

ESTTA Tracking number: **ESTTA724783**

Filing date: **02/04/2016**

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	IceBay International, LLC		
Entity	Corporation	Citizenship	Delaware
Address	20208 87th Ave S. I-301 Kent, WA 98031 UNITED STATES		

Correspondence information	William Liao IceBay International, LLC 20208 87th Ave S. I-301 Kent, WA 98031 UNITED STATES stoicleo@gmail.com		
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### Applicant Information

Application No	86655783	Publication date	01/12/2016
Opposition Filing Date	02/04/2016	Opposition Period Ends	02/11/2016
Applicant	Zhang Qiyun Group 6, Changling Village Hubei,, CHINA		

### Goods/Services Affected by Opposition

Class 014. First Use: 2014/09/11 First Use In Commerce: 2014/09/11  
All goods and services in the class are opposed, namely: Bracelets; Brooches; Charms; Costume jewelry; Cuff links; Cuff-links; Earrings; Jewelry; Jewelry cases; Jewelry chains; Jewelry ornaments; Necklaces; Ornamental pins; Paste jewelry; Pearls; Precious stones; Rings; Tie clips; Tie pins

### 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. Registration No.	4692429	Application Date	07/21/2014
Registration Date	02/24/2015	Foreign Priority Date	NONE
Word Mark	QIYUN		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 026. First use: First Use: 2009/09/07 First Use In Commerce: 2009/09/07 Beads for handicraft work; Clown wigs; Embroidery; Hair pieces and wigs; Laces and embroidery; Ornamental novelty badges; Tape for fixing wigs; Wig caps; Wigs; Wigs, hairpieces, and add-in and add-on hair accessories constructed primarily of synthetic and/or human hair

Attachments	86342570#TMSN.png( bytes ) Qiyun-NOTICE OF OPPOSITION-Class14-Final.pdf(277041 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	/William Liao/
Name	William Liao
Date	02/04/2016



beads, wigs, embroidery, as well as a wide range of licensed and promotional goods and services distributed and sold by Opposer in commerce, including clothing and jewelry.

6. Opposer registered Qiyun for Class 26 on July 21, 2014 (serial number: 86342570; registration number: 4692429) with first-use date dated from 2009. Since 2009, Opposer, or its predecessor in interest, has been using Qiyun mark on a variety of products including beads, wigs, as well as goods identical or closely related to those identified in the Application.

7. Opposer has made substantial investment in advertising and promoting their goods under Opposer's Qiyun mark since the initial use. Opposer has extensively used, advertised, promoted and offered Opposer's goods bearing Opposer's Qiyun mark to the public through various channels of trade in commerce.

8. Additionally, Opposer offers online retail services via its website as well as via Amazon.com, where it sells a wide variety of goods, including beads, wigs, jewelry, and clothing.

9. As a result of the aforesaid advertising, promotion and use of its Qiyun Marks, Opposer, or its predecessor in interest, has built a strong reputation for high quality goods offered thereunder. Opposer's Qiyun Marks have, long prior to Applicant's first-use date, come to be distinctive and to uniquely identify Opposer and its goods.

10. Applicant's Qiyun.Z mark so resembles Opposer's Qiyun mark as to be likely, when applied to the goods of Opposer, including Opposer's wide range of goods, such as clothing and jewelry, to cause confusion or mistake or to deceive purchasers resulting in damage and detriment of Opposer and its reputation.

11. The goods described in Application Serial No. 86655783 are identical or closely related to the goods offered by Opposer under its Qiyun Marks and, on information and belief, Applicant's goods may or will be offered to the same general class of customers to whom Opposer offers its goods under its Qiyun Marks.

12. The applied-for Qiyun.Z mark sought to be registered by Applicant so closely resembles Opposer's Qiyun Marks as to be likely to cause confusion, mistake, or deception of the relevant trade and public, all to Opposer's damage. Customers and potential customers are likely to believe that Applicant's goods offered under the mark Qiyun.Z emanate from, or are licensed or approved by, Opposer, when that is not the case. Such confusion would be a source of damage to Opposer.

13. If Applicant is granted the registration herein opposed, it would thereby obtain a prima facie right to exclusive use of the Qiyun.Z mark, which would be a further source of damage to Opposer. WHEREFORE, Opposer believes that it will be damaged by registration of said mark, and prays that this Opposition be sustained, that Application Serial No. 86655783 be rejected, and that the mark applied for therein be refused registration.

Respectfully submitted,

Feb 4, 2016

By / William Liao/

William Liao

Legal Officer of IceBay International, LLC

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I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by mailing said copy on Feb 4, 2016, via First Class Mail, postage prepaid to :

SHI LIANLIAN  
NO.259,WENSAN ROAD,  
RM 606,NO.1 CHANGDI TORCH BLDG  
HANGZHOU,ZHEJIANG, CHINA

/William Liao/

William Liao