ying Y.**  
East Village, Manhattan, NY

24 friends  
10 reviews

★★★★★ 11/9/2015

Buddha Bodhai is my go-to spot for dim sum in Chinatown. Because I do not eat pork, I usually have the problem of not being able to eat most of the dim sum dishes. However, eating a Buddha Bodhai erases all of those problems and I feel like I can eat everything in peace. While the mock meat is delicious, don't arrive with the expectation that it will taste exactly like real meat because there are definitely still obvious differences in the taste and texture. Even still, the mock meat is one of the best I've tasted.

Definitely make sure to try the soup dumplings next time! It is very difficult to make vegetarian soup dumplings as the soupy quality of the dumplings usually come from the pork, but they do a really good job of making it the perfect thickness.



**Queenie C.**  
Brooklyn, NY

61 friends  
120 reviews  
Elite '15

★★★★★ 10/1/2015 • Updated review

TBH, after thinking about it some more, I decided not to return to the restaurant just to pay the \$5. It seemed more petty than being honest.

Further, the owner did contact me and told me the lady I spoke with was not the owner and he apologized. I appreciate the owner's effort, but I stand by my review, and

**EXHIBIT "B"**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 12, 2015.

---

Selected Entity Name: BUDDHA BODAI, INC.

Selected Entity Status Information

**Current Entity Name:** BUDDHA BODAI, INC.

**DOS ID #:** 2352242

**Initial DOS Filing Date:** MARCH 04, 1999

**County:** QUEENS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** INACTIVE - Dissolution (Jul 16, 2007)

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

BUDDHA BODAI, INC.  
42-96 MAIN STREET  
FLUSHING, NEW YORK, 11355

**Chief Executive Officer**

TSO KIN WONG  
42-96 MAIN ST  
FLUSHING, NEW YORK, 11355

**Principal Executive Office**

BUDDHA BODAI, INC.  
42-96 MAIN STREET  
FLUSHING, NEW YORK, 11355

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

**\*Stock Information**

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
MAR 04, 1999	Actual	BUDDHA BODAI, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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**EXHIBIT "C"**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 12, 2015.

---

Selected Entity Name: BUDDHA BODAI KOSHER INC.

Selected Entity Status Information

**Current Entity Name:** BUDDHA BODAI KOSHER INC.

**DOS ID #:** 3451929

**Initial DOS Filing Date:** DECEMBER 20, 2006

**County:** QUEENS

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** INACTIVE - Dissolution (Jan 28, 2013)

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

BUDDHA BODAI KOSHER INC.

42-96 MAIN STREET

FLUSHING, NEW YORK, 11355

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include

the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

#### **\*Stock Information**

<b># of Shares</b>	<b>Type of Stock</b>	<b>\$ Value per Share</b>
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

#### **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
DEC 20, 2006	Actual	BUDDHA BODAI KOSHER INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

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**EXHIBIT "D"**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through November 12, 2015.

---

Selected Entity Name: BUDDHA BODAI KOSHER VEGETARIAN RESTAURANT, INC.

Selected Entity Status Information

**Current Entity Name:** BUDDHA BODAI KOSHER VEGETARIAN RESTAURANT, INC.

**DOS ID #:** 4674503

**Initial DOS Filing Date:** DECEMBER 03, 2014

**County:** NEW YORK

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

KENT ZHI QIANG ZHANG

77 MULBERRY STREET

NEW YORK, NEW YORK, 10013

**Registered Agent**

NONE

This office does not record information regarding the names and addresses of officers, shareholders or directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include

the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by viewing the certificate.

#### **\*Stock Information**

**# of Shares    Type of Stock    \$ Value per Share**

200                    No Par Value

\*Stock information is applicable to domestic business corporations.

#### **Name History**

<b>Filing Date</b>	<b>Name Type</b>	<b>Entity Name</b>
DEC 03, 2014	Actual	BUDDHA BODAI KOSHER VEGETARIAN RESTAURANT, INC.

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

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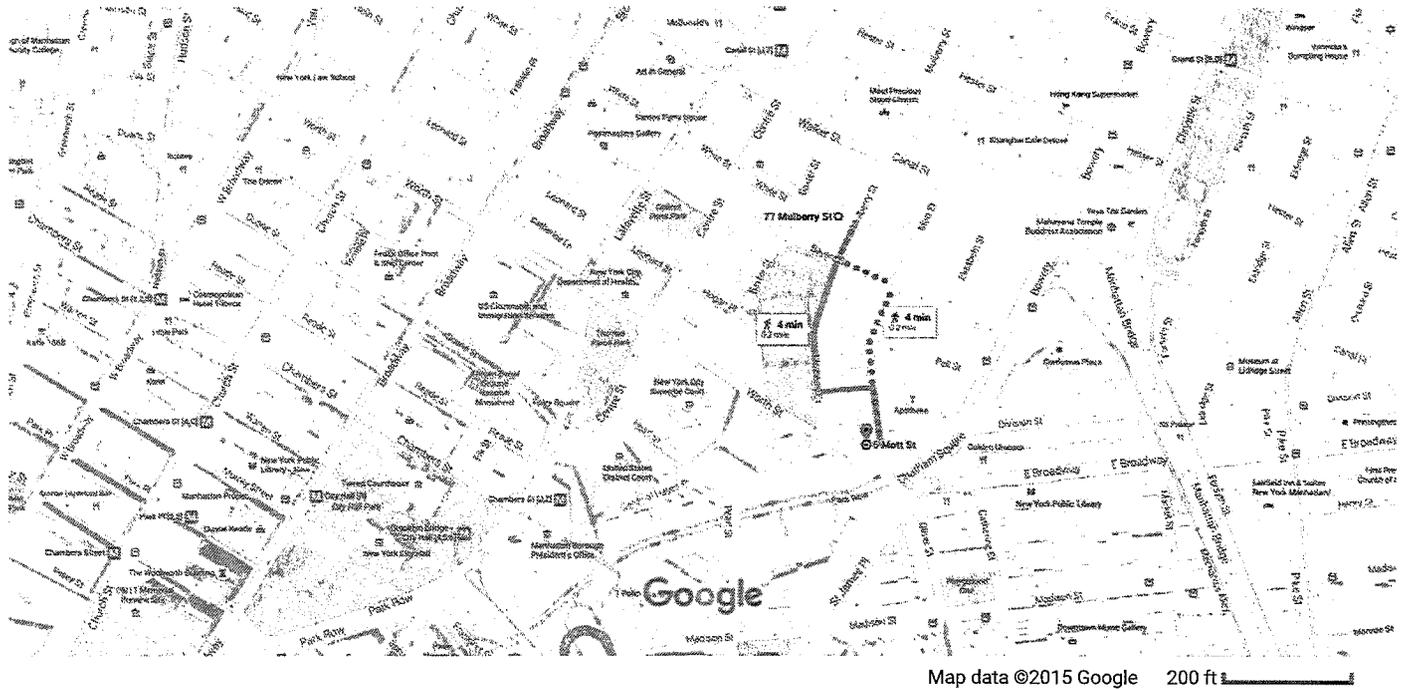
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**EXHIBIT "E"**

Google Maps

77 Mulberry St, New York, NY 10013 to 5 Mott St,  
New York, NY 10013

Walk 0.2 mile, 4 min



77 Mulberry St  
New York, NY 10013

Use caution - may involve errors or sections not suited for walking

- ↑ 1. Head southwest on Mulberry St toward Bayard St  
..... 167 ft
- ↶ 2. Turn left onto Bayard St  
..... 253 ft
- ↷ 3. Turn right onto Mott St  
● Destination will be on the right  
..... 0.1 mi

5 Mott St  
New York, NY 10013

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

**EXHIBIT "F"**



# Gautama Buddha

From Wikipedia, the free encyclopedia

*Not to be confused with Budha, a deity and personification of the planet Mercury in Hinduism..*

*"Buddha" and "Gautama" redirect here. For other uses, see Buddha (disambiguation) and Gautama (disambiguation).*

**Gautama Buddha**, also known as **Siddhārtha Gautama**, **Shakyamuni**,<sup>[note 3]</sup> or simply the **Buddha**, was a sage<sup>[3]</sup> on whose teachings Buddhism was founded.<sup>[web 2]</sup> He lived and taught mostly in northeastern India sometime between the sixth and fourth centuries BCE.<sup>[4][note 4]</sup>

The word *Buddha* means "awakened one" or "the enlightened one". "Buddha" is also used as a title for the first awakened being in a Yuga era. In most Buddhist traditions, Siddhartha Gautama is regarded as the Supreme Buddha (Pali *sammāsambuddha*, Sanskrit *samyaksambuddha*) of the present age.<sup>[note 5]</sup> Gautama taught a Middle Way between sensual indulgence and the severe asceticism found in the śramaṇa movement<sup>[5]</sup> common in his region. He later taught throughout regions of eastern India such as Magadha and Kosala.<sup>[4][6]</sup>

Gautama is the primary figure in Buddhism and accounts of his life, discourses, and monastic rules are believed by Buddhists to have been summarized after his death and memorized by his followers. Various collections of teachings attributed to him were passed down by oral tradition and first committed to writing about 400 years later.

## Contents

- 1 Historical Siddhārtha Gautama
- 2 Traditional biographies
  - 2.1 Biographical sources
  - 2.2 Nature of traditional depictions
- 3 Biography
  - 3.1 Conception and birth
  - 3.2 Early life and marriage
  - 3.3 Renunciation and ascetic life

## Gautama Buddha



A statue of the Buddha from Sarnath, 4th century CE

<b>Born</b>	c. 563 BCE or c. 480 BCE <sup>[1][2]</sup> Lumbini, Shakya Republic (according to Buddhist tradition) <sup>[note 1]</sup>
<b>Died</b>	c. 483 BCE or c. 400 BCE (aged 80) Kushinagar, Malla Republic (according to Buddhist tradition) <sup>[note 2]</sup>
<b>Known for</b>	Founder of Buddhism
<b>Predecessor</b>	Kassapa Buddha
<b>Successor</b>	Maitreya

## Gautama Buddha

### Chinese name

Chinese 佛陀

### Transcriptions

**Standard Mandarin**

## Bodai

[The Concise Oxford Dictionary of World Religions \(/The+Concise+Oxford+Dictionary+of+World+Religions/publications.aspx?pageNumber=1\)](#) | 1997 | JOHN BOWKER | 248 words

© The Concise Oxford Dictionary of World Religions 1997, originally published by Oxford University Press 1997.

**Bodai.** Jap. version of Skt., [bodhi \(/doc/1O101-Bodhi.html\)](/doc/1O101-Bodhi.html), via Chinese. It is thus the state of [kokoro \(/doc/1O101-Kokoro.html\)](/doc/1O101-Kokoro.html), the completely enlightened mind and complete [Buddha \(/doc/1O101-Buddha.html\)](/doc/1O101-Buddha.html) realization. Bodaishin is the 'enlightenment mind', the determination to find complete enlightenment.

Related newspaper, magazine, and trade journal articles from Questia  
Including press releases, facts, information, and biographies

[History Shows Draft Heaven Offers No Guarantees \(http://www.questia.com/library/1P2-37245977/history-shows-draft-heaven-offers-no-guarantees\)](http://www.questia.com/library/1P2-37245977/history-shows-draft-heaven-offers-no-guarantees)

**Newspaper article from: The Buffalo News (Buffalo, NY)**

...remain fans of the organization, as Julius **Bodai** showed during a preseason game. The native...Eastern Conference finals that year, and **Bodai** says losing now will get the franchise...status. "They've got a ways to go," **Bodai** said. "There's some good young guys..."

[That Is the Question Open to Debate as Generational Talents Connor McDavid... \(http://www.questia.com/library/1P2-37249459/that-is-the-question-open-to-debate-as-generational\)](http://www.questia.com/library/1P2-37249459/that-is-the-question-open-to-debate-as-generational)

**Newspaper article from: The Buffalo News (Buffalo, NY)**

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