

ESTTA Tracking number: **ESTTA1133729**

Filing date: **05/13/2021**

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	SHENZHEN COMFY ZONE HOME CO., LTD.		
Entity	Limited Company	Citizenship	China
Address	BEIHUAN AVENUE, MEILIN STREET, FUTIAN DIST. 401, BLDG. 2, XIANGMIYUAN NO.7087 SHENZHEN, 518000 CHINA		
Attorney information	TOMMY SF WANG WANG IP LAW GROUP, P.C. 18645 E. GALE AVE. SUITE 205 CITY OF INDUSTRY, CA 91748 UNITED STATES Primary Email: twang@thewangiplaw.com Secondary Email(s): elu@thewangiplaw.com 626-269-6753		
Docket Number			

Applicant Information

Application No.	90246150	Publication date	04/20/2021
Opposition Filing Date	05/13/2021	Opposition Period Ends	05/20/2021
Applicant	Duan Xiuhua ZHONGHUAN WENMING 2ND STREET, HOUIE TOWN DONGGUAN, GUANGDONG, 523000 CHINA		

Goods/Services Affected by Opposition

Class 020. First Use: 2020/07/24 First Use In Commerce: 2020/07/24 All goods and services in the class are opposed, namely: Beds; Bookcases; Chairs; Desks; Divans; Furniture; Mattresses; Wardrobes; Bathroom vanities; Bedsteads of wood; Computer furniture; Deck chairs; Furniture of metal; Furniture, namely, sales and display counters; Non-metal trestles for supporting tables; Office furniture; Plate racks; Tables; Toilet mirrors being hand-held mirrors; Furniture, namely, showcases
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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.	5695453	Application Date	06/17/2018
Registration Date	03/12/2019	Foreign Priority Date	NONE
Word Mark	BESTIER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 2018/03/13 First Use In Commerce: 2018/03/13 Baby changing mats; Coat hangers; Desks; Fans for personal use, non-electric; Furniture; Mattresses; Mirrors; Pet cushions; Picture frames; Pillows; Towel stands; Inflatable mattresses for use when camping		

Attachments	88003618#TMSN.png(bytes) Notice of Opposition_05132021.pdf(150687 bytes)
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Signature	/Tommy SF Wang/
Name	Tommy SF Wang
Date	05/13/2021

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

In the Matter of Application
Serial No.: 90/246,150

Mark: BESITURE

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)	
SHENZHEN COMFY ZONE HOME CO., LTD.,)	
)	
Opposer,)	
)	Opposition No.
v.)	
)	
DUAN XIUHUA,)	
)	
Applicant.)	
)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 90/246,150, filed on October 10, 2020 by Applicant DUAN XIUHUA (“Applicant”) to register the BESITURE word mark (“Applicant’s Mark”) and published in the *Official Gazette* on April 20, 2021, Opposer SHENZHEN COMFY ZONE HOME CO., LTD. (“Opposer”) believes that it will be damaged by registration of Applicant’s Mark and hereby opposes the same.

The grounds for this opposition are as follows:

1. Opposer, a limited company organized under the laws of the People’s Republic of China, having its principal place of business at Beihuan Avenue, Meilin Street, Futian Dist. 401,

Building 2, Xiangmiyuan No.7087, Shenzhen, China, is the owner and relies on Registration No. 5,695,453 for the BESTIER word mark (“Opposer’s Mark”) for “Baby changing mats; Coat hangers; Desks; Fans for personal use, non-electric; Furniture; Mattresses; Mirrors; Pet cushions; Picture frames; Pillows; Towel stands; Inflatable mattresses for use when camping” in International Class 020 (“Opposer’s Goods”), which was registered on the Principal Register on March 12, 2019, with a date of first use of March 13, 2018.

2. Applicant, an individual of the People’s Republic of China, having an address at Zhonghuan Wenming 2nd Street, Houjie Town DongGuan, GuangDong, China 523000 seeks to register Applicant’s Mark for “Beds; Bookcases; Chairs; Desks; Divans; Furniture; Mattresses; Wardrobes; Bathroom vanities; Bedsteads of wood; Computer furniture; Deck chairs; Furniture of metal; Furniture, namely, sales and display counters; Non-metal trestles for supporting tables; Office furniture; Plate racks; Tables; Toilet mirrors being hand-held mirrors; Furniture, namely, showcases” in International Class 020 (“Applicant’s Goods”), with a date of first use of July 24, 2020.

3. Applicant’s filing of Application Serial No. 90/246,150 for Applicant’s Mark was without license, authorization, or permission from Opposer.

4. Since at least as early as March 13, 2018, Opposer has continuously used Opposer’s Mark in interstate commerce in connection with Opposer’s Goods. Opposer’s use of Opposer’s Mark has not been abandoned and is valid and subsisting.

5. There is no issue of priority. Applicant’s date of first use of Applicant’s Mark on July 24, 2020 is well after Opposer’s first use of Opposer’s Mark on March 13, 2018, and well after registration of Opposer’s Mark on the Principal Register on March 12, 2019.

6. By virtue of its valid efforts and the expenditure of considerable sums for promotional materials and advertisements and the quality of its goods and services, Opposer has gained valuable goodwill and reputation for Opposer's Mark, Opposer's Mark has acquired great value as identification of Opposer's Goods and services, and Opposer's Mark distinguishes Opposer's Goods and services from the goods and services of others.

7. If Applicant is permitted to use and register Applicant's Mark as specified in the trademark application herein opposed, confusion is likely to result as Applicant's Mark is nearly identical in both appearance and pronunciation to Opposer's Mark, and the goods for which Opposer has used and continues to use Opposer's Mark in connection with and the goods claimed under Applicant's trademark application are identical, travel in the same channels of trade, and are marketed to identical classes of consumers.

8. Therefore, it is very likely that persons familiar with Opposer's Mark would assume that Applicant was associated with Opposer and any such confusion would inevitably result in damage to Opposer.

9. Furthermore, any objection or fault found with Applicant's goods would necessarily reflect upon and seriously injure the reputation that Opposer has established under Opposer's Mark. If Applicant is allowed to use and register Applicant's Mark, the resulting confusion and assumed affiliation will also be damaging to Opposer's established goodwill and reputation under Opposer's Mark.

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WHEREFORE, Opposer prays that judgment be entered herein refusing registration of Trademark Application Serial No. 90/246,150 and for such other and further relief that may be just and proper.

Dated: May 13, 2021

Respectfully submitted,

/s/ Songfong Tommy Wang
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Attorney for Opposer,
SHENZHEN COMFY ZONE HOME CO., LTD.