

ESTTA Tracking number: **ESTTA986548**

Filing date: **07/10/2019**

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	Pax Labs, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	660 Alabama Street, 2nd Floor San Francisco, CA 94110 UNITED STATES		

Attorney information	Stephanie H. Bald KELLY IP, LLP 1300 19TH STREET, NW, SUITE 300 WASHINGTON, DC 20036 UNITED STATES stephanie.bald@kelly-ip.com, kelu.sullivan@kelly-ip.com, lit-docketing@kelly-ip.com no phone number provided
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**Applicant Information**

Application No	88306180	Publication date	06/11/2019
Opposition Filing Date	07/10/2019	Opposition Period Ends	07/11/2019
Applicant	Shenzhen XiaoLong Technology Co., Ltd. 24/F,Bldg. B2,Baoneng Technology Park, Qinghu Community,Longhua St., Longhua Dist.,Shenzhen, 518100 CHINA		

**Goods/Services Affected by Opposition**

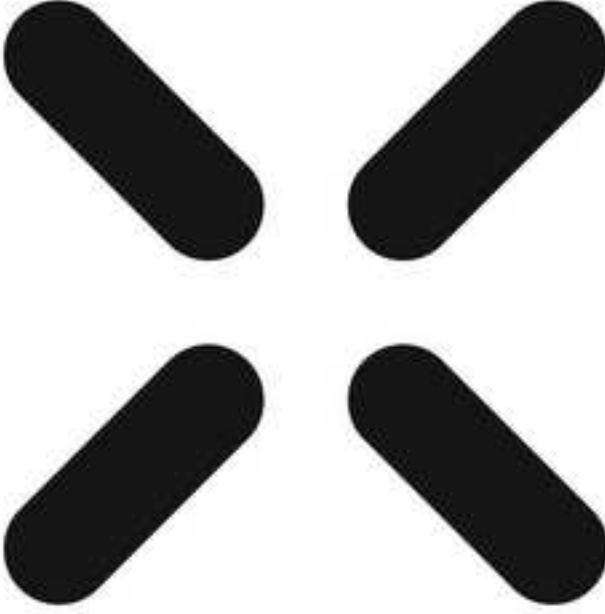
Class 034. First Use: 2018/11/29 First Use In Commerce: 2019/01/09 All goods and services in the class are opposed, namely: Cigarette holders; Cigarette tobacco; Cigarettes; Cigarettes containing tobaccosubstitutes, not for medical purposes; Electronic cigarette cases; Flavorings, other than essential oils, for tobacco; Flavorings, other than essential oils, for use in electronic cigarettes; Liquid nicotine solutions for use in electroniccigarettes; Oral vaporizers for smokers; Pipe tobacco
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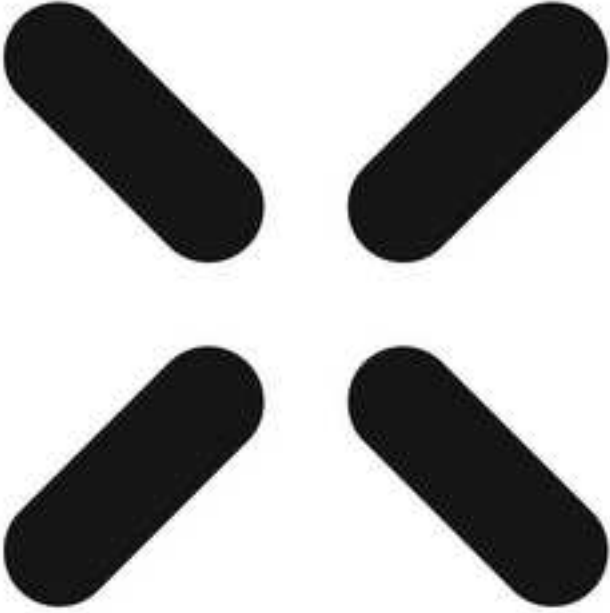
**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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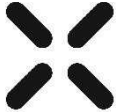
**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4510446	Application Date	08/27/2013
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Registration Date	04/08/2014	Foreign Priority Date	NONE
Word Mark	X		
Design Mark			
Description of Mark	The mark consists of four rectangles with the short ends rounded, each with a rounded end extending towards a central point but not touching each other, leaving a gap of negative space where the lines would meet if extended, with each rectangle positioned at a right angle to its two adjacent rectangles, forming a stylized letter "X".		
Goods/Services	Class 011. First use: First Use: 2012/07/27 First Use In Commerce: 2012/07/27 electric vaporizers for the vaporization of herbal and plant matter for household purposes Class 034. First use: First Use: 2012/07/27 First Use In Commerce: 2012/07/27 electric vaporizers for the ingestion and inhalation of tobacco and other herbal matter		
U.S. Registration No.	5208646	Application Date	10/06/2016
Registration Date	05/23/2017	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	<p>The mark consists of four rectangles with the short ends rounded, each with a rounded end extending towards a central point but not touching each other, leaving a gap of negative space where the lines would meet if extended, with each rectangle positioned at a right angle to its two adjacent rectangles.</p>
Goods/Services	<p>Class 009. First use: First Use: 2016/09/29 First Use In Commerce: 2016/09/29 downloadable software for mobile devices for use with an oral vaporizer for smoking purposes, namely, software for remotely adjusting and saving vaporizer temperature settings and updating vaporizer firmware</p>


U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	Mobile applications, battery chargers, electric batteries; ac adaptors; electronic cigarettes, electronic vaporizers, cartridges for electronic cigarettes and electronic vaporizers.

Attachments	86049092#TMSN.png( bytes ) 87195621#TMSN.png( bytes ) Image 1.jpg XLIFE - Notice of Opposition.pdf(270448 bytes )
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Signature	/Stephanie H. Bald/
Name	Stephanie H. Bald
Date	07/10/2019

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

<p>PAX LABS, INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>SHENZHEN XIAOLONG TECHNOLOGY CO., LTD.</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.:</p> <p style="text-align: center;"></p> <p>Mark: Serial No.: 88306180 Filed: February 18, 2019</p>
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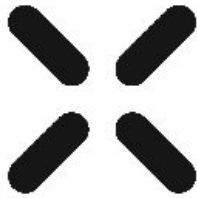
**NOTICE OF OPPOSITION**

Opposer, Pax Labs, Inc. (“Opposer” or “Pax”), a Delaware corporation with its principal place of business at 660 Alabama Street, 2<sup>nd</sup> Floor, San Francisco, California 94110, believes that it is being and will be damaged by the registration of Shenzhen Xiaolong Technology Co., Ltd.’s (“Applicant”) mark shown in Application Serial No. 88306180, and hereby opposes the same. As grounds for its opposition, Opposer alleges the following, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Opposer and Its Business**

1. Opposer is a Delaware corporation, having a place of business at 660 Alabama Street, 2<sup>nd</sup> Floor, San Francisco, California 94110.
2. Opposer, founded in 2007, designs and sells innovative portable vaporizers for smokers.

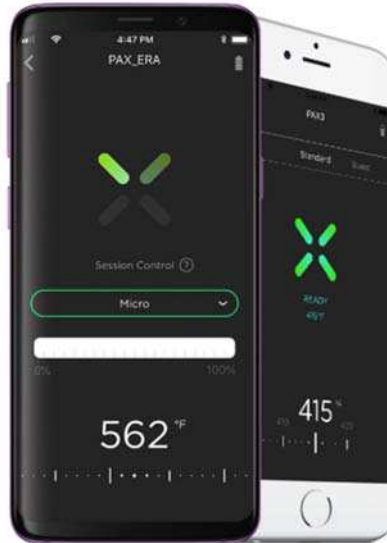
3. For many years, Pax’s stylized X mark shown below (“Pax’s X Mark”) has been used and promoted in connection with vaporizers and accessories for vaporizers, among other goods and services.



4. As shown below, Pax’s X Mark is prominently displayed on its vaporizers, accessories, and product packaging.



5. For many years, Opposer has also used and promoted Pax's X Mark in connection with its mobile application used with its vaporizers. A representative example of such use is shown below.



6. Opposer's products bearing Pax's X Mark have achieved enormous commercial success. Those products have also been heavily advertised and promoted. Opposer promotes its products and Pax's X Mark through a wide variety of channels, including highly trafficked social media websites such as Facebook, Twitter, YouTube, and Instagram.


7. Through the long use of Pax's X Mark on and in connection with its products, the substantial advertising and promotion of Pax's X Mark in connection with those products, and Pax's and its products commercial success, Pax's X Mark has become widely recognized, highly distinctive, and well-known to the relevant consuming public.

8. In addition to its common law rights, Opposer owns valid and subsisting U.S. trademark registrations for Pax's X Mark, including Registration No. 4510446

covering, among other goods, “electric vaporizers for the ingestion and inhalation of tobacco and other herbal matter” in Class 34, which registered April 8, 2014, and Reg. No. 5208646 covering “downloadable software for mobile devices for use with an oral vaporizer for smoking purposes, namely, software for remotely adjusting and saving vaporizer temperature settings and updating vaporizer firmware,” in Class 9, which registered May 23, 2017. Attached as Exhibit A are printouts of the TSDR and assignment records from the U.S. Patent and Trademark Office database showing the particulars of these registrations.

### **Applicant’s XLIFE (Stylized) Application**

9. Applicant, Shenzhen XiaoLong Technology Co., Ltd. is a Chinese limited company with an address listed as 24/F, Bldg. B2, Baoneng Technology Park, Qinghu Community, Longhua St., Longhua Dist., Shenzhen, China 518100.

10. Applicant is the listed owner of Application Serial No. 88306180 (the “Application”), filed on February 18, 2019, for the mark  (“Applicant’s Mark”) for “Cigarette holders; Cigarette tobacco; Cigarettes; Cigarettes containing tobacco substitutes, not for medical purposes; Electronic cigarette cases; Flavorings, other than essential oils, for tobacco; Flavorings, other than essential oils, for use in electronic cigarettes; Liquid nicotine solutions for use in electronic cigarettes; Oral vaporizers for smokers; Pipe tobacco” in International Class 34 (“Applicant’s Goods”) based on use under Section 1(a) of the Trademark Act.

### **Likelihood of Confusion, 15 U.S.C. § 1052(d)**

11. Opposer repeats and realleges each and every allegation set forth in the paragraphs above.



12. Opposer has priority based on its prior valid and subsisting registrations for Pax's X Mark. Further, Pax has prior common law rights in Pax's X Mark based on its promotion and sale of products bearing Pax's X Mark in the U.S. before the filing date of the Application and before any date of first use that Applicant may prove.

13. Applicant's Mark, as applied to Applicant's Goods, so resembles Opposer's previously used, filed, and registered Pax's X Mark, as to be likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of Applicant and/or Applicant's Goods by or with Opposer and/or Opposer's goods and services in violation of Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes that it is being damaged, and will be damaged, by the registration of the mark shown in Application Serial No. 88306180 and requests that the opposition be sustained, and that registration to Applicant be refused.

The filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 506154.

Respectfully submitted,

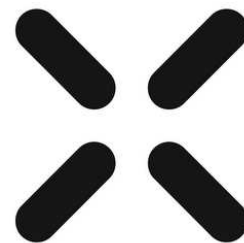
Dated: July 10, 2019

/Stephanie H. Bald/  
Stephanie H. Bald  
stephanie.bald@kelly-ip.com  
Kelu L. Sullivan  
kelu.sullivan@kelly-ip.com  
Kelly IP, LLP  
1300 19<sup>th</sup> Street, N.W., Suite 300  
Washington, D.C. 20036  
Telephone: 202-808-3570  
Facsimile: 202-354-5232  
Attorneys for Opposer

# **EXHIBIT A**

Generated on: This page was generated by TSDR on 2019-07-10 14:33:54 EDT

Mark: X



US Serial Number: 86049092

Application Filing Date: Aug. 27, 2013

US Registration Number: 4510446

Registration Date: Apr. 08, 2014

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 08, 2014

Publication Date: Jan. 21, 2014

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## Mark Information

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Mark Literal Elements: X

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 four rectangles with the short ends rounded, each with a rounded end extending towards a central point but not touching each other, leaving a gap of negative space where the lines would meet if extended, with each rectangle positioned at a right angle to its two adjacent rectangles, forming a stylized letter "X".

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

Design Search Code(s): 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles  
26.11.21 - Rectangles that are completely or partially shaded  
26.11.25 - Rectangles with one or more curved sides

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## Related Properties Information

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International Registration Number: 1213498

International Application(s) /Registration(s) Based on this Property: A0041026/1213498

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## Goods and Services

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**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:** electric vaporizers for the vaporization of herbal and plant matter for household purposes

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 27, 2012

**Use in Commerce:** Jul. 27, 2012

**For:** electric vaporizers for the ingestion and inhalation of tobacco and other herbal matter

**International Class(es):** 034 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 27, 2012

**Use in Commerce:** Jul. 27, 2012

## 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:** PAX LABS, INC.

**Owner Address:** 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Kelu L. Sullivan

**Docket Number:** 310.0006

**Attorney Primary Email Address:** [docketing@kelly-ip.com](mailto:docketing@kelly-ip.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Kelu L. Sullivan  
Kelly IP, LLP  
1300 19th Street, N.W., Suite 300  
Washington, DISTRICT OF COLUMBIA 20036  
UNITED STATES

**Phone:** 202-808-3570

**Fax:** 202-354-5232

**Correspondent e-mail:** [docketing@kelly-ip.com](mailto:docketing@kelly-ip.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Apr. 08, 2019	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Sep. 12, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 12, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 29, 2017	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 16, 2017	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 25, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 08, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 21, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 21, 2014	PUBLISHED FOR OPPOSITION	
Jan. 01, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Dec. 11, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 11, 2013	ASSIGNED TO EXAMINER	83189
Dec. 04, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
Nov. 11, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 11, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Sep. 06, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Sep. 05, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 30, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION      **Date in Location:** Apr. 08, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3      **Registrant:** Ploom, Inc.

### Assignment 1 of 3

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** [5462/0482](#)      **Pages:** 3

**Date Recorded:** Feb. 19, 2015

**Supporting Documents:** [assignment-tm-5462-0482.pdf](#)

#### Assignor

**Name:** [PLOOM, INC.](#)

**Execution Date:** Feb. 11, 2015

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [PAX LABS, INC.](#)

**State or Country Where Organized:** DELAWARE

**Legal Entity Type:** CORPORATION

**Address:** 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110

#### Correspondent

**Correspondent Name:** WILSON SONSINI GOODRICH & ROSATI

**Correspondent Address:** 650 PAGE MILL ROAD  
PALO ALTO, CA 94304

#### Domestic Representative - Not Found

### Assignment 2 of 3

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** [6127/0159](#)      **Pages:** 3

**Date Recorded:** Aug. 10, 2017

**Supporting Documents:** [assignment-tm-6127-0159.pdf](#)

#### Assignor

**Name:** [PAX LABS, INC.](#)

**Execution Date:** Jun. 30, 2017

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [JUUL LABS, INC.](#)

**State or Country Where Organized:** DELAWARE

**Legal Entity Type:** CORPORATION

**Address:** 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110

#### Correspondent

**Correspondent Name:** WILSON SONSINI GOODRICH & ROSATI

**Correspondent Address:** 650 PAGE MILL ROAD  
PALO ALTO, CA 94304

#### Domestic Representative - Not Found

### Assignment 3 of 3

**Conveyance:** NUNC PRO TUNC ASSIGNMENT EFFECTIVE 06/30/2017

**Reel/Frame:** [6190/0347](#)

**Pages:** 10

**Date Recorded:** Oct. 25, 2017

**Supporting Documents:** [assignment-tm-6190-0347.pdf](#)

#### Assignor

**Name:** [JUUL LABS, INC.](#)

**Execution Date:** Oct. 24, 2017

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

#### Assignee

**Name:** [PAX LABS, INC.](#)

**State or Country Where Organized:** DELAWARE

**Legal Entity Type:** CORPORATION

**Address:** 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110

#### Correspondent

**Correspondent Name:** WILSON SONSINI GOODRICH & ROSATI

**Correspondent Address:** 650 PAGE MILL ROAD  
PALO ALTO, CA 94304

#### Domestic Representative - Not Found

## Proceedings

#### Summary

**Number of Proceedings:** 5

#### Type of Proceeding: Opposition

**Proceeding Number:** [91248858](#)

**Filing Date:** Jun 12, 2019

**Status:** Pending

**Status Date:** Jun 17, 2019

**Interlocutory Attorney:** JILL M MCCORMACK

#### Defendant

**Name:** ePuffer International Inc.

**Correspondent Address:** MICHAEL CUKOR  
MCGEARY CUKOR LLC  
7 DUMONT PLACE  
MORRISTOWN NJ , 07960  
UNITED STATES

**Correspondent e-mail:** [mcukor@mcgearycukor.com](mailto:mcukor@mcgearycukor.com) , [vmcgeary@mcgearycukor.com](mailto:vmcgeary@mcgearycukor.com) , [trademark@mcgearycukor.com](mailto:trademark@mcgearycukor.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
XPOD	Opposition Pending	<a href="#">88074252</a>	
XPOD	Opposition Pending	<a href="#">88074655</a>	

**Plaintiff(s)****Name:** PAX Labs, Inc.**Correspondent Address:** KELU L SULLIVAN  
KELLY IP LLP  
1300 19TH STREET NW SUITE 300  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [kelu.sullivan@kelly-ip.com](mailto:kelu.sullivan@kelly-ip.com) , [stephanie.bald@kelly-ip.com](mailto:stephanie.bald@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>
	Registered	<a href="#">87195621</a>	<a href="#">5208646</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 17, 2019	Jul 27, 2019
3	INSTITUTED	Jun 17, 2019	

**Type of Proceeding: Opposition****Proceeding Number:** [91248180](#)**Filing Date:** May 15, 2019**Status:** Suspended**Status Date:** Jul 04, 2019**Interlocutory Attorney:** JENNIFER KRISP**Defendant****Name:** Shenzhen Shunbao Technology Co., Ltd**Correspondent Address:** CITUS TECHNOLOGY LLC  
8 THE GREEN SUITE #5538  
DOVER DE , 19901  
UNITED STATES**Correspondent e-mail:** [ninipomo@163.com](mailto:ninipomo@163.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
X AMO	Opposition Pending	<a href="#">87932627</a>	

**Plaintiff(s)****Name:** PAX Labs, Inc.**Correspondent Address:** KELU L SULLIVAN  
KELLY IP, LLP  
1300 19TH STREET, NW, SUITE 300  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [kelu.sullivan@kelly-ip.com](mailto:kelu.sullivan@kelly-ip.com) , [stephanie.bald@kelly-ip.com](mailto:stephanie.bald@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>
	Registered	<a href="#">87195621</a>	<a href="#">5208646</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 15, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 15, 2019	Jun 24, 2019
3	INSTITUTED	May 15, 2019	
4	NOTICE OF DEFAULT	Jul 04, 2019	

### Type of Proceeding: Opposition

Proceeding Number: [91237172](#)

Filing Date: Oct 11, 2017

Status: Terminated

Status Date: Jan 22, 2018

Interlocutory Attorney: WENDY COHEN

#### Defendant

Name: PAQ Ltd.

Correspondent Address: GREGORY G BENNETT  
LOCKE LORD LLP  
PO BOX 1470 CHURCH STREET STATION  
NEW YORK NY , 10008-1470  
UNITED STATES

Correspondent e-mail: [trademark@lockelord.com](mailto:trademark@lockelord.com) , [maria.scungio@lockelord.com](mailto:maria.scungio@lockelord.com) , [gregory.bennett@lockelord.com](mailto:gregory.bennett@lockelord.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
PAQ	Abandoned - After Inter-Partes Decision	<a href="#">87211501</a>	

#### Plaintiff(s)

Name: PAX Labs, Inc.

Correspondent Address: AARON D HENDELMAN  
WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA , 94304-1050  
UNITED STATES

Correspondent e-mail: [trademarks@wsgr.com](mailto:trademarks@wsgr.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
PAX	Registered	<a href="#">85615996</a>	<a href="#">4437217</a>
PAX	Registered	<a href="#">85616035</a>	<a href="#">4437218</a>
PAX2	Registered	<a href="#">86377625</a>	<a href="#">4819499</a>
PAX2	Registered	<a href="#">86377639</a>	<a href="#">4819500</a>
PAX	Registered	<a href="#">87195584</a>	<a href="#">5294348</a>
PAX 3	Fourth Extension - Granted	<a href="#">87119522</a>	
PAX3	Fourth Extension - Granted	<a href="#">87119540</a>	
PAX LABS	Abandoned - No Statement Of Use Filed	<a href="#">86542944</a>	
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>
	Registered	<a href="#">87195621</a>	<a href="#">5208646</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 11, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 11, 2017	Nov 20, 2017
3	PENDING, INSTITUTED	Oct 11, 2017	
4	NOTICE OF DEFAULT	Nov 30, 2017	
5	BD DECISION: SUSTAINED	Jan 22, 2018	
6	TERMINATED	Jan 22, 2018	

### Type of Proceeding: Opposition

Proceeding Number: [91231730](#)

Filing Date: Dec 07, 2016

Status: Terminated

Status Date: Apr 24, 2017

Interlocutory Attorney: YONG OH (RICHARD) KIM

#### Defendant



**Name:** Shenzhen Hotom Technology Co., Ltd.

**Correspondent Address:** HU NIANNIAN  
LONGGUANG CENTURY BUILDING, XINGHUA RD BAO'AN DIST  
SHENZHEN CHINA

**Correspondent e-mail:** [Hu-Niannian@hyjinway.com](mailto:Hu-Niannian@hyjinway.com)

Mark	Application Status	Serial Number	Registration Number
VAX	Abandoned - After Inter-Partes Decision	<a href="#">87060839</a>	

**Plaintiff(s)**

**Name:** PAX Labs, Inc.

**Correspondent Address:** AARON D HENDELMAN  
WILSON SONSIN GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA , 94304-1050  
UNITED STATES

**Correspondent e-mail:** [trademarks@wsgr.com](mailto:trademarks@wsgr.com) , [ahendelman@wsgr.com](mailto:ahendelman@wsgr.com) , [nferguson@wsgr.com](mailto:nferguson@wsgr.com)

Mark	Application Status	Serial Number	Registration Number
PAX2	Registered	<a href="#">86377625</a>	<a href="#">4819499</a>
PAX2	Registered	<a href="#">86377639</a>	<a href="#">4819500</a>
PAX	Registered	<a href="#">85615996</a>	<a href="#">4437217</a>
PAX	Registered	<a href="#">85616035</a>	<a href="#">4437218</a>
PAX 3	Fourth Extension - Granted	<a href="#">87119522</a>	
PAX3	Fourth Extension - Granted	<a href="#">87119540</a>	
PAX LABS	Abandoned - No Statement Of Use Filed	<a href="#">86542944</a>	
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 07, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2016	Jan 23, 2017
3	PENDING, INSTITUTED	Dec 14, 2016	
4	P MOT TO AMEND PLEADING/AMENDED PLEADING	Dec 14, 2016	
5	TRIAL DATES RESET	Dec 17, 2016	
6	NOTICE OF DEFAULT	Mar 03, 2017	
7	BD DECISION: SUSTAINED	Apr 24, 2017	
8	TERMINATED	Apr 24, 2017	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91221434](#)

**Filing Date:** Apr 08, 2015

**Status:** Terminated

**Status Date:** Jul 14, 2015

**Interlocutory Attorney:** CHRISTEN M ENGLISH

**Defendant**

**Name:** Top-Pax Technology Limited

**Correspondent Address:** AMANDA LI  
NO 3 TSUN WEN ROAD UNIT B5 1/F TAK WING, INDUSTRIAL BLDG  
TUEN MUN NT HONG KONG

**Correspondent e-mail:** [info@i-mark.com.hk](mailto:info@i-mark.com.hk)

Mark	Application Status	Serial Number	Registration Number
TOP-PAXERS	Abandoned - After Inter-Partes Decision	<a href="#">86222652</a>	

**Plaintiff(s)**

**Name:** PAX Labs, Inc.

**Correspondent Address:** AARON D HENDELMAN  
WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA , 94304-1050  
UNITED STATES

**Correspondent e-mail:** [trademarks@wsgr.com](mailto:trademarks@wsgr.com) , [ahendelman@wsgr.com](mailto:ahendelman@wsgr.com) , [nferguson@wsgr.com](mailto:nferguson@wsgr.com)

**Associated marks**

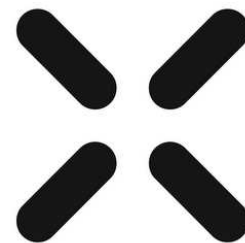
Mark	Application Status	Serial Number	Registration Number
PAX	Registered	<a href="#">85615996</a>	<a href="#">4437217</a>
PAX	Registered	<a href="#">85616035</a>	<a href="#">4437218</a>
PAX LABS	Abandoned - No Statement Of Use Filed	<a href="#">86542944</a>	
PAX2	Registered	<a href="#">86377625</a>	<a href="#">4819499</a>
PAX2	Registered	<a href="#">86377639</a>	<a href="#">4819500</a>
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 08, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 09, 2015	May 19, 2015
3	PENDING, INSTITUTED	Apr 09, 2015	
4	NOTICE OF DEFAULT	Jun 03, 2015	
5	BD DECISION: SUSTAINED	Jul 14, 2015	
6	TERMINATED	Jul 14, 2015	

Generated on: This page was generated by TSDR on 2019-07-10 14:35:31 EDT

Mark:



US Serial Number: 87195621

Application Filing Date: Oct. 06, 2016

US Registration Number: 5208646

Registration Date: May 23, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: May 23, 2017

Publication Date: Mar. 07, 2017

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## Mark Information

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Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of four rectangles with the short ends rounded, each with a rounded end extending towards a central point but not touching each other, leaving a gap of negative space where the lines would meet if extended, with each rectangle positioned at a right angle to its two adjacent rectangles.

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

Design Search Code(s): 26.11.14 - Rectangles (three or more rectangles); Three or more rectangles  
26.11.21 - Rectangles that are completely or partially shaded

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## Related Properties Information

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Claimed Ownership of US Registrations: 4510446

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## Goods and Services

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**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:** downloadable software for mobile devices for use with an oral vaporizer for smoking purposes, namely, software for remotely adjusting and saving vaporizer temperature settings and updating vaporizer firmware

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 29, 2016

Use in Commerce: Sep. 29, 2016

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## Basis Information (Case Level)

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** PAX LABS, INC.  
**Owner Address:** 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Kelu L. Sullivan  
**Attorney Primary Email Address:** [docketing@kelly-ip.com](mailto:docketing@kelly-ip.com)  
**Docket Number:** 310.00061000  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Kelu L. Sullivan  
Kelly IP, LLP  
1300 19th Street, N.W., Suite 300  
Washington, DISTRICT OF COLUMBIA 20036  
UNITED STATES  
**Phone:** 202-808-3570  
**Fax:** 202-354-5232  
**Correspondent e-mail:** [docketing@kelly-ip.com](mailto:docketing@kelly-ip.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 12, 2018	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 12, 2018	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 29, 2017	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 16, 2017	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 23, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 07, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2017	PUBLISHED FOR OPPOSITION	
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 29, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 13, 2017	ASSIGNED TO EXAMINER	83190
Oct. 14, 2016	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Oct. 13, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 10, 2016	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION  
**Date in Location:** May 23, 2017

# Assignment Abstract Of Title Information

## Summary

Total Assignments: 2

Registrant: PAX Labs, Inc.

### Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [6127/0159](#)

Pages: 3

Date Recorded: Aug. 10, 2017

Supporting Documents: [assignment-tm-6127-0159.pdf](#)

#### Assignor

Name: [PAX LABS, INC.](#)

Execution Date: Jun. 30, 2017

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: [JUUL LABS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110

#### Correspondent

Correspondent Name: WILSON SONSINI GOODRICH & ROSATI

Correspondent Address: 650 PAGE MILL ROAD  
PALO ALTO, CA 94304

#### Domestic Representative - Not Found

### Assignment 2 of 2

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 06/30/2017

Reel/Frame: [6190/0347](#)

Pages: 10

Date Recorded: Oct. 25, 2017

Supporting Documents: [assignment-tm-6190-0347.pdf](#)

#### Assignor

Name: [JUUL LABS, INC.](#)

Execution Date: Oct. 24, 2017

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: [PAX LABS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 660 ALABAMA STREET, 2ND FLOOR  
SAN FRANCISCO, CALIFORNIA 94110

#### Correspondent

Correspondent Name: WILSON SONSINI GOODRICH & ROSATI

Correspondent Address: 650 PAGE MILL ROAD  
PALO ALTO, CA 94304

#### Domestic Representative - Not Found

## Proceedings

## Summary

Number of Proceedings: 3

### Type of Proceeding: Opposition

Proceeding Number: [91248858](#)

Filing Date: Jun 12, 2019

Status: Pending

Status Date: Jun 17, 2019

Interlocutory Attorney: JILL M MCCORMACK

#### Defendant

Name: ePuffer International Inc.

Correspondent Address: MICHAEL CUKOR  
MCGEARY CUKOR LLC  
7 DUMONT PLACE  
MORRISTOWN NJ , 07960  
UNITED STATES

Correspondent e-mail: [mcukor@mcgearycukor.com](mailto:mcukor@mcgearycukor.com) , [vmcgeary@mcgearycukor.com](mailto:vmcgeary@mcgearycukor.com) , [trademark@mcgearycukor.com](mailto:trademark@mcgearycukor.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
XPOD	Opposition Pending	<a href="#">88074252</a>	
XPOD	Opposition Pending	<a href="#">88074655</a>	

#### Plaintiff(s)

Name: PAX Labs, Inc.

Correspondent Address: KELU L SULLIVAN  
KELLY IP LLP  
1300 19TH STREET NW SUITE 300  
WASHINGTON DC , 20036  
UNITED STATES

Correspondent e-mail: [kelu.sullivan@kelly-ip.com](mailto:kelu.sullivan@kelly-ip.com) , [stephanie.bald@kelly-ip.com](mailto:stephanie.bald@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>
	Registered	<a href="#">87195621</a>	<a href="#">5208646</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 12, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 17, 2019	Jul 27, 2019
3	INSTITUTED	Jun 17, 2019	

### Type of Proceeding: Opposition

Proceeding Number: [91248180](#)

Filing Date: May 15, 2019

Status: Suspended

Status Date: Jul 04, 2019

Interlocutory Attorney: JENNIFER KRISP

#### Defendant

Name: Shenzhen Shunbao Technology Co., Ltd

Correspondent Address: CITUS TECHNOLOGY LLC  
8 THE GREEN SUITE #5538  
DOVER DE , 19901  
UNITED STATES

Correspondent e-mail: [ninipomo@163.com](mailto:ninipomo@163.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
X AMO	Opposition Pending	<a href="#">87932627</a>	

**Plaintiff(s)****Name:** PAX Labs, Inc.**Correspondent Address:** KELU L. SULLIVAN  
KELLY IP, LLP  
1300 19TH STREET, NW, SUITE 300  
WASHINGTON DC , 20036  
UNITED STATES**Correspondent e-mail:** [kelu.sullivan@kelly-ip.com](mailto:kelu.sullivan@kelly-ip.com) , [stephanie.bald@kelly-ip.com](mailto:stephanie.bald@kelly-ip.com) , [lit-docketing@kelly-ip.com](mailto:lit-docketing@kelly-ip.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
X	Registered	<a href="#">86049092</a>	<a href="#">4510446</a>
	Registered	<a href="#">87195621</a>	<a href="#">5208646</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 15, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 15, 2019	Jun 24, 2019
3	INSTITUTED	May 15, 2019	
4	NOTICE OF DEFAULT	Jul 04, 2019	

**Type of Proceeding: Opposition****Proceeding Number:** [91237172](#)**Filing Date:** Oct 11, 2017**Status:** Terminated**Status Date:** Jan 22, 2018**Interlocutory Attorney:** WENDY COHEN**Defendant****Name:** PAQ Ltd.**Correspondent Address:** GREGORY G BENNETT  
LOCKE LORD LLP  
PO BOX 1470 CHURCH STREET STATION  
NEW YORK NY , 10008-1470  
UNITED STATES**Correspondent e-mail:** [trademark@lockelord.com](mailto:trademark@lockelord.com) , [maria.scungio@lockelord.com](mailto:maria.scungio@lockelord.com) , [gregory.bennett@lockelord.com](mailto:gregory.bennett@lockelord.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PAQ	Abandoned - After Inter-Partes Decision	<a href="#">87211501</a>	

**Plaintiff(s)****Name:** PAX Labs, Inc.**Correspondent Address:** AARON D HENDELMAN  
WILSON SONSINI GOODRICH & ROSATI  
650 PAGE MILL ROAD  
PALO ALTO CA , 94304-1050  
UNITED STATES**Correspondent e-mail:** [trademarks@wsgr.com](mailto:trademarks@wsgr.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PAX	Registered	<a href="#">85615996</a>	<a href="#">4437217</a>
PAX	Registered	<a href="#">85616035</a>	<a href="#">4437218</a>
PAX2	Registered	<a href="#">86377625</a>	<a href="#">4819499</a>
PAX2	Registered	<a href="#">86377639</a>	<a href="#">4819500</a>
PAX	Registered	<a href="#">87195584</a>	<a href="#">5294348</a>
PAX 3	Fourth Extension - Granted	<a href="#">87119522</a>	
PAX3	Fourth Extension - Granted	<a href="#">87119540</a>	

PAX LABS

Abandoned - No Statement Of Use Filed

[86542944](#)

X

Registered

[86049092](#)

[4510446](#)

Registered

[87195621](#)

[5208646](#)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 11, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 11, 2017	Nov 20, 2017
3	PENDING, INSTITUTED	Oct 11, 2017	
4	NOTICE OF DEFAULT	Nov 30, 2017	
5	BD DECISION: SUSTAINED	Jan 22, 2018	
6	TERMINATED	Jan 22, 2018	