

ESTTA Tracking number: **ESTTA1098785**

Filing date: **12/01/2020**

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	Nani Swimwear Inc.		
Entity	Corporation	Citizenship	UT
Address	288 W 400 S SMITHFIELD, UT 84335 UNITED STATES		
Attorney information	PRESTON P. FRISCHKNECHT PROJECT CIP 399 N MAIN, STE 220 SHERIDAN RIDGE LANE LOGAN, UT 84321 UNITED STATES Primary Email: preston@projectcip.com No phone number provided.		
Docket Number	NANCIP014		

Applicant Information

Application No.	90015852	Publication date	11/03/2020
Opposition Filing Date	12/01/2020	Opposition Period Ends	12/03/2020
Applicant	Khangri Sourcing 18020 80TH AVE., SUITE 104 KENT, WA 98032 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hats; Pants; Shirts; Shoes; Socks; Underwear

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.	5698532	Application Date	11/08/2017
Registration Date	03/12/2019	Foreign Priority Date	NONE

Word Mark	NANI SWIMWEAR
Design Mark	
Description of Mark	The mark consists of a large, stylized cursive word element "nani" above a small inset block all caps "swimwear" element.
Goods/Services	Class 025. First use: First Use: 2016/09/14 First Use In Commerce: 2016/09/14 Athletic tops and bottoms for yoga, runners, and gym workout; Swimwear

Attachments	oppnot120120.pdf(142614 bytes)
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Signature	/Preston P. Frischknecht/
Name	Preston P. Frischknecht
Date	12/01/2020

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

NANI SWIMWEAR INC.,	:	
	:	NOTICE OF OPPOSITION
Opposer,	:	
	:	
vs.	:	Opposition No. TBD
	:	
KHANGRI SOURCING,	:	Application No. 90015852
	:	
Applicant.	:	
	:	

Petitioner Nani Swimwear Inc. (“Nani”)—a Utah corporation with offices at 288 W 400 S, Smithfield, UT 84335—believes that it will be damaged by the registration of **U.S. Ser. No. 90015852** (“the Application”) on the Principal Register by Khangri Sourcing, a Washington corporation with offices at 18020 80th Ave., Suite 104, Kent, Washington 98032.

Therefore, Nani hereby opposes the Application and, as grounds for Opposition, alleges:

1. Nani is an online and wholesale retailer of women’s swim- and athletic wear and accessories and has been selling product since 2016.
2. Nani retails its goods on its website—*www.naniswimwear.com*—as well as through other online and brick and mortar locations.
3. Upon information and belief, Khangri Sourcing is a private label manufacturer of garments, hand-crafted jewelry, and accessories.
4. Nani is the owner of a U.S. Registration for the stylized mark **NANI SWIMWEAR** (Reg. No. 5698532) for *swimwear and athletic tops and bottoms for yoga, runners and gym workout* in IC 25.

5. Nani's Reg. No. 5698532 has:
 - a. a filing date of November 13, 2017;
 - b. a first use in commerce date of September 14, 2016; and
 - c. a registration date of March 12, 2019.
6. Khangri Sourcing is the owner of record of the Application for the **NANIQO** mark for:
 - a. *backpacks; luggage; baby carrier covers specially adapted for baby carriers worn on the body* in IC 18; and
 - b. *hats; pants; shirts; shoes; socks; underwear* in IC 25.
7. The Application:
 - a. has a filing date of June 23, 2020; and
 - b. was filed under-intent-to-use (1[b]) basis.
8. Registration of the Application will cause injury to Nani's existing rights in its NANI SWIMWEAR mark, as well as Nani's natural zone of expansion of those rights.
9. The Application and mark thereunder is likely to cause confusion with Nani's prior NANI SWIMWEAR mark, especially for the IC 25 goods.
10. The NANIQO mark is highly similar to the NANI SWIMWEAR mark—visually, in sound, and in overall commercial impression.
11. Goods under the NANIQO mark are highly similar to goods under the NANI SWIMWEAR mark as garments.
12. Nani and Khangri Sourcing are in similar trade channels and have similar classes of purchasers of the above goods who encounter (and/or will encounter) these marks in similar online, brick and mortar, retail, and/or tradeshow environments.

13. In all respects, Nani's rights in the NANI SWIMWEAR mark are prior and therefore superior to those of Khangri Sourcing in the NANIQO mark.

WHEREFORE, Nani requests that the Application not register for the goods in IC 25.

DATED this 1st day of December, 2020.

By: Preston P. Frischknecht/_____

Preston P. Frischknecht

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