

ESTTA Tracking number: **ESTTA965729**

Filing date: **04/09/2019**

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	Barefoot Dreams, Inc.		
Entity	Corporation	Citizenship	California
Address	5302 Derry Avenue, Unit D Agoura Hills, CA 91301 UNITED STATES		

Attorney information	Michael A. Painter, Esq. Isaacman, Kaufman, Painter, Lowy & Zucker, P.C. 1100 Glendon Avenue, 15th Floor Los Angeles, CA 90024 UNITED STATES painter@ikplaw.com 310-881-6800		
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Applicant Information

Application No	88203467	Publication date	04/09/2019
Opposition Filing Date	04/09/2019	Opposition Period Ends	05/09/2019
Applicant	Jiaxing Luxchic Import and Export Co., Ltd. Room 212, building 1 NO.1598 HuaYu Road JiaXing ZheJiang, 314003 CHINA		

Goods/Services Affected by Opposition

Class 024. First Use: 2018/08/01 First Use In Commerce: 2018/08/01 All goods and services in the class are opposed, namely: Bath towels; Bed sheets; Bed valances; Bedspreads; Curtain holders of textile material; Flax fabrics; Household linen; Mosquito nets; Net curtains; Pillowcases; Place mats of textile; Quilt covers; Quilts; Table runners, not of paper; Tablecloths, not of paper

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.	2846131	Application Date	11/25/2002
Registration Date	05/25/2004	Foreign Priority Date	NONE


Word Mark	COZYCHIC
Design Mark	COZYCHIC
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2002/08/00 First Use In Commerce: 2002/08/00 polyester micro fiber knit fabric

U.S. Registration No.	2848767	Application Date	09/23/2002
Registration Date	06/01/2004	Foreign Priority Date	NONE
Word Mark	COZYCHIC		
Design Mark	COZYCHIC		
Description of Mark	NONE		
Goods/Services	<p>Class 024. First use: First Use: 2002/08/00 First Use In Commerce: 2002/08/00 infant's and children's bed blankets</p> <p>Class 025. First use: First Use: 2002/08/00 First Use In Commerce: 2002/08/00 infant's and children's clothing, namely, baby bunting, cloth baby bibs, bonnets, booties, coveralls, creepers, head wear, jackets, mittens, nightgowns, pajamas, panties, pants, pullovers, robes, rompers, shirts, shorts, slippers, swaddling clothes, T-shirts, tops</p>		

U.S. Registration No.	5206352	Application Date	06/27/2016
Registration Date	05/16/2017	Foreign Priority Date	NONE
Word Mark	COZYCHIC LITE		
Design Mark	COZYCHIC LITE		

Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2017/01/08 First Use In Commerce: 2017/01/08 Bed blankets; Blanket throws; Knitted fabrics; Receiving blankets; Swaddling blankets Class 025. First use: First Use: 2017/01/08 First Use In Commerce: 2017/01/08 Baby bunting; Beachwear; Bonnets; Booties; Cardigans; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Coveralls; Coverups; Creepers; Headwear; Hooded pullovers; Hooded sweatshirts; Jackets; Loungewear; Mittens; Panties; Pants; Ponchos; Pullovers; Robes; Shawls; Shirts; Shorts; Slippers; Socks; Swaddling clothes; Sweaters; T-shirts; Tops; Wearable blankets in the nature of blankets with sleeves; Shoulder wraps for clothing

U.S. Registration No.	5336568	Application Date	09/07/2016
Registration Date	11/14/2017	Foreign Priority Date	NONE

Word Mark	COZYCHIC ULTRA LITE
Design Mark	

Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2017/08/06 First Use In Commerce: 2017/08/06 Bed blankets; Blanket throws; Knitted fabrics; Receiving blankets

U.S. Registration No.	4511171	Application Date	10/27/2011
Registration Date	04/08/2014	Foreign Priority Date	NONE

Word Mark	LUXE LOUNGE
Design Mark	

Description of Mark	NONE
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Goods/Services	Class 024. First use: First Use: 2012/12/00 First Use In Commerce: 2012/12/00 Baby blankets; Bed blankets; Bed sheets; Bed throws; Blanket throws; Children's blankets; Crib sheets; Receiving blankets; Throws
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U.S. Registration No.	5124472	Application Date	08/23/2016
Registration Date	01/17/2017	Foreign Priority Date	NONE

Word Mark	CHIC LITE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 024. First use: First Use: 2016/08/18 First Use In Commerce: 2016/08/18 Blanket throws; Knitted fabrics; Baby blankets; Bed blankets Class 025. First use: First Use: 2016/08/05 First Use In Commerce: 2016/08/05 Beachwear; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Footwear; Headwear; Hooded pullovers; Loungewear; Nightwear; Pants; Shawls; Shirts; Shorts; Sweaters; T-shirts; Wearable blankets in the nature of blankets with sleeves; Clothing wraps
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Attachments	76472040#TMSN.png(bytes) 76454954#TMSN.png(bytes) 87084984#TMSN.png(bytes) 87163257#TMSN.png(bytes) 85457427#TMSN.png(bytes) 87147805#TMSN.png(bytes) DOC625.19.1.pdf(1046420 bytes)
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Signature	/Michael A. Painter/
Name	Michael A. Painter, Esq.
Date	04/09/2019

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

In the Matter of Application Serial No. 88/203,467:
JIAXING LUXCHIC IMPORT AND EXPORT CO., LTD.

Published in the Official Gazette of April 9, 2019 in
International Class 24

BAREFOOT DREAMS, INC.,)	
)	
Opposer,)	
)	
vs.)	Opposition No. _____
)	
JIAXING LUXCHIC IMPORT AND)	
EXPORT CO., LTD.,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

In the matter of service mark application Serial No. 88/203,467 for LUXCHIC in International Class 24 filed November 22, 2018 by JIAXING LUXCHIC IMPORT AND EXPORT CO., LTD., a Chinese limited liability company, having its principal place of business at Room 212, Building 1, No. 1598 Hua Yu Road, JiaXing ZheJiang, China 314003 and published for opposition purposes in the Official Gazette on April 9, 2019, BAREFOOT DREAMS, INC. a California corporation, having its principal place of business at 5302 Derry Avenue, Unit D, Agoura Hills, California 91301, believes that it will be damaged by registration of the mark in the above-identified application and hereby opposes same.

As grounds for opposition, it is alleged:

1. Since long prior to the alleged date of first use of the subject mark by Applicant, Opposer has been engaged in the manufacture and sale throughout the United States of polyester micro fiber knit fabric; infant's and children's bed blankets; bed blankets; blanket throws, knitted fabrics; receiving blankets; swaddling blankets; bed sheets ("Opposer's Goods".)

2. Opposer has registered its COZYCHIC trademark in the United States Patent and Trademark Office, said registration being identified as Registration No. 2,846,131 registered May 24, 20, 2004 for polyester micro fiber knit fabric, said registration being incontestible;

3. Opposer has registered its COZYCHIC trademark in the United States Patent and Trademark Office, said registration being identified as Registration No. 2,848,767 registered June 1, 2004 for infant's and children's bed blankets, said registration being incontestible;

4. Opposer has registered its COZYCHIC LITE trademark in the United States Patent and Trademark Office, said registration being identified as Registration No. 5,206,352 registered May 16, 2017 for bed blankets; blanket throws, knitted fabrics; receiving blankets; swaddling blankets;

5. Opposer has registered its COZYCHIC ULTRA LITE trademark in the United States Patent and Trademark Office, said registration being identified as Registration No. 5,336,568 registered November 14, 2017 for bed blankets, blanket throws, knitted fabrics, receiving blankets;

6. Opposer has registered its LUXE LOUNGE trademark in the United States Patent and Trademark Office, said registration being identified as Registration No. 4,511,171 registered April 8, 2014 for baby blankets, bed blankets; bed sheets, bed throws; blanket throws; children's blankets; crib sheets, receiving blankets;

7. Opposer has registered its CHIC LITE trademark in the United States Patent and Trademark Office, said registration being identified as Registration No. 5,124,472 registered January 17, 2017 for blanket throws, knitted fabrics, baby blankets, bed blankets.

8. Since long prior to the date of first use of Applicant's mark, Opposer has made substantial and continuous use of its COZYCHIC, COZYCHIC LITE, COZYCHIC ULTRA LITE, LUXE LOUNGE and CHIC LITE trademarks in interstate commerce on and in connection Opposer's Goods.

9. Since long prior to the date of first use of Applicant's mark, Opposer expended substantial amounts of money advertising and marketing Opposer's Goods designated by its COZYCHIC, COZYCHIC LITE, COZYCHIC ULTRA LITE, LUXE LOUNGE and CHIC LITE trademarks.

10. By virtue of the aforesaid use, advertising, promotion and sales, Opposer's COZYCHIC, COZYCHIC LITE, COZYCHIC ULTRA LITE, LUXE LOUNGE and CHIC LITE trademarks have come to represent valuable good will which is owned by Opposer.

11. On November 22, 2018, Applicant filed an application to register the mark LUXCHIC to bath towels; bed sheets; bed valances; bedspreads; curtain holders of textile material; flax fabrics; household linen; mosquito nets; net curtains; pillowcases; place mats of textile; quilt covers; quilts; table runners, not of paper; tablecloths, not of paper alleging a date of first use of August 1, 2018 in International Class 24.

12. The use by Applicant of the trademark opposed herein for the goods identified in International Class 24 will be likely to cause confusion, mistake or deception with Opposer's aforesaid trademarks and result in the belief that Applicant or its goods are in some way legitimately connected with, or sponsored, endorsed or approved by Opposer

13. Any use Applicant has made or may make of the its trademark is or will be without Opposer's consent or permission.

WHEREFORE, registration by Applicant of the aforesaid service mark for the aforesaid goods would be damaging to Opposer, and Opposer therefore requests that the opposition be sustained.

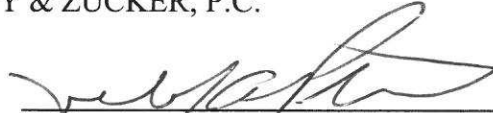
Opposer submits herewith the requisite \$400.00 filing fee.

Please address all correspondence to Michael A. Painter, Esq., Isaacman, Kaufman, Painter, Lowy & Zucker, P.C., 1100 Glendon Avenue, 15th Floor, Los Angeles, California 90024. painter@ikplaw.com.

Respectfully submitted,

ISAACMAN, KAUFMAN, PAINTER,
LOWY & ZUCKER, P.C.

By:



Michael A. Painter
Attorneys for Opposer,
BAREFOOT DREAMS, INC.

MAP:src
Dated: April 9, 2019
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