

ESTTA Tracking number: **ESTTA1041432**

Filing date: **03/11/2020**

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	Potomac Tobacco Company Limited
Granted to Date of previous extension	03/11/2020
Address	P.O. BOX 3085 MILL MALL, SUITE 6 Wickhams Cay Road Town TORTOLA, 0 VIRGIN ISLANDS, BRITISH
Attorney information	KATHRYN JENNISON SHULTZ Jennison & Shultz, P.C. 2001 RICHMOND HIGHWAY, SUITE 1102 ARLINGTON, VA 22202 UNITED STATES kjs@jennisonlaw.com 703-415-1640

Applicant Information

Application No	88227700	Publication date	11/12/2019
Opposition Filing Date	03/11/2020	Opposition Period Ends	03/11/2020
Applicant	YEA TECHNOLOGIES LIMITED 3F,26HAO,HOUTING DIYI GONGYEQU,SHAJING SHENZHEN, 518103 CHINA		


Goods/Services Affected by Opposition

Class 034. First Use: 2017/02/01 First Use In Commerce: 2017/06/18 All goods and services in the class are opposed, namely: Electronic cigarette liquid (e-liquid) comprised of propylene glycol; Cartridges sold filled with propylene glycol for electronic cigarettes; Cartridges sold filled with vegetable glycerin for electronic cigarettes; Electronic cigarette atomizers sold empty; Electronic cigaretteliquid (e-liquid) comprised of vegetable glycerin; Electronic cigarette refill cartridges sold empty; Electronic cigarettes; Electronic cigarettes for use as an alternative to traditional cigarettes; Electronic cigars; Electronic hookahs; Electronic smoking pipes; Liquid nicotine solutions for use in electronic cigarettes

Grounds for Opposition

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

U.S. Application No.	87141106	Application Date	08/17/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 034. First use: First Use: 0 First Use In Commerce: 0 Cigarettes		

Attachments	87141106#TMSN.png(bytes) 3-11-2020 notice of opp sn88227700.pdf(155266 bytes)
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Signature	/Kathryn Jennison Shultz/
Name	KATHRYN JENNISON SHULTZ
Date	03/11/2020

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

In the matter of trademark application Serial No. 88227700 Filed December 13, 2018
For the mark YEA! ORIGINALS
Published in the Official Gazette on November 12, 2019

Potomac Tobacco Company Limited,	:	
Opposer,	:	Opposition No.
v.	:	
	:	
Yea Technologies Limited,	:	
_____ Applicant.	:	

NOTICE OF OPPOSITION

Potomac Tobacco Company Limited (hereinafter "Opposer"), a corporation organized under the laws of the British Virgin Islands, with a business address of P.O. Box 3085, Mill Mall, Suite 6, Wickhams Cay Road Town, Tortola, British Virgin Islands, believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same. The grounds for opposition are as follows:

1. Applicant seeks to register YEA! ORIGINALS as a trademark for "Electronic cigarette liquid (e-liquid) comprised of propylene glycol; Cartridges sold filled with propylene glycol for electronic cigarettes; Cartridges sold filled with vegetable glycerin for electronic cigarettes; Electronic cigarette atomizers sold empty; Electronic cigarette liquid (e-liquid) comprised of vegetable glycerin; Electronic cigarette refill cartridges sold empty; Electronic cigarettes; Electronic cigarettes for use as an alternative to traditional cigarettes; Electronic cigars; Electronic hookahs; Electronic smoking pipes; Liquid nicotine solutions for use in electronic" in International Class 34, as

evidenced by the publication of said mark in the November 12, 2019 issue of the Official Gazette. This application, which is identified by U.S. Application Serial Number 88227700, is based on an alleged February 1, 2017 first date of use and an alleged June 18, 2017 first date of use in commerce in connection with all of the listed goods.

2. Opposer is now, and has been for many years prior to February 1, 2017, engaged in the manufacture, sale and distribution of tobacco products such as cigarettes and cigars.
3. Opposer is now, and has been for many years prior to February 1, 2017, engaged in, among other things, the manufacture, sale and distribution of YES cigarettes.
4. Prior to any date alleged by the applicant in the subject application, Opposer filed an application to register the mark YES for use on and in connection with cigarettes with the U.S. Patent and Trademark Office. This application, which was filed on August 17, 2016, is identified by US Application Serial Number 87141106, and is currently pending and active.
5. The mark YEA! ORIGINALS, which the Applicant seeks to register so resembles Opposer's YES trademark that the use and registration thereof by Applicant is likely to cause confusion, mistake and/or deception as to the source of the goods, and will injure Opposer and the goodwill it now enjoys.
6. Applicant has entered into the records a disclaimer of the descriptive term ORIGINALS marking YEA! the dominant portion of the applied-for mark.

7. Opposer's mark YES and the YEA! portion of the applied-for mark YEA! ORIGINALS are similar in sight, sound, commercial impression and connotation. They are interchangeably used as a positive response to a question.
8. The goods of Applicant, as recited in the subject application, and the goods of the Opposer may be promoted and sold to the same customers.
9. The goods of Applicant, as recited in the subject application, and the goods of the Opposer are promoted and sold to customers who purchase tobacco products and tobacco related products.
10. The aforesaid use by Applicant of its mark concurrently with that of Opposer, and the registration of Applicant's YES CANNABIS mark, will inevitably cause confusion and mistake, and will deceive the public into believing that the services of Applicant are made, sponsored by or jointly developed by Opposer, that said goods and services emanate from the same source, and/or that Applicant is in some other fashion connected with Opposer, all to Opposer's injury.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused, and that this Notice of Opposition be sustained.

Respectfully submitted,

POTOMAC TOBACCO COMPANY LIMITED

Date: March 11, 2020

By: 

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