

ESTTA Tracking number: **ESTTA1005992**

Filing date: **10/02/2019**

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	Louis Poulsen A/S		
Entity	public limited company	Citizenship	Denmark
Address	Gammel Strand 28 Copenhagen K, DK 1202 DENMARK		

Attorney information	Lisa A. Harkins Flener IP & Business Law 77 W WASHINGTON STREET, SUITE 800 CHICAGO, IL 60602 UNITED STATES info@fleneriplaw.com, fleneriplaw_docketing@cardinal-ip.com, LHARKINS@FLENERIPLAW.COM, zflener@fleneriplaw.com 3127248874		
----------------------	--	--	--

**Applicant Information**

Application No	88385350	Publication date	09/03/2019
Opposition Filing Date	10/02/2019	Opposition Period Ends	10/03/2019
Applicant	HUANG SHAN No.20, Group 3, Zhoujiawan Village, Liupi Town, Yun County, Hubei, 518000 CHINA		

**Goods/Services Affected by Opposition**


Class 011. First Use: 2019/03/10 First Use In Commerce: 2019/03/10 All goods and services in the class are opposed, namely: Aquarium lights; Flashlights; Lamps; LED safety lamps; Light bulbs; Light diffusers; Portable paper lanterns (chochin); Searchlights; Street lamps; String lights for festive decoration; Bicycle lamps; Candle lamps; Electric light bulbs; Electric lamps; Electric lights for Christmas trees; Fairy lights for festive decoration; Incandescent lamps; Lanterns for lighting; Lighting fixtures; Portable headlamps
--

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	5440509	Application Date	01/11/2017
-----------------------	---------	------------------	------------

Registration Date	04/10/2018	Foreign Priority Date	08/08/2016
Word Mark	YUH		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 011. First use: First Use: 0 First Use In Commerce: 0  Apparatus for lighting, namely, lighting fixtures; electric lighting apparatus and installations, namely, electrical lamps, light bulbs; lamp chimneys, lamp mantles, lamp globes; overhead lamps, chandeliers, fluorescent lamps for lighting</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0  Advertising services, business management and business administration, retail store services and online retail store services featuring lighting articles</p> <p>Class 042. First use: First Use: 0 First Use In Commerce: 0  Design of lighting and consultancy regarding design and planning of indoor and outdoor lighting</p>		

Attachments	79207670#TMSN.png( bytes ) 2019-10-1 YUH Notice of Opposition LAH CS-491.pdf(89044 bytes )
-------------	---

Signature	/Lisa A. Harkins/
Name	Lisa A. Harkins
Date	10/02/2019

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

In the Matter of U.S. Application Serial No. 88/385,350

For: YULAMP

Filed: April 15, 2019

Date of Publication: September 3, 2019

	)
LOUIS POULSEN A/S	)
	)
Opposer,	)
	)
v.	) Opposition No. _____
	)
Huang Shan, a Chinese Individual	)
	)
Applicant.	)
	)

**NOTICE OF OPPOSITION**

Opposer, Louis Poulsen A/S (“Opposer”), a public limited company organized under the laws of Denmark with its principal place of business at Gammel Strand 28, Copenhagen K, DK 1202, Denmark, believes it will be damaged by the registration of the mark in U.S. Application Serial No. 88/385,350 (“Serial No. 88/385,350”) and hereby opposes the same in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Opposer alleges as follows:

1. Upon information and belief, Huang Shan (“Applicant”) is a Chinese individual with a principal place of business at No. 20, Group 3, Zhoujiawan Village, Liupi Town, Yun County, Hubei China 518000.

2. As evidenced by the publication of Serial No. 88/385,350 in the Official Gazette of September 3, 2019 Applicant seeks to register YULAMP (the “Opposed Mark”) in connection with “Aquarium lights; Flashlights; Lamps; LED safety lamps; Light bulbs; Light diffusers; Portable paper lanterns (chochin); Searchlights; Street lamps; String lights for festive decoration; Bicycle lamps; Candle lamps; Electric light bulbs; Electric lamps; Electric lights for Christmas trees; Fairy lights for festive decoration; Incandescent lamps; Lanterns for lighting; Lighting fixtures; Portable headlamps” in Class 11

3. Upon information and belief, Applicant filed Serial No. 88/385,350 on April 15, 2019 based on current use of the Opposed Mark in commerce in connection with the claimed goods.

4. Upon information and belief, Applicant has claimed a first use date and a first use in commerce date of March 10, 2019 for the Opposed Mark in connection with the claimed goods.

5. Since at least two prior to the claimed first use date for Serial No. 88/385,350, Opposer adopted and has continuously used its YUH mark in connection with its goods in the United States.

6. Opposer is the owner of the following U.S. Trademark Registration for its YUH mark (hereinafter the “YUH Mark”):

Registration No. 5,440,509 for YUH for “Apparatus for lighting, namely, lighting fixtures; electric lighting apparatus and installations, namely, electrical lamps, light bulbs; lamp chimneys, lamp mantles, lamp globes; overhead lamps, chandeliers, fluorescent lamps for lighting” in Class 11, “Advertising services, business management and business administration, retail store services and online retail store services featuring lighting

articles” in Class 35 and “Design for lighting and consultancy regarding design and planning of indoor and outdoor lighting” in Class 42, registered April 10, 2018.

7. The above-identified registration is valid, subsisting, uncanceled and is evidence of Opposer's exclusive right to use its YUH mark in commerce in connection with the goods specified in the registration.

8. Opposer’s use of the YUH Mark has not been abandoned. Opposer has provided its goods throughout the United States, and its goods are associated with the YUH Mark among customers and the relevant trade.

9. In addition to its registered trademark rights, Opposer owns non-registered statutory and common law rights in and to its YUH Mark in the United States.

10. Applicant has no license, consent or permission from Opposer to use or register the Opposed Mark.

11. The Opposed Mark so resembles Opposer's YUH Mark that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, the Opposed Mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the purchasing public into believing that the goods in Serial No. 88/385,350 originate with Opposer or otherwise are authorized, licensed or sponsored by Opposer.

12. By reason of all the foregoing, Opposer will be damaged by the registration of the Opposed Mark for the goods covered by Serial No. 88/385,350, because registration of the mark would be in violation of Opposer's trademark rights.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 88/385,350 be denied registration. Opposer submits herewith its payment of the \$400 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

LOUIS POULSEN A/S

*Lisa A. Harkins*

Date: October 1, 2019 By: \_\_\_\_\_

Lisa A. Harkins  
Zareefa B. Flener  
Flener IP & Business Law  
77 W. Washington Street, Suite 800  
Chicago, IL 60602  
(312) 724-8874 (phone)  
(312) 724-7395 (fax)  
[info@fleneriplaw.com](mailto:info@fleneriplaw.com)

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served on Applicant by first class mail and email this October 1, 2019, addressed to:

HUANG SHAN  
No.20, Group 3,  
Zhoujiawan Village, Liupi Town,  
Yun County, Hubei CHINA 518000

By: /s/ Lisa A. Harkins  
Lisa A. Harkins