

ESTTA Tracking number: **ESTTA1171416**

Filing date: **11/10/2021**

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	Warby Parker Inc.
Granted to Date of previous extension	11/10/2021
Address	233 SPRING STREET, 6TH FLOOR EAST NEW YORK, NY 10013 UNITED STATES
Attorney information	JOEL KARNI SCHMIDT / DASHA CHESTUKHIN COWAN, LIEBOWITZ & LATMAN, P.C. 114 WEST 47TH STREET NEW YORK, NY 10036 UNITED STATES Primary Email: trademark@cll.com Secondary Email(s): jks@cll.com, dxc@cll.com, rxa@cll.com 212-790-9200
Docket Number	30387.413

**Applicant Information**

Application No.	90417286	Publication date	07/13/2021
Opposition Filing Date	11/10/2021	Opposition Period Ends	11/10/2021
Applicant	NICE PAPER LIMITED 1015A, WANGDAO RD. 328, BEIYUAN, YIWU, ZHEJIANG, 322000 CHINA		


**Goods/Services Affected by Opposition**

Class 016. First Use: 2020/11/10 First Use In Commerce: 2020/11/10 All goods and services in the class are opposed, namely: Bookmarks; Notepads; Stationery; Adhesive labels; Adhesive note paper; Adhesivenotepads; Calendars and diaries; Gift wrapping paper; Greeting cards; Memo pads; Note books; Note papers; Paper gift cards; Paper notebooks; Paper shopping bags; Paper stationery; Removable stickers; Self-adhesive tapes for stationery or household purposes; Stickers; Writing implements
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Priority and likelihood of confusion under the common law.

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5974938	Application Date	10/16/2018
Registration Date	02/04/2020	Foreign Priority Date	NONE
Word Mark	NICE TO SEE YOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2015/07/01 First Use In Commerce: 2015/07/01 CASES FOR EYEWEAR, EYEGASSES, SUNGLASSES; EYEWEAR; EYEGASSES; SUNGLASSES; EYEGASS FRAMES Class 035. First use: First Use: 2015/07/01 First Use In Commerce: 2015/07/01 RETAIL STORE SERVICES FEATURING EYEWEAR, SUNGLASSES, EYEGASS FRAMES, EYEWEAR AND SUNGLASS CASES, EYEWEAR ACCESSORIES, BOOKS, GAMES AND PLAYTHINGS, PLAYING CARDS, POUCHES, PLUSH TOYS, DOG TOYS, TOY STUFFED ANIMALS		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	NICE TO SEE YOU, alone or with other words, letters and/or design elements.		
Goods/Services	Eyewear, books and other paper goods, retail services and charitable services as well as goods and services related to the foregoing.		

Attachments	88157222#TMSN.png( bytes ) Letter to Commissioner - NICE 2 CU.pdf(61125 bytes ) Notice of Opposition - NICE 2 CU.pdf(20985 bytes )
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Signature	/Dasha Chestukhin/
Name	JOEL KARNI SCHMIDT / DASHA CHESTUKHIN
Date	11/10/2021



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November 10, 2021

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Warby Parker Inc.'s  
Notice of Opposition -vs-  
Nice Paper Limited's  
Application Serial No. 90/417,286 for **NICE·2·CU (Stylized)**  
Ref. No. 30387.413

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Dear Commissioner:

We enclose a Notice of Opposition against Application Serial No. 90/417,286 for the mark **NICE·2·CU (Stylized)**, published for opposition on July 13, 2021. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Joel Karni Schmidt of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

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/Dasha Chestukhin/  
Dasha Chestukhin

Enclosures

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

In the Matter of Application Serial No. 90/417,286  
Mark: NICE·2·CU (Stylized)  
Filed: December 27, 2020  
Published in the Official Gazette: July 13, 2021

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WARBY PARKER INC.,  
  
Opposer,  
  
v.  
  
NICE PAPER LIMITED,  
  
Applicant.  
-----X

**NOTICE OF OPPOSITION**

Commissioner of Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Warby Parker Inc. (“Opposer”), a Delaware corporation, believes it will be damaged by registration of the stylized mark NICE·2·CU, shown here: **Nice·2·CU** (“Applicant’s Mark”) and in Application Serial No. 90/417,286 (the “Application”), for “Bookmarks; Notepads; Stationery; Adhesive labels; Adhesive note paper; Adhesive notepads; Calendars and diaries; Gift wrapping paper; Greeting cards; Memo pads; Note books; Note papers; Paper gift cards; Paper notebooks; Paper shopping bags; Paper stationery; Removable stickers; Self-adhesive tapes for stationery or household purposes; Stickers; Writing implements” in International Class 16 (“Applicant’s Goods”), filed by Nice Paper Limited (“Applicant”) and hereby opposes the Application.

As grounds for opposition, it is alleged that:

1. Since prior to November 10, 2020, Applicant's claimed first use date, Opposer and its predecessors, and their affiliated and related entities and/or licensees, have used the mark NICE TO SEE YOU, alone or with other words, letters and/or design elements (collectively, "Opposer's Marks"), in connection with a variety of goods and services, including eyewear, books and other paper goods, retail services and charitable services as well as goods and services related to the foregoing.

2. Opposer is the owner of the following federal registration:

<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Goods/Services</b>
NICE TO SEE YOU	5974938	Feb. 4, 2020	(Int'l Class 09) cases for eyewear, eyeglasses, sunglasses; eyewear; eyeglasses; sunglasses; eyeglass frames (Int'l Class 35) retail store services featuring eyewear, sunglasses, eyeglass frames, eyewear and sunglass cases, eyewear accessories, books, games and playthings, playing cards, pouches, plush toys, dog toys, toy stuffed animals

3. Since prior to November 10, 2020, Applicant's claimed first use date, Opposer and its predecessors, and their affiliated and related entities and/or licensees, have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's Marks, including, but not limited to, eyewear, books and other paper goods, retail services and charitable services as well as goods and services related to the foregoing, and have sold such goods and rendered such services in interstate commerce.

4. Opposer has built up highly valuable goodwill in Opposer's Marks and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On December 27, 2020, Applicant filed, in the U.S. Patent and Trademark Office, the Application for Applicant's Mark for "Bookmarks; Notepads; Stationery; Adhesive labels; Adhesive note paper; Adhesive notepads; Calendars and diaries; Gift wrapping paper; Greeting cards; Memo pads; Note books; Note papers; Paper gift cards; Paper notebooks; Paper shopping bags; Paper stationery; Removable stickers; Self-adhesive tapes for stationery or household purposes; Stickers; Writing implements" in International Class 16, claiming a first use date of November 10, 2020.

6. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce for Applicant's Goods prior to its claimed first use date of November 10, 2020.

7. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's Marks.

8. Applicant's Mark is phonetically identical, and very similar visually, to Opposer's NICE TO SEE YOU mark.

9. Applicant's Mark so resembles Opposer's Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion, to cause mistake, and/or to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such goods are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark

WHEREFORE, Opposer prays that the opposition against the Application be sustained and registration be denied.

Please recognize as attorneys for Opposer in this proceeding Joel Karni Schmidt and Dasha Chestukhin (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Joel Karni Schmidt, Esq. at the address listed below.

Dated: November 10, 2021

Respectfully submitted,  
COWAN, LIEBOWITZ & LATMAN, P.C.  
*Attorneys for Opposer*

By: /Dasha Chestukhin/  
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