

ESTTA Tracking number: **ESTTA903440**

Filing date: **06/15/2018**

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	Multiline Int'l Imports Inc.
Granted to Date of previous extension	06/16/2018
Address	5786 Logan ct Denver, CO 80216 UNITED STATES

Attorney information	Michael Markos LEGALFORCE RAPC WORLDWIDE, P.C. 446 E SOUTHERN AVE TEMPE, AZ 85282 UNITED STATES Email: michael@legalforcelaw.com, ruth@legalforcelaw.com, lfdis- putes@legalforcelaw.com Phone: 6509658731
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Applicant Information

Application No	87451109	Publication date	04/17/2018
Opposition Filing Date	06/15/2018	Opposition Period Ends	06/16/2018
Applicant	BESTORE EUROPE HOLDING GMBH TURMSTRASSE 18, 6300 Zug SWITZERLAND		

Goods/Services Affected by Opposition

Class 034. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Smokeless vaporizers for non-medical use for the ingestion and inhalation of tobacco, oil and wax, and other herbal matters; Oral vaporizers for smokers; Electronic cigarettes

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. Application No.	87792059	Application Date	02/09/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	DAB BOX
Design Mark	
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 2017/02/06 First Use In Commerce: 2017/02/06 Oral vaporizers for smoking purposes

U.S. Application No.	87794532	Application Date	02/12/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	DAB BOX
Design Mark	
Description of Mark	The mark consists of the stylized wording DAB BOX. The second B in DAB BOX is flipped around and there is a snowman with a backwards cap in the center of the O. The word DAB BOX is in the middle. There an artistic v shaped shield with wings and a crown on top with smaller wings on each side of the crown.
Goods/Services	Class 034. First use: First Use: 2017/02/06 First Use In Commerce: 2017/02/06 Oral vaporizers for smoking purposes

Attachments	87792059#TMSN.png(bytes) 87794532#TMSN.png(bytes) Dab Box Notice of Opposition Complete.pdf(264242 bytes)
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Signature	/Michael Markos/
Name	Michael Markos
Date	06/15/2018

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

<p>MULTILINE INT'L IMPORTS INC.,</p> <p style="text-align:right">Opposer,</p> <p style="text-align:center">v.</p> <p>BESTORE EUROPE HOLDING GMBH,</p> <p style="text-align:right">Applicant.</p>	<p>Opposition No.: _____</p> <p>Mark: DABOX</p> <p>Serial No.: 87/451,109</p> <p>Filing Date: May 16, 2017</p> <p>Date of Publication: April 17, 2018</p>
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NOTICE OF OPPOSITION

Multiline Int'l Imports, Inc. ("Opposer"), by and through its undersigned counsel, believing that it will be damaged by the registration of the mark DABOX shown in United States Trademark Application Serial No. 87/451,109, filed by Bestore Europe Holding GMBH, a Switzerland Gesellschaft mit beschränkter Haftung [limited liability company] ("Applicant"), and published for opposition on April 17, 2018; hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is a corporation organized under the laws of the state of Colorado with its corporate office located at 5789 Logan Court Denver, Colorado 80216
2. Opposer is a well-known producer of oral vaporizers for smoking purposes ("Opposer's



Goods") under the mark DAB BOX and the design mark (collectively, the "DAB BOX Marks" or "Opposer's Marks").

3. By virtue of Opposer's use and promotion of its DAB BOX Marks and DAB BOX branded goods for a period of one (1) year and four (4) months, Opposer's Marks have become widely recognized among the general consuming public.
4. Opposer's DAB BOX trademarks are of substantial value as the primary identifier of the source of Opposer's high-quality Goods.
5. Opposer's trademark applications for its DAB BOX Marks are currently pending before the United States Trademark and Patent Office under United States Serial Number 87/792,059 for its standard character mark and under United States Serial Number 87/794,532 for its design mark.
6. Opposer's Marks have been in continuous use from February 6, 2017 in connection with Opposer's Goods.
7. Attached hereto as Exhibit 1, and made of record, are copies of the currently pending applications for Opposer's Marks.
8. Upon information and belief, Bestore Europe Holding GMBH is the owner of Trademark Application Serial No. 87/451,109 for the mark DABOX (the "Application").
9. According to USPTO records, the Application was filed on May 16, 2017, on an intent to use in commerce basis with respect to "Smokeless vaporizers for non-medical use for the ingestion and inhalation of tobacco, oil and wax, and other herbal matters; Oral vaporizers for smokers; Electronic cigarettes" in International Class 034, with no current statement of use provided.
10. On March 28, 2018, the Application was approved for publication.
11. The Application was published for opposition on April 17, 2018.

12. Registration of the Application will damage Opposer in that Applicant's use of the mark DABOX in connection with the identified goods will result in confusion, mistake and/or deception as to the source of the parties' goods.
13. If the Application is permitted to register, the consuming public will incorrectly believe that Applicant's goods emanate from Opposer, or that Opposer has sanctioned, sponsored, licensed, or is otherwise affiliated with the good of Applicant, with the result that Applicant will be able to capitalize on the goodwill and reputation Opposer has built up over the past year.
14. Opposer is entitled to preclude registration of the Application based on a likelihood of confusion under Lanham Act § 2(d).
15. The designation DABOX in Application Serial No. 87/451,109 is virtually identical in appearance to Opposer's DAB BOX Marks.
16. The designation DABOX in Application Serial No. 87/451,109 is virtually identical in sound and pronunciation to Opposer's DAB BOX Marks.
17. The designation DABOX in Application Serial No. 87/451,109 is virtually identical in connotation and commercial impression to Opposer's DAB BOX Marks.
18. Both Opposer's Goods and the goods identified in the Application at Serial No. 87/451,109 include smoking articles, particularly, oral vaporizers for the purpose of smoking.
19. The goods identified in the Application at Serial No. 87/451,109 are identical to, or related to, Opposer's Goods offered under Opposer's DAB BOX Marks.
20. The designation DABOX in Application Serial No. 87//451,109 is confusingly similar to Opposer's DAB BOX Marks.

21. Consumers are likely to believe that Applicant's "Smokeless vaporizers for non-medical use for the ingestion and inhalation of tobacco, oil and wax, and other herbal matters; Oral vaporizers for smokers; Electronic cigarettes" goods originate from, are endorsed by, or are sponsored by Opposer, or are otherwise related to Opposer's goods.
22. Because Opposer is entitled to exclusive rights in Opposer's Marks based on priority of use, and because Applicant's junior use of the DABOX designation is likely to cause confusion with Opposer's Marks under Section 2d of the Trademark Act 15 USC § 1051(d), Opposer will be damaged by if Application Serial No 87/451,109 is permitted to register.

Accordingly, Opposer respectfully requests that its Opposition be sustained and that the registration of Application Serial No. 87/451,109 be refused.

This Notice of Opposition is submitted electronically together with an electronic payment in the amount of \$400, the filing fee for an opposition in one (1) International Class.

Dated: June 15, 2018

Respectfully Submitted,

/s/ Michael A. Markos
Michael A. Markos, Esq.
LEGALFORCE RAPC WORLDWIDE PC
446 E. Southern Ave.
Tempe, AZ 85282
Tel. (650) 965-8731
lfdisputes@legalforcelaw.com
michael@legalforcelaw.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on the day of June 15, 2018, a true copy of the foregoing
OPPOSER'S NOTICE OF OPPOSITION is being served by electronic mail as follows:

Zhi Yang Xue
NOVICK, KIM & LEE, PLLC
3251 OLD LEE HIGHWAY
SUITE 404
FAIRFAX, VIRGINIA UNITED STATES 22030
Phone: 703-745-5495
Email: docket@nkllaw.com; allen.xue@nkllaw.com

/s/ Michael A. Markos_____

Michael A. Markos
LEGALFORCE RAPC WORLDWIDE PC
446 E. Southern Ave.
Tempe, AZ 85282

EXHIBIT 1

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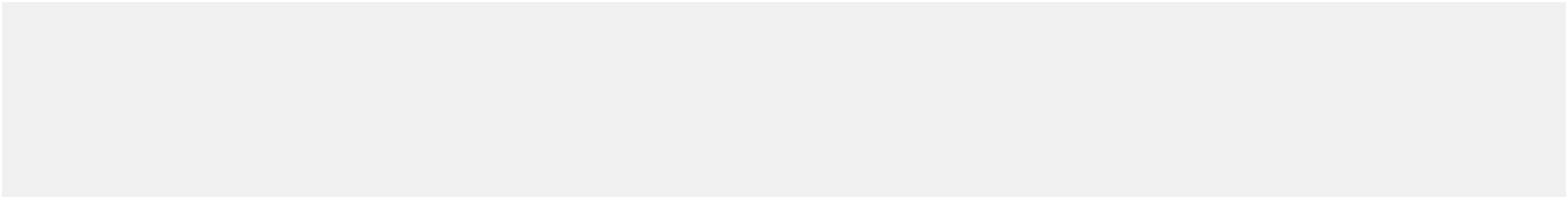
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DAB BOX

Word Mark DAB BOX
Goods and Services IC 034. US 002 008 009 017. G & S: Oral vaporizers for smoking purposes. FIRST USE: 20170206. FIRST USE IN COMMERCE: 20170206
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 87792059
Filing Date February 9, 2018
Current Basis 1A
Original Filing Basis 1A
Owner (APPLICANT) MULTILINE INT'L IMPORTS INC. CORPORATION COLORADO 5786 Logan ct Denver COLORADO 80216
Attorney of Record Michael Markos
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: DAB BOX

DAB BOX

US Serial Number: 87792059

Application Filing Date: Feb. 09, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: New application assigned to an examining attorney for examination.

Status Date: May 23, 2018

Mark Information

Mark Literal Elements: DAB BOX

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Oral vaporizers for smoking purposes

International Class(es): 034 - Primary Class

U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 06, 2017

Use in Commerce: Feb. 06, 2017

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MULTILINE INT'L IMPORTS INC.

Owner Address: 5786 Logan ct
Denver, COLORADO 80216
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: COLORADO

Attorney/Correspondence Information

Attorney of Record**Attorney Name:** Michael Markos**Docket Number:** 1099815**Attorney Primary Email Address:** trademarks@legalforce.com**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** MICHAEL MARKOS
LEGALFORCE RAPC WORLDWIDE, P.C.
446 E SOUTHERN AVE
TEMPE, ARIZONA 85282
UNITED STATES**Phone:** 650-965-8731**Fax:** 650 989-2131**Correspondent e-mail:** trademarks@legalforce.com**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
May 23, 2018	ASSIGNED TO EXAMINER	88577
Feb. 17, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 13, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information****TM Attorney:** TARCU, CATHERINE L**Law Office Assigned:** LAW OFFICE 109**File Location****Current Location:** TMEG LAW OFFICE 109**Date in Location:** May 23, 2018

**Trademarks > Trademark Electronic Search System (TESS)**

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Record 1 out of 1[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**Word Mark** DAB BOX**Goods and Services** IC 034. US 002 008 009 017. G & S: Oral vaporizers for smoking purposes. FIRST USE: 20170206. FIRST USE IN COMMERCE: 20170206**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS**Design Search Code**
01.15.05 - Smoke; Steam; Vapor
02.01.35 - Snowmen
03.17.01 - Wings, birds'
09.05.01 - Caps, including visors, military caps and baseball caps
24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon
24.11.01 - Crowns closed at the top
26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved
26.17.25 - Other lines, bands or bars**Serial Number** 87794532**Filing Date** February 12, 2018**Current Basis** 1A**Original Filing Basis** 1A**Owner** (APPLICANT) MULTILINE INT'L IMPORTS INC. CORPORATION COLORADO 5786 Logan ct Denver COLORADO 80216**Attorney of Record** Michael Markos**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the stylized wording DAB BOX. The second B in DAB BOX is flipped around and there is a snowman with a backwards cap in the center of the O. The word DAB BOX is in the middle. There an artistic v shaped shield with wings and a crown on top with smaller wings on each side of the crown.**Type of**

Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Mark: DAB BOX



US Serial Number: 87794532

Application Filing Date: Feb. 12, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: New application assigned to an examining attorney for examination.

Status Date: May 23, 2018

Mark Information

Mark Literal Elements: DAB BOX

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of the stylized wording DAB BOX. The second B in DAB BOX is flipped around and there is a snowman with a backwards cap in the center of the O. The word DAB BOX is in the middle. There an artistic v shaped shield with wings and a crown on top with smaller wings on each side of the crown.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 01.15.05 - Vapor; Steam; Smoke
02.01.35 - Snowmen
03.17.01 - Wings, birds'
09.05.01 - Caps, including visors, military caps and baseball caps
24.01.01 - Shields or crests (plain) with neither a figurative element nor an inscription contained therein or superimposed thereon
24.11.01 - Crowns closed at the top
26.17.09 - Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved; Lines, curved
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U.S Class(es): 002, 008, 009, 017

Class Status: ACTIVE

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Use in Commerce: Feb. 06, 2017

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Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: MULTILINE INT'L IMPORTS INC.

Owner Address: 5786 Logan ct
Denver, COLORADO 80216
UNITED STATES

Legal Entity Type: CORPORATION

State or Country COLORADO
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Michael Markos

Docket Number: 1099815

Attorney Primary trademarks@legalforce.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent MICHAEL MARKOS
Name/Address: LEGALFORCE RAPC WORLDWIDE, P.C.
446 E SOUTHERN AVE
TEMPE, ARIZONA 85282
UNITED STATES

Phone: 650-965-8731

Fax: 650 989-2131

Correspondent e-mail: trademarks@legalforce.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
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TM Staff and Location Information

TM Staff Information

TM Attorney: TARCU, CATHERINE L

Law Office LAW OFFICE 109
Assigned:

File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: May 23, 2018