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Filing date: **10/13/2021**

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

Proceeding	91271507
Party	Plaintiff MagicSnow Systems LLC
Correspondence Address	ADAM WILLIAMS MAGICSNOW SYSTEMS LLC 8581 SANTA MONICA BL 219 LOS ANGELES, CA 90069 UNITED STATES Primary Email: adam@magicsnow.com Secondary Email(s): allan@magicsnow.com 310-289-9852
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	uspto@milordlaw.com
Filer's email	stephanie@milordlaw.com, marlen@milordlaw.com
Signature	/Milord A. Keshishian/
Date	10/13/2021
Attachments	MAG21-002T-TTAB Amended Ntc of Opposition FINAL.pdf(164017 bytes)

TRADEMARK

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

MAGICSNOW SYSTEMS, LLC,

Opposer,

v.

ANKER PLAY PRODUCTS, LLC,

Applicant.

Serial Nos.: 90592333, 90592341

Filed: March 21, 2021

Marks: BUBBLE WORKZ

And BUBBLE WORKZ + Design



Publication Date: September 7, 2021

Int'l Class: 28

Opposition No.: 91271507

AMENDED NOTICE OF OPPOSITION

Commissioner for Trademarks
BOX TTAB
P.O. Box 1451
Arlington, VA 22313-1451

Opposer MagicSnow Systems, LLC (“Opposer” or “MagicSnow”), a California limited liability company, with an address of 4423 West Jefferson Boulevard, Suite 105, Los Angeles, California, 90016, believes that it will be damaged by the registration of the BUBBLE WORKZ and BUBBLE WORKZ + Design trademarks shown in Application Serial Nos. 90592333 and 90592341 (the “Applications”), and hereby opposes the same pursuant to 15 U.S.C. § 1063.

As grounds in support of its Amended Opposition, Opposer alleges as follows:

1. Since at least as early as 2014, MagicSnow has continuously provided bubble formulas, bubble machine rentals, and bubble extravaganzas at live events, music festivals, concert tours, theme parks, television and film productions, sporting events, theatrical productions, and shopping centers under its BUBBLEWORKS trademarks.

2. MagicSnow owns U.S. Federal Trademark Registration No. 4775657 for BUBBLEWORKS for chemical preparations for making soap bubbles.

3. MagicSnow has established extensive common law rights in its BUBBLEWORKS trademark for bubble making services and bubble machine rentals in United States Commerce.

4. MagicSnow has appeared in various media nationwide and is nationally recognized for curating BUBBLEWORKS extravaganzas for various events, including but not limited to Jimmy Kimmel Live!, Good Morning America, L.A. Pride Parade, Coachella, Taylor Swift concerts, and in events in New York at Central Park and in Hollywood, California.

5. The nationally televised program Good Morning America has featured numerous events featuring MagicSnow's BUBBLEWORKS displays, including mentioning BUBBLEWORKS by name for the products used and curator of the display.

6. MagicSnow has invested considerable money, time, and effort into the use, advertising, and promotion of its marks in connection with bubble formulas, bubble machine rentals, and large-scale bubble extravaganzas since at least before the first use date of Applicant's marks.

7. As a result of the extensive sales and promotion of the goods and services in commerce bearing or offered in connection with MagicSnow's BUBBLEWORKS Marks, it has acquired valuable goodwill and recognition for its marks. Resulting from this use, the public has come to associate BUBBLEWORKS with MagicSnow and its goods and services.

8. Long before Applicant's alleged first use date of December 31, 2018, listed in its applications, MagicSnow has continuously and extensively used its marks in interstate commerce on and in connection with the advertising, promotion, offer, and sale of its goods and services.

Applicant Anker Play

9. Applicant is Anker Play Products, LLC ("Anker" or "Applicant"), a Florida limited liability company, with an address at 420 Lincoln Road, Suite 257, Miami Beach, Florida, 33139.

10. On March 21, 2021, Applicant filed use-based Applications to register BUBBLE WORKZ and BUBBLE WORKZ + Design for bubble making wand and solution sets.

11. The goods identified in Applicant's BUBBLE WORKZ applications are closely related to goods offered and services rendered in connection with MagicSnow's BUBBLEWORKS Marks.

12. The goods identified in Applicant's BUBBLE WORKZ application are and/or will be advertised, proposed to, and directed at the same trade channels, the same purchasers, and used in the same environment as MagicSnow's BUBBLEWORKS goods and services.

13. Applicant's marks so resembles Opposer's trademarks in sight, sound and commercial impression, as used in the United States and not abandoned, that when applied to the same or similar goods, would be likely to cause confusion, or to cause mistake or to deceive within Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

14. On information and belief, Applicant's actions would substantially harm the Opposer, by permitting registration in favor of Applicant for the marks which the Opposer used on his goods from an earlier date.

WHEREFORE, Opposer MagicSnow prays that application Serial Nos. 90592333 and 90592341 be refused, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of MagicSnow.

Respectfully submitted,

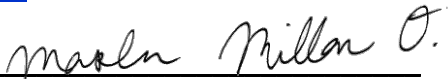
Dated: October 13, 2021

/Milord A. Keshishian/
Milord A. Keshishian, Esq.
Stephanie V. Trice, Esq.
MILORD & ASSOCIATES, P.C.
10517 West Pico Boulevard
Los Angeles, CA 90064
Tel: 310-226-7878
Fax: 310-226-7879

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on October 13, 2021, I caused a true and correct copy of the foregoing **AMENDED NOTICE OF OPPOSITION** to be sent via email, to Applicant's Correspondent of Record as follows:

Joseph V. Myers III
Seyfarth Shaw LLP
1075 Peachtree Street N.E., Suite 2500
Atlanta, GA 30309
matlanta@seyfarth.com aabeloff@seyfarth.com



Marlen Millan-Osuna
MILORD & ASSOCIATES, P.C.
10517 West Pico Boulevard
Los Angeles, CA 90064
Telephone: (310) 226-7878
Facsimile: (310) 226-7879