

ESTTA Tracking number: **ESTTA1079269**

Filing date: **09/02/2020**

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	Primozone Production AB
Granted to Date of previous extension	09/02/2020
Address	TERMINALVÅ#GEN 2 SE-246 42 LÅ#DDEKÅ#PINGE, 0 SWEDEN
Attorney information	FARAH P. BHATTI BUCHALTER, A PROFESSIONAL CORPORATION 18400 VON KARMAN AVE., SUITE 800 IRVINE, CA 92612 UNITED STATES Primary Email: fbhatti@buchalter.com Secondary Email(s): ipdocket@buchalter.com 949-224-6272
Docket Number	

Applicant Information

Application No.	79263177	Publication date	05/05/2020
Opposition Filing Date	09/02/2020	Opposition Period Ends	09/02/2020
International Registration No.	1477497	International Registration Date	03/11/2019
Applicant	NIVIKA ANKUR AGARWAL TRADING AS PRIMESONS C-902, SHIV NANDAN RESIDENCY, VIP ROAD, VESU SURAT GUJARAT 395007 INX		

Goods/Services Affected by Opposition

Class 011. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, namely, Magnifying lamps, Electric Light bulb, Air conditioning apparatus, Electric rice cooker, Friction lighters for igniting gas, Air fryers, Headlights for automobiles, Microwave ovens

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. Registration No.	3312905	Application Date	06/23/2006
Registration Date	10/16/2007	Foreign Priority Date	04/20/2006
Word Mark	PRIMOZONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 [OZONISERS; COMPUTERS]</p> <p>Class 011. First use: First Use: 0 First Use In Commerce: 0 OZONE GENERATORS FOR CLEANING, DISINFECTING AND BLEACHING OF PAPER PULP, FOOD, WATER, SOIL, AIR, FUMES AND WASTE; INSTALLATIONS FOR OZONE GENERATION, NAMELY A UNIT CONSISTING OF AN ENERGY PROVIDER, AN OZONE GENERATOR, A COOLER, A COMPUTING UNIT AND A DISTRIBUTION UNIT; CORONA REACTOR, NAMELY A DISCHARGE REACTOR FOR THE PRODUCTION OF OZONE FROM OXYGEN BY DISCHARGES PROVIDED BY STRONG ELECTRICAL FIELDS, AND/OR BY POLLUTANT DESTRUCTION WHERE POLLUTED GASEOUS SUBSTANCES ARE BROKEN DOWN BY DISCHARGES PRODUCED BY STRONG ELECTRICAL FIELDS; WATER PURIFYING APPARATUS AND MACHINES</p> <p>Class 040. First use: First Use: 0 First Use In Commerce: 0 WATER TREATMENT; TREATMENT OF MATERIALS, NAMELY BLEACHING OF PAPER PULP, CLEANING AND DISINFECTING OF WATER, AIR, SOIL, FUMES AND WASTE</p>		

Attachments	Notice of Opposition - PRIMESONS.pdf(26343 bytes)
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Signature	/fbhatti/
Name	FARAH P. BHATTI
Date	09/02/2020

ozone generation, namely, a unit consisting of an energy provider, an ozone generator, a cooler, a computing unit and a distribution unit; corona reactor, namely, a discharge reactor for the production of ozone from oxygen by discharges provided by strong electrical fields, and/or by pollutant destruction where polluted gaseous substances are broken down by discharges produced by strong electrical fields; water purifying apparatus and machines; water treatment; treatment of materials, namely, bleaching of paper pulp, cleaning and disinfecting of water, air, soil, fumes and waste (“Opposer’s Goods and Services”).

2. Opposer, since at least as early as 2010, has used the PRIMOZONE mark (“Opposer’s Mark”) in interstate commerce in connection with Opposer’s Goods and Services.

3. Opposer’s first use of Opposer’s Mark pre-dates first use (or any use) of Applicant’s Mark.

4. Opposer owns common law rights to the PRIMOZONE mark that pre-date Applicant’s rights, if any. In addition, Opposer owns U.S. Trademark Registration No. 3,312,905 for the mark PRIMOZONE.

5. Since long prior to Applicant’s filing of its application to register the PRIMESONS mark, and long prior to any claimed use of the mark by Applicant, Opposer has and continued to use, advertise and promote in commerce Opposer’s PRIMOZONE mark in connection with Opposer’s Goods and Services.

6. Opposer has expended substantial amounts of money, time and resources in advertising, promoting, sales, use and worldwide distribution of Opposer’s Goods and Services. Opposer has built up extensive goodwill in its PRIMOZONE trademark.

7. Prior to Applicant's filing of its application to register PRIMESONS, purchasers had come to recognize Opposer's PRIMOZONE mark as identifying goods and services emanating exclusively from Opposer.

8. On March 11, 2019, Applicant filed an application to register PRIMESONS for goods in several classifications, including in Class 11 for "apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes, namely, magnifying lamps, electric light bulb, air conditioning apparatus, electric rice cooker, friction lighters for igniting gas, air fryers, headlights for automobiles, microwave ovens" (Application Serial No. 79/263177). The subject application was published for opposition on May 5, 2020 in the Official Gazette of the United States Patent and Trademark Office. Opposer filed an Extension of Time to Oppose the mark which was granted until September 2, 2020.

9. Opposer has timely filed this Opposition.

10. Applicant's alleged PRIMESONS mark as identified on goods in Class 11 is confusingly similar to Opposer's PRIMOZONE mark. The overall commercial impression conveyed by Applicant's alleged mark is identical to Opposer's Mark.

11. The relevant goods in Class 11 in Applicant's opposed application are similar to and related to Opposer's goods and services with which Opposer uses the PRIMOZONE mark. Applicant's use and registration of the PRIMESONS mark in connection with these particular goods is likely to cause confusion, deception and/or mistake among the relevant public.

12. The channels of distribution employed by Opposer and Applicant for the Class 11 goods are similar, and the classes of customers sold to by Opposer and Applicant are similar.

Therefore, purchasers of Applicant's products are likely to believe or to be confused or deceived into thinking that Applicant's products also originate with or are in some way associated with, connected with, sponsored by, or authorized by Opposer, and registration of Applicant's alleged mark is likely to cause confusion or mistake or to deceive, all to the injury of Opposer.

13. Applicant's use and registration of the PRIMESONS mark is likely to falsely suggest a connection with Opposer and Opposer's PRIMOZONE mark.

14. Applicant's use and registration of the PRIMESONS mark interferes with Opposer's PRIMOZONE mark and will damage Opposer, its business and its goodwill.

WHEREFORE, Opposer requests registration sought by Applicant for the goods in Class 11 be denied and this Opposition be sustained.

Please charge Deposit Account No. 500977 to cover the opposition fees or any additional fees which may be required, or credit any overpayment to this account.

Dated: September 2, 2020

Respectfully Submitted.

Primozone Production AB

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