

ESTTA Tracking number: **ESTTA1185303**

Filing date: **01/19/2022**

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	Mirage Granito Ceramico S.P.A.
Granted to date of previous extension	01/19/2022
Address	VIA GIARDINI NORD, 225 PAVULLO NEL FRIGNANO, I-41026 ITALY
Attorney information	WESLEY W. WHITMYER, JR. WHITMYER IP GROUP LLC 600 SUMMER STREET STAMFORD, CT 06901 UNITED STATES Primary email: litigation@whipgroup.com Secondary email(s): rkeeler@whipgroup.com, jalexander@whipgroup.com 203-703-0800
Docket no.	06395-N0041A

Applicant information

Application no.	90498537	Publication date	09/21/2021
Opposition filing date	01/19/2022	Opposition period ends	01/19/2022
Applicant	Shenzhen Ruienlianhe International Trading Co., Ltd. 415,NO.24,NANLIAN RD,NANLIAN COMMUNITY LONGGANG ST, LONGGANG DIST SHENZHEN, GUANGDONG, 518000 CHINA		

Goods/services affected by opposition


Class 020. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Chairs; Furniture; Clothes hangers; Dining chairs; Dining tables; Hospital beds; Office chairs; Office furniture; Office tables; School furniture

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Marks cited by opposer as basis for opposition

U.S. registration no.	3360020	Application date	09/18/2006
Register	Principal		

Registration date	12/25/2007	Foreign priority date	08/10/2006
Word mark	INFINITY		
Design mark			
Description of mark	NONE		
Goods/services	Class 019. First use: First Use: 0 First Use In Commerce: 0 Ceramic tiles; porcelain stoneware tiles; ceramic slabs; porcelain stoneware slabs; tiles not of metal		

U.S. registration no.	5614033	Application date	09/13/2017
Register	Principal		
Registration date	11/27/2018	Foreign priority date	03/31/2017
Word mark	INFINITY		
Design mark			
Description of mark	NONE		
Goods/services	Class 020. First use: First Use: 0 First Use In Commerce: 0 Work surfaces; table tops; kitchen worktops; Furniture parts, namely, worktop to be fitted with a sink for kitchen or for bathroom, bathroom vanity tops; wall shelves; furniture shelves		

Attachments	79032286#TMSN.png(bytes) 79218190#TMSN.png(bytes) Notice of Opposition - 06395-N0041A.pdf(567150 bytes)
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Signature	/Wesley W. Whitmyer, Jr./
Name	WESLEY W. WHITMYER, JR.
Date	01/19/2022

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

Mirage Granito Ceramico S.P.A.	:	
	:	
Opposer,	:	
v.	:	Opposition No.
	:	[not yet assigned]
Shenzhen Ruienlianhe International Trading Co., Ltd.	:	
	:	
Applicant.	:	

Application Serial No. 90498537
Mark: INFINITE UNIVERSE

NOTICE OF OPPOSITION

Mirage Granito Ceramico S.p.A. (“Mirage” or “Opposer”) believes that it is and will be damaged by registration of the mark INFINITE UNIVERSE in U.S. Trademark Application Serial No. 90498537 and therefore opposes the same pursuant to Section 13 of the 1946 Trademark Act (15 U.S.C. §1063) and pursuant to 37 CFR §§ 2.101 and 2.104 on the grounds enumerated below.

1. Opposer, Mirage, is a joint stock company organized under the laws of Italy with a business address at: Via Giardini Nord, 225 Pavullo nel Frignano I-41026 ITALY.
2. Opposer is the owner of the following United States trademark registrations for INFINITY (the “INFINITY Marks”).

Mark	Serial No.	Goods and Services	Registration No.	Registration Date
INFINITY	79032286	IC 019: Ceramic tiles; porcelain stoneware tiles; ceramic slabs; porcelain stoneware slabs; tiles not of metal	3360020	12/25/2007
INFINITY	79218190	IC 020: Work surfaces; table tops; kitchen worktops; Furniture parts, namely, worktop to be fitted with a sink for kitchen or for bathroom, bathroom	5614033	11/27/2018

		vanity tops; wall shelves; furniture shelves		
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3. These registrations are valid and subsisting. A copy of the registrations from the USPTO online TESS database are attached as **Exhibit A** and made of record in this proceeding pursuant to Trademark Rule 2.122(d).

4. Opposer’s goods include ceramic tiles, porcelain stoneware tiles, ceramic slabs, porcelain stoneware slabs, tiles not of metal, work surfaces, table tops, kitchen worktops, furniture parts, worktop to be fitted with a sink for kitchen or for bathroom, furniture parts, bathroom vanity tops, wall shelve, and furniture shelves (“Opposer’s Goods”).

5. The INFINITY Marks registered as early as December 25, 2007 and Opposer has used the INFINITY Marks extensively and continuously in U.S. commerce long before Applicant filed its trademark application as set forth in paragraph 7 below. As a result of such use, the public has come to know the INFINITY Marks, in connection with Opposer’s Goods, as originating with Opposer and the INFINITY Marks have developed substantial goodwill.

6. The records of the USPTO indicate that Applicant Shenzhen Ruienlianhe International Trading Co., Ltd. (“Applicant”) is a limited company corporation organized under the laws of China with an address at 415, No.24, Nanlian Rd, Nanlian Community Longgang St, Longgang Dist Shenzhen, Guangdong CHINA 518000.

7. The records of the USPTO indicate that Applicant is the owner of the following intent-to-use trademark application:

Mark	Serial No.	Filing Date	Goods-Services
INFINITE UNIVERSE	90498537	Jan.29, 2021	IC 020: Chairs; Furniture; Clothes hangers; Dining chairs; Dining tables; Hospital beds; Office chairs; Office furniture; Office tables; School furniture

("Opposed Application")

8. The Opposed Application has an intent-to-use filing basis.
9. Opposer's INFINITY Marks were filed prior to the filing date of the Opposed Application.
10. Opposer's rights in the INFINITY Marks predate any date that Applicant may rely upon in this proceeding.
11. Opposer's INFINITY Marks and the Opposed Application are nearly identical, in sound, appearance, meaning, connotation, and commercial impression.
12. In the Opposed Application, the term "INFINITE" is nearly identical to Opposer's INFINITY Marks.
13. The goods identified in the Opposed Application are highly related to Opposer's Goods which are being sold under the INFINITY Marks because Opposer's Goods include table tops, shelves and furniture.
14. The goods identified in International Class 20 of the Opposed Application are offered for sale and sold to the same consumers and travel in the same channels of trade and as such can directly compete with each other.
15. In view of the similarities between Opposer's INFINITY Marks and the INFINITE UNIVERSE mark in the Opposed Application, compounded by the relatedness of the

parties' respective goods and trade channels, there is a likelihood that Applicant's products will be seen as being sponsored by, affiliated with, or originating from Opposer.

COUNT ONE: LIKELIHOOD OF CONFUSION

16. The INFINITE UNIVERSE mark in the Opposed Application so resembles Opposer's INFINITY Marks that it will likely cause confusion, mistake, or deceive consumers as to the source of the identified goods within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

17. The use and registration of the mark in the Opposed Application will damage Opposer in the selling of its goods by causing a likelihood of confusion.

WHEREFORE, Opposer prays that the Trademark Trial and Appeal Board deny registration to U.S. Trademark Application Serial No. 90498537 and otherwise sustain this opposition.

Respectfully submitted,
Mirage Granito Ceramico S.p.A.

January 19, 2022

/s/ Wesley W. Whitmyer, Jr.
Wesley W. Whitmyer, Jr.
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ATTORNEYS FOR OPPOSER

EXHIBIT A



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INFINITY

Word Mark	INFINITY
Good and Service	IC 019 US 001 012 033 050 G & S Ceramic tile ; porcelain toneware tile ; ceramic lab ; porcelain stoneware slabs; tiles not of metal
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79032286
Filing Date	September 18, 2006
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	October 9, 2007
Registration Number	3360020
International Registration Number	0906933
Registration Date	December 25, 2007
Owner	(REGISTRANT) MIRAGE GRANITO CERAMICO S.P.A. JOINT STOCK COMPANY ITALY Via Giardini Nord, 225 Pavullo nel Frignano I 41026 ITALY
Attorney of Record	Wesley W. Whitmyer, Jr.,
Priority Date	August 10, 2006
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECTION 71. SECTION 71
Live/Dead Indicator	LIVE

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INFINITY

Word Mark	INFINITY
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Work surfaces; table tops; kitchen worktops; Furniture parts, namely, worktop to be fitted with a sink for kitchen or for bathroom, bathroom vanity tops; wall shelves; furniture shelves
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	79218190
Filing Date	September 13, 2017
Current Basis	66A
Original Filing Basis	66A
Published for Opposition	September 11, 2018
Registration Number	5614033
International Registration Number	1369238
Registration Date	November 27, 2018
Owner	(REGISTRANT) MIRAGE GRANITO CERAMICO S.P.A. JOINT STOCK COMPANY ITALY Via Giardini Nord, 225 I 41026 Pavullo nel Frignano (MO) ITALY
Attorney of Record	Wesley W. Whitmyer, Jr.
Priority Date	March 31, 2017
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **NOTICE OF OPPOSITION** was served by electronic mail on the Correspondent for the Applicant at the address identified in USPTO records:

ZHANG, WEIBO
SUITE 717, 136-68 ROOSEVELT AVE
FLUSHING, NEW YORK UNITED STATES 11354
tulingtm@gmail.com

Jan. 19, 2022
Date

/s/ Joan M. Burnett
Joan M. Burnett