

ESTTA Tracking number: **ESTTA930844**

Filing date: **10/24/2018**

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

Proceeding	91243695
Party	Defendant Hangzhou Juejia Arts & Crafts Co., Ltd.
Correspondence Address	YUEDE ZHU HANGZHOU JUEJIA ARTS & CRAFTS NO18 SUZHOU ST B1 705, CHANGYUANT BEIJING, 100080 CHINA hcram0301@outlook.com, 3570659575@qq.com no phone number provided
Submission	Answer
Filer's Name	Yuede Zhu
Filer's email	3570659575@qq.com
Signature	/Yuede Zhu/
Date	10/24/2018
Attachments	Answer to Opposition No. 91243695.pdf(586541 bytes)

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

Best Chairs Incorporated,)	
)	
Opposer,)	Opposition No. 91243695
)	
v.)	Mark: BESTAGE
)	Serial No.: 87858048
Hangzhou Juejia Arts & Crafts Co., Ltd.,)	
)	
Applicant.)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION



Hangzhou Juejia Arts & Crafts Co., Ltd. (“Applicant”) here files its answer in the above-captioned matter, states the following specific responses as follows in case opposer’s consent motion wasn’t ruled in time :

INTRODUCTORY STATEMENT

Applicant is in the business of selling some non-electric fans for personal use, including bamboo fans, silk fans, Spanish fans, travel fans, wooden fans, pp fans, circular fans, male fans, ladies' fans, plastic products, 7-stem fans, advertising fans, folding fans, hand fans, paper crafts, plastic crafts, under its trademark BESTAGE. Applicant has been using BESTAGE early this year here in the United States and throughout the world in connection with said fans. In March, Applicant decided to file the trademark application subject of this opposition BESTAGE assigned Serial Number 87858048 in relation to said products in International Class 20. This application was filed with the help of a domestic agent who helped expand the scope of identifications of Applicant's goods to unintentionally cover some home decoration products, like curtains, deck chairs, inflatable furniture or beds, which is out of the scope of applicant’s business and will not be covered by Applicant's business in future.

Prior to this proceeding, Applicant was unaware of Best Chairs Incorporated (hereinafter “Opposer”), or Opposer’s products, which are in an entirely different field of business. According to Opposer’s family of trademarks and trade names that incorporate the element “BEST” , including

without limitation BEST CHAIRS,  , BEST HOME FURNISHINGS, BEST

HOSPITALITY, THE POWER OF BEST, BEST-MAX,  and  (collectively, the “BEST Marks”), Opposer uses the Registrations in connection with furniture. However, Applicant is using the mark BESTAGE for Fans for personal use, non-electric, which is in the field of arts and crafts. they are non-competitive and in different nature of business. There would be no confusions between applicant’s mark and the “BEST Marks”.

Applicant has reached an agreement with the opposer via email and applicant here agreed to limit the identification of goods in the application to “Fans for personal use, non-electric”.

Applicant respectfully prays that:

1. With the limitation of the goods identified in this application, the Notice of Opposition be dismissed;

and

2. that Applicant’s opposed application be allowed to proceed to registration on the Principal Register.

Respectfully submitted,

By: /Yuede Zhu/

3570659575@qq.com
Hangzhou Juejia Arts & Crafts
Co., Ltd.
B1, 705, Changyuantiandi Bldg.
No.18, Suzhou St., Haidian Dist.
Beijing 100080, China

Dated: Oct. 24, 2018

Principal for Applicant,
Hangzhou Juejia Arts & Crafts Co., Ltd.

Exhibit

RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695 ★

Maurer, Brad R.
发件人: 3570659575@qq.com, hcram0301@outlook.com, Johnson, Traci D
2018-09-27 21:44 隐藏信息

发件人: Maurer, Brad R. <BMaurer@bgdlegal.com>
收件人: 3570659575@qq.com <3570659575@qq.com>, hcram0301@outlook.com <hcram0301@outlook.com>
抄送: Johnson, Traci D <TJohnson@bgdlegal.com>
时间: 2018年9月27日 (周四) 21:44
大小: 965 KB

#19631737v1_Best - Best... (263 KB) #19631981v1_Best - Best... (56 KB)

Dear Sirs,
We thank you for the message and have reviewed the facts stated in the message. Please advise if you are willing to amend the goods identification in the application to accurately reflect the goods with which the BESTAGE mark is used in the United States, namely, "Fans for personal use, non-electric".
If so, attached are appropriate filings that we are prepared to submit, subject to your consent, that will amend the application and bring the opposition to a close.
We look forward to your reply.
Regards,

Brad R. Maurer
Partner
Bingham Greenebaum Doll LLP
Direct: 317-988-5423

From: 3570659575@qq.com [mailto:3570659575@qq.com]
Sent: Thursday, September 27, 2018 3:37 AM
To: PTODocket <ptodocket@bgdlegal.com>; Maurer, Brad R. <BMaurer@bgdlegal.com>
Subject: Fw: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695

Dear Sirs,
We have received the notice of opposition from you and here attached is our answer to your allegations. We really expect that we can solve this peacefully, but we have never been contacted by you before the opposition.
We don't do business in the field of furniture and we are willing to delete any identification in related to furniture in order to avoid any likelihood of confusion.
Applicant is in the business of selling some non-electric fans for personal use and crafts, including bamboo fans, silk fans, Spanish fans, travel fans, wooden fans, pp fans, circular fans, male fans, ladies' fans, plastic products, 7-stem fans, advertising fans, folding fans, hand fans, paper crafts, plastic crafts, under its trademark BESTAGE.
This application was filed with the help of a domestic agent who helped expand the scope of identifications of our goods to unintentionally include some home decoration products, like curtains, deck chairs, inflatable furniture or beds, which is not Applicant's scope of business and will not be covered by Applicant's business in future. If this is just why the opposer believes that our registration of BESTAGE may cause confusion with their "BEST Marks", we are willing to delete those identifications.
Please let us know if we can reach an agreement and settle it peacefully before filing the answer.

https://juejia.en.alibaba.com/company_profile.html

Hangzhou Juejia Arts & Crafts Co., Ltd.
17RS Zhejiang, China (Mainland)

RE: RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695 ★

Maurer, Brad R.
发件人: 3570659575@qq.com, hcram0301@outlook.com, Johnson, Traci D
2018-09-28 20:53 隐藏信息

发件人: Maurer, Brad R. <BMaurer@bgdlegal.com>
收件人: 3570659575@qq.com <3570659575@qq.com>, hcram0301@outlook.com <hcram0301@outlook.com>
抄送: Johnson, Traci D <TJohnson@bgdlegal.com>
时间: 2018年9月28日 (周五) 20:53
大小: 547 KB

Dear Yuede Zhu,
Message received with thanks. I will finalize and file the consent motion to amend the goods identification with the TTAB today. Assuming that motion is granted, I will then file a consent motion to dismiss the opposition without prejudice.
If you have any questions please let me know.
Thanks,

Brad R. Maurer
Partner
Bingham Greenebaum Doll LLP
Direct: 317-988-5423

From: 3570659575@qq.com [mailto:3570659575@qq.com]
Sent: Thursday, September 27, 2018 11:38 PM
To: Maurer, Brad R. <BMaurer@bgdlegal.com>
Cc: Johnson, Traci D <TJohnson@bgdlegal.com>
Subject: RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695

Dear Brad,
Thank you for the message. We agree with the amendment and we will amend the identifications of goods by limiting it to "Fans for personal use, non-electric" only.
Please help proceed by closing the opposition.
Thank you
Yuede Zhu

3570659575@qq.com

From: Maurer, Brad R.
Date: 2018-09-27 21:44
To: 3570659575@qq.com; hcram0301@outlook.com
CC: Johnson, Traci D
Subject: RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695

Dear Sirs,
We thank you for the message and have reviewed the facts stated in the message. Please advise if you are willing to amend the goods identification in the application to accurately reflect the goods with which the BESTAGE mark is used in the United States, namely, "Fans for personal use, non-electric".
If so, attached are appropriate filings that we are prepared to submit, subject to your consent, that will amend the application and bring the opposition to a close.
We look forward to your reply.

Maurer, Brad R.

发件人: 3570659575@qq.com, hcram0301@outlook.com, Johnson, Traci D

2018-10-01 21:13

发件人: Maurer, Brad R. <BMaurer@bgdlegal.com>

收件人: 3570659575@qq.com <3570659575@qq.com>, hcram0301@outlook.com <hcram0301@outlook.com>

抄送: Johnson, Traci D <TJohnson@bgdlegal.com>

时间: 2018年10月1日 (周一) 21:13

大小: 835 KB

bestagettavue-9124369... (198 KB)

Dear Yuede Zhu,

Attached is a copy of the filed consent motion submitted to the USPTO in which we request amendment of the goods identification pursuant to the consent you provided. We expect that the USPTO will grant the request and amend the goods identification as agreed. We expect this action will take place within the next four weeks.

Once the amendment is made, we will then file a request to dismiss the opposition proceeding without prejudice and bring this matter to a close.

If you have any questions please let me know.

Regards,

Brad R. Maurer
Partner
Bingham Greenebaum Doll LLP
Direct: 317-968-5423

From: 3570659575@qq.com [mailto:3570659575@qq.com]

Sent: Saturday, September 29, 2018 2:42 AM

To: Maurer, Brad R. <BMaurer@bgdlegal.com>; hcram0301@outlook.com

Cc: Johnson, Traci D <TJohnson@bgdlegal.com>

Subject: RE: RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695

Great. We will wait for the good news. Do we need to amend the identifications by ourselves, or the USPTO or you will help amend it?
Yuede

3570659575@qq.com

From: Maurer, Brad R.
Date: 2018-09-28 20:53
To: 3570659575@qq.com; hcram0301@outlook.com
CC: Johnson, Traci D
Subject: RE: RE: TTAB Order - Do Not Reply By E-mail. Mail Box Not Monitored - proceeding 91243695
Dear Yuede Zhu,

CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that the foregoing is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (“ESTTA”) on this 24th day of October 2018.

By: /Yuede Zhu/
Yuede Zhu