

ESTTA Tracking number: **ESTTA1150758**

Filing date: **08/03/2021**

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	Antonio Puig, S.A.		
Entity	Sociedad Unipersonal	Citizenship	Spain
Address	L'HOSPITALET DE LLOBREGAT PLAZA EUROPA, 46-48 BARCELONA, 08902 SPAIN		
Attorney information	BROOKS R. BRUNEAU FISHERBROYLES, LLP 100 OVERLOOK CENTER SECOND FLOOR PRINCETON, NJ 08540 UNITED STATES Primary Email: brooks.bruneau@fisherbroyles.com Secondary Email(s): docketing@fisherbroyles.com, denise.mcculloch@fisherbroyles.com 609 454-6772		
Docket Number	04806.O171US		

Applicant Information

Application No.	90401763	Publication date	07/27/2021
Opposition Filing Date	08/03/2021	Opposition Period Ends	08/26/2021
International Registration No.	NONE	International Registration Date	NONE
Applicant	Hubei Heno Biological Engineering Co., Ltd. SANGZAO DAM FENGXIANG PING, HONGMIAO ECON. AND TECH.DEVELOPMENT ZONE ENSHI, HUBEI, 445000 CHINA		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Perfumery; Bergamot oil; Essential oils for flavoring tobacco; Essential oils of lemon; Extracts of flowers being perfumes; Flavorings for beverages being essential oils; Mint essence being essential oil; Mint for perfumery; Oils for perfumes and scents; Bases for flower perfumes


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b), 44(e) or 66(a)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	120568	Application Date	02/15/1916
Registration Date	02/19/1918	Foreign Priority Date	NONE
Word Mark	HENO DE PRAVIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1911/12/01 First Use In Commerce: 1911/12/01 TOILET SOAP		

U.S. Registration No.	517892	Application Date	05/25/1948
Registration Date	11/22/1949	Foreign Priority Date	NONE
Word Mark	HENO DE PRAVIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U051 (International Class 003, 005). First use: First Use: 0 First Use In Commerce: 0 COLOGNES [; TOILET LOTIONS;] [BAY RUM; BRILLIANTINE OR POMADE IN SALVE FORM TO IMPART LUSTER TO THE HAIR; PERFUME; PETROLEUM JELLY; ROUGE IN CREAM, STICK, AND POWDERED FORM; RICE,] [TALCUM] [, FACE, AND BODY] [POWDER] [S; EYE SHADOW AND MASCARA; LIQUID AND POWDERED NAIL POLISH; PASTE POWDER, AND LIQUID DENTIFRICES; AND CREAM AND LIQUID DEODORANT FOR PERSONAL USE]		

U.S. Registration No.	2274389	Application Date	08/04/1998
Registration Date	08/31/1999	Foreign Priority Date	NONE
Word Mark	HENO DE PRAVIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 toilet soaps, [deodorant soaps,] [perfume,] eau de toilette, [hair shampoos and conditioners,] bath and shower gels [, deodorants and anti-perspirants for		

	personal use, body lotions, body talc] [, after-shave lotion]
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Attachments	71092859#TMSN.png(bytes) 71557769#TMSN.png(bytes) Heno Design Notice of Opposition 8 3 21.pdf(169653 bytes)
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Signature	/brooks r. bruneau/
Name	Brooks R. Bruneau
Date	08/03/2021

Mark	Goods	Registration No.
HENO DE PRAVIA	Toilet soap	120568
HENO DE PRAVIA	Colognes	0517892
HENO DE PRAVIA	Toilet soaps, eau de toilette, bath and shower gels	2274389

The above listed trademarks and registrations are hereinafter collectively referred to as “HENO DE PRAVIA Marks.”

2. Opposer’s rights in the HENO DE PRAVIA Marks first registered in 1949, decades before Hubei Heno Biological Engineering Co., Ltd. (hereinafter “Applicant”) filed its U.S. Trademark Application Serial No. 90401763.

3. There is no doubt as to seniority in this case. Opposer’s use and registration of its HENO DE PRAVIA Marks predate Applicant’s application filing by over 70 years.

4. The dominant element of the mark appearing in Application Serial No. 90401763 is “HENO”, which is the only English word and appears in large bold lettering.

5. The perfumery, flower extracts being perfumes, mint for perfumery, oils for perfume and scents, and bases for flower perfumes (hereinafter collectively referred to as “Perfumery and Scented Oil Goods”) listed in the HENO & design Application Serial No. 90401763 are effectively identical to the cologne and eau de toilette goods listed in Opposer’s HENO DE PRAVIA U.S. Registration Nos. 0517892 and 2274389. Moreover, it must be presumed that the other Class 3 goods listed in Application Serial No. 90401763 are related to those Perfumery and Scented Oil Goods, such that U.S. consumers would consider all the goods listed Application Serial No. 90401763 to come from the same source.

6. The Applicant has taken “HENO” from Opposer’s mark and coupled it with a leaf design and tiny Asian characters, such that it looks like an obvious derivative of the HENO DE PRAVIA Trademark, especially when coupled with Perfumery and Scented Oil Goods.

7. At a minimum, the HENO & design mark when used with the Perfumery and Scented Oil Goods will look as if it and/or Applicant is associated or affiliated with Opposer.

8. As a result, use of the HENO & design trademark will create the commercial impression to U.S. consumers that there is another "HENO" trademark being offered by Opposer in connection with Class 3 products, because of Opposer's already existing and utilized HENO DE PRAVIA trademarks in U.S. commerce.

9. Moreover, U.S. consumers are accustomed to brands offering new lines of products under similar trademarks to associate a new line with the original primary brand or trademark, such that consumers quickly associate those similar new trademarks as emanating from the same source as the original trademark, especially when used with similar goods (Class 3 in this case), and utilizing a common term (HENO, in this case).

10. Applicant has not asserted any use of the HENO & design trademark in U.S. commerce in connection with the listed Class 3 goods.

11. The HENO & design trademark is strongly similar in sight, sound, and connotation to Opposer's HENO DE PRAVIA Marks, and is likely to cause confusion, mistake, or deception among consumers as to the source of Applicant's Class 3 goods, and is likely to suggest an association, affiliation, or sponsorship of said goods between Applicant and Opposer, causing damage to Opposer. Moreover, any disappointments, complaints, or dissatisfaction a consumer might experience with the goods of Applicant, sold under the HENO & Design trademark, would inure to the detriment of Opposer. As a result, Applicant is not entitled to registration under Trademark Act Section 2(d).

12. Opposer further asserts that the Applicant did not have a bona fide intention to use the HENO & design trademark on all the goods listed in Class 3 in pending Application Serial No. 90401763 at the time of filing, and accordingly, the Application is void ab initio.

13. Registration of Applicant's HENO & design Trademark in Class 3 will cause confusion and mistake or deception among consumers as to the Class 3 goods bearing the HENO & Design trademark, as well as to the source of those Class 3 goods. Furthermore, such registration will handicap and damage the legitimate present and future activities of Opposer by placing Applicant in a position to raise doubts as to Opposer's right to use its HENO DE PRAVIA Marks in connection with Class 3 goods, and any other related goods and services. Should the application opposed be granted, Applicant would have a presumptive right to use the trademark for the goods listed in Class 3, and such use of the HENO & design Trademark will blur the identification of Opposer as a source of products bearing the previously used and previously registered HENO DE PRAVIA marks, and tarnish and dilute the association with which said marks have come to convey. As a result, Opposer would eventually be deprived of all distinctiveness in its HENO DE PRAVIA Marks.

WHEREFORE, Opposer requests that Application Serial No. 90401763 be denied, and this Opposition sustained under Trademark Act Section 2(d) and for lack of bona fide intention to use under Sections 44 and 1(b).

Respectfully submitted:
ANTONIO PUIG S.A.

Dated: August 3, 2021

By: /Brooks R. Bruneau/
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify this Notice of Opposition was electronically filed with the Trademark Trial and Appeal Board this day 3rd of August, 2021.

/Brooks R. Bruneau/

Signature

August 3, 2021

(Date of Signature)