

ESTTA Tracking number: **ESTTA1134851**

Filing date: **05/19/2021**

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	NOVOLUTO
Granted to Date of previous extension	05/19/2021
Address	FRIEDENSTRASSE 91/91A BERLIN, 10249 GERMANY
Attorney information	BREWSTER TAYLOR STITES & HARBISON PLLC 1800 DIAGONAL RD SUITE 325 ALEXANDRIA, VA 22314 UNITED STATES Primary Email: btaylor@stites.com Secondary Email(s): mpaul@stites.com (703) 739 4900
Docket Number	2645LT0002

Applicant Information

Application No.	90114953	Publication date	01/19/2021
Opposition Filing Date	05/19/2021	Opposition Period Ends	05/19/2021
Applicant	JJ Acquisition, LLC SUITE #150 8501 FALLBROOK AVE. WEST HILLS, CA 91304 UNITED STATES		

Goods/Services Affected by Opposition

Class 010. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Adult sexual stimulation aids, namely, cock rings

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/ Registra-	NONE	Application Date	NONE
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tion No.			
Registration Date	NONE		
Word Mark	CHORUS		
Goods/Services	sex toys		

Attachments	NOTICE_OF_OPPOSITION.pdf(123667 bytes)
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Signature	/BT/
Name	BREWSTER TAYLOR
Date	05/19/2021

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

**IN THE MATTER OF TRADEMARK
APPLICATION SERIAL NO. 90/114953**

NOVOLUTO GMBH)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
JJ ACQUISITION, LLC)	
)	
Applicant)	
)	

NOTICE OF OPPOSITION

NOVOLUTO GMBH, a Gesellschaft mit Beschränkter Haftung organized under the laws of Germany, with principal offices located at Friedenstrasse 91/91a 10249 Berlin (hereinafter “Opposer”), believes that it would be damaged by registration of the mark “CHOROS” (Serial No. 90/114953) for “adult sexual stimulation aids, namely, cock rings” in class 10 in the name of JJ Acquisition, LLC, a limited liability company organized under the laws of Delaware, with a principal address at Suite # 150 8501 Fallbrook Ave. West Hills, California 91304 (hereinafter “Applicant”), and Opposer, by its undersigned attorneys, hereby requests that registration of the mark be denied for the above goods in class 10 on the following grounds:

1. In U.S. Application Serial No. 90/114953, Applicant seeks registration of “CHOROS” for the goods in class 10 identified above. The application was filed on August 14, 2020, and is based on Applicant’s intent to use the mark in commerce in connection with said

goods under Section 1(b) of the Trademark Act (15 U.S.C. §1051(b)). On information and belief, Applicant has not actually used its mark in commerce in connection with the above goods in class 10 prior to the August 14, 2020, constructive use date of its application.

2. Since long prior to the filing date of U.S. Application Serial No. 90/114953, and, on information and belief, any actual use in commerce of the “CHOROS” mark for goods in class 10, Opposer has used its mark “CHORUS” in commerce for vibrating sex toys which have the same nature, purpose, and function as the product identified in the “CHOROS” application.

4. Notwithstanding Opposer’s prior rights in connection with the use of “CHORUS”, Applicant has adopted and applied for registration in the United States of the confusingly similar “CHOROS” mark for a product which has the same nature, purpose, and function as the products provided by Opposer in the United States under its “CHORUS” mark.

5. In view of the strong similarity in sound, appearance, and meaning of Applicant’s “CHOROS” mark to Opposer’s “CHORUS” mark and the essentially identical nature, purpose, and function of the products with which the marks are used, purchasers and prospective purchasers of Applicant’s products are likely to be confused as to the source of the products and to mistakenly attribute them to the same source as the products provided under Opposer’s mark..

6. The grant of a registration to Applicant of the “ATLAS” mark for the product identified in U.S. Application Serial No. 90/114,953 would be in derogation of Opposer's prior rights in its “CHORUS” mark and would cause damage and injury to Opposer and confusion among the relevant purchasers.

7. Applicant's "CHOROS" mark so resembles Opposer's previously used "CHORUS" as to be likely, when used in connection with the above-identified goods identified in application serial no. 90/114953 to cause confusion, mistake or deception and to thereby fall within the proscription of Section 2(d) of the statute, 15 U.S.C. § 1052 (d), and should be denied registration.

WHEREFORE, Opposer believes that it would be damaged by grant to Applicant of registration on Application Serial No. 90/114953 and prays that its opposition be sustained and that registration be denied.

Respectfully submitted,

STITES & HARBISON PLLC

/BT/

May 19, 2021

Brewster Taylor
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served on Applicant, this 19th day of May, 2021 by sending same via e-mail to counsel for Applicant, Caroline H. Mankey, Akerman LLP, at ip@akerman.com.

/BT/

Brewster Taylor