

ESTTA Tracking number: **ESTTA1217607**

Filing date: **06/24/2022**

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	May Flower International, Inc.		
Entity	Corporation	Citizenship	New York
Address	56-72 49TH PL. MASPETH, NY 11379 UNITED STATES		

Attorney information	GE LI KEVIN KERVENG TUNG, P.C. 136-20 38TH AVENUE, SUITE 3D FLUSHING, NY 11354 UNITED STATES Primary email: gli@kktlawfirm.com Secondary email(s): ligouxuan@hotmail.com, ktung@kktlawfirm.com 7189398033		
Docket no.			

**Applicant information**

Application no.	90757571	Publication date	05/31/2022
Opposition filing date	06/24/2022	Opposition period ends	06/30/2022
Applicant	Amoy Food Limited 11-15 DAI FU STREET TAI PO INDUSTRIAL ESTATE NEW TERRITORIES, 999077 HONG KONG		

**Goods/services affected by opposition**


Class 030. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Bakery products; Moon cakes
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**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 no.	97466977	Application date	06/20/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	AMOY		

Design mark	
Description of mark	<p>The mark consists of a stylized banner with two Chinese characters in vertical arrangement and a word AMOY on the right of it. The wording AMOY has no meaning in a foreign language. The non-Latin characters in the mark transliterate to "TAO" "DA" and this means "SEA WAVES" "BIG" in English.</p>
Goods/services	<p>Class 030. First use: First Use: Jun 1, 2021 First Use In Commerce: Jun 1, 2021 Moon cakes</p>

Attachments	<p>97466977#TMSN.png( bytes )  Notice of Opposition.pdf(170025 bytes )  Exhibit 1 ready.pdf(798395 bytes )  Exhibit 2 ready.pdf(54480 bytes )</p>
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Signature	/Ge Li/
Name	Ge Li
Date	06/24/2022

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

In The Matter Of Application Serial Nos. 90757571

Filed: June 7, 2021



For Mark:

Published in the Official Gazette: May 31, 2022

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May Flower International, Inc.,

Opposer,

Opposition No.:

v.

Amoy Food Limited,

Applicant.

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NOTICE OF OPPOSITION

May Flower International, Inc. ("Opposer"), a corporation organized and existing under the laws of New York with a principal place of business at 56-72 49th Pl., Maspeth, New York, 11379, believes that it will be damaged by the issuance of a registration for the alleged trademark




(the "Amoy Mark"), as shown in Application Serial No. 90757571 (the "Application"), and hereby opposes the Application pursuant to Sections 13(a) of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1063(a), on the ground that the Amoy Mark will cause a likelihood of confusion among consumers.

As grounds for opposition, Opposer alleges as follows:

1. Opposer is and has been in the business of food importation and distribution since 2002. In connection with this business, Opposer offers for sale and distributes mooncake products in the United States commerce.



2. Opposer has used a mark of  (the “Taoda Mark”) in interstate commerce in the United States continuously since June 1, 2021 in connection with the distribution, provision, offering for sale, marketing, and promotion of the mooncake products. Attached hereto as **Exhibit 1** are photographs of product packages showing Opposer’s use of the Taoda Mark in connection with the mooncake products.

3. As a result of its widespread, continuous, and exclusive use of the Taoda Mark to identify its mooncake products and Opposer as their source in the U.S. market, Opposer owns valid and subsisting common law rights to the Taoda Mark.

4. Opposer’s Taoda Mark is distinctive to both the consuming public and Opposer’s trade.

5. On June 20, 2022, the Opposer filed Application Serial Number 97466977 (the “Opposer Application”) for the Taoda Mark in International Class 030 in connection with Mooncakes. The Opposer filed the Opposer Application based on its use of the Taoda Mark in commerce under Section 1(a) of the Lanham Act, 15 U.S.C. §1051(a). Attached as **Exhibit 2** is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of the Opposer Application as of June 24, 2022.

6. Upon information and belief, Applicant, Amoy Food Limited, with an address at 11-15 Dai Fu Street, Tai Po Industrial Estate, New Territories, Hong Kong 999077, on June 7, 2021, filed trademark Application Serial No. 90757571 to register the proposed Amoy Mark for

“Bakery products; Moon cakes” in International Class 030. Applicant filed the 90757571 Application based on an intent to use the Amoy Mark in U.S. commerce under Section 1(b) of the Lanham Act, 15 U.S.C. §1051(b).

7. Opposer’s Taoda Mark has priority over Applicant’s Amoy Mark because Opposer has used the Taoda Mark in U.S. commerce since June 1, 2021, whereas Applicant’s 90757571 Application was based on intent to use the Amoy Mark in U.S. commerce.

8. Applicant’s proposed Amoy Mark is confusingly similar to Opposer’s Taoda Mark.

9. The goods covered by the Applicant’s Application Serial No. 90757571 are similar to the goods Opposer offers under its Taoda Mark.

**FIRST GROUND FOR OPPOSITION - LIKELIHOOD OF CONFUSION**

10. The proposed Amoy Mark is barred from registration because it consists of or comprises a mark which so resembles Opposer’s previously used and applied-for Taoda Mark as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

**WHEREFORE**, Opposer respectfully requests that its opposition be sustained and that U.S. Application Serial No. 90757571 be denied.

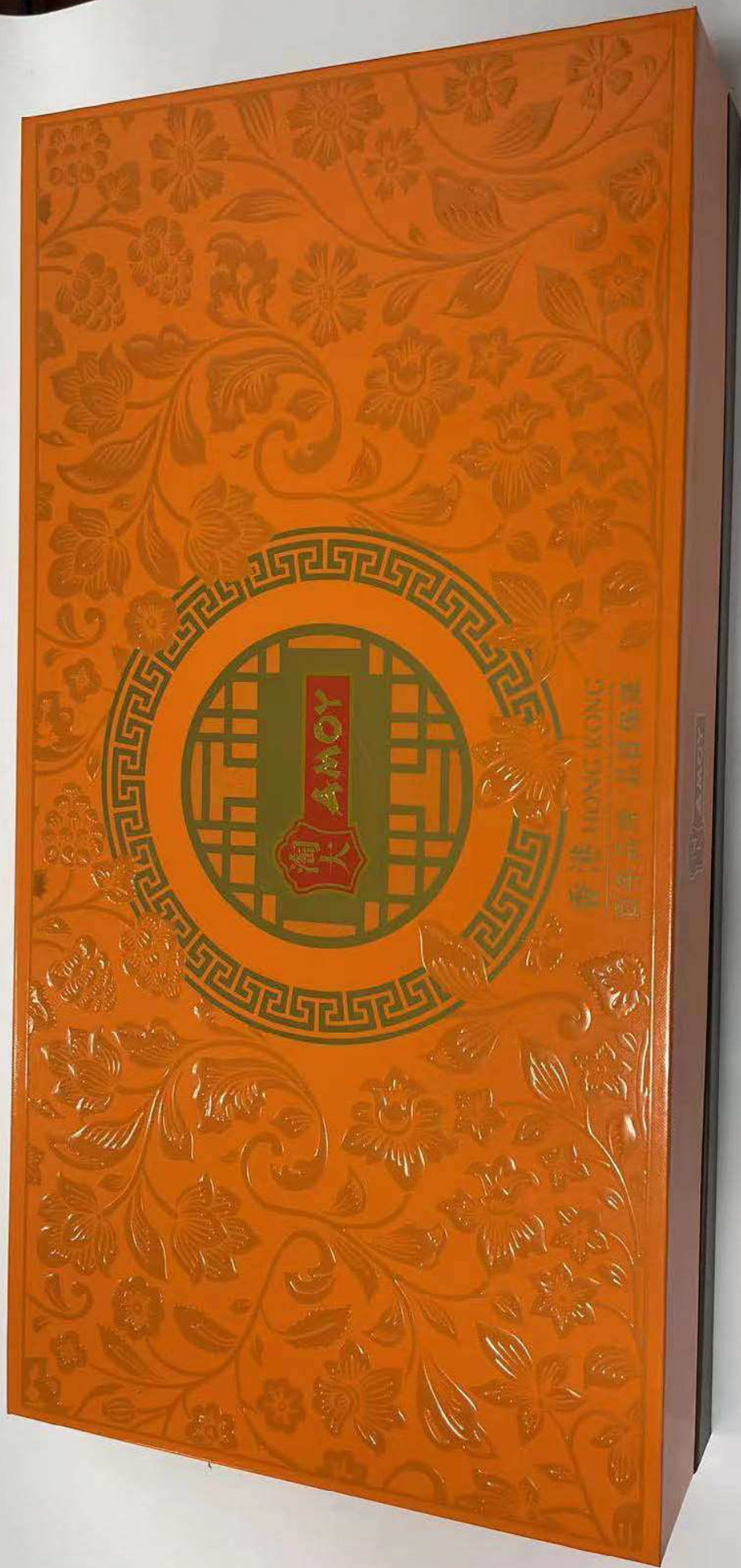
Dated: Queens, New York  
June 24, 2022

Respectfully submitted,

KEVIN KERVENG TUNG, P.C.  
*Attorneys for Opposer*  
*May Flower International, Inc.*

/s/Ge                    Li  
Ge    Li, Esq.  
Queens Crossing Business Center  
136-20 38<sup>th</sup> Avenue, Suite 3D  
Flushing, NY 11354  
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# **EXHIBIT 1**



香港 HONG KONG  
百年品牌 品質保證





**流心奶黃月餅**

LAVA CUSTARD PASTE MOON CAKE  
 淨重/NET WT: 180g (6.3oz) / 4 PIECES  
 Ingredients: sugar, margarine, egg, whole milk powder, water, mung bean egg powder, corn starch, wheat starch, egg yolk powder, salt, maltitol, sorbitol, hydroxypropyl distarch phosphate, xanthan gum, artificial flavor, potassium sorbate.

配料: 白砂糖、人造奶油、糖、全脂奶粉、水、綠豆、蛋黃、海鹽糖、小麥澱粉、蛋黃粉、玉米澱粉、玉米油、麥芽糖漿、食用鹽、麥芽糖醇、山梨糖醇、羧丙基二澱粉磷酸酯、β-胡蘿蔔素、人造甜味劑、山梨糖醇。

Allergen Information/過敏源  
 Contains egg, milk and wheat.  
 配料中含有蛋、牛奶、小麥。

**Nutrition Facts 營養標示**

4 Servings per container. 本包裝含有 4 份  
 Serving Size 攝取份量 1 piece (45g)

Amount Per Serving 每份食用量  
**Calories 總熱量 160**

Total Fat 總脂肪	Saturated Fat 飽和脂肪	Trans Fat & Cholesterol 反式脂肪及膽固醇	Sodium 鈉	Total Carbohydrate 總碳水化合物	Dietary Fiber 膳食纖維	Total Sugar 糖	Protein 蛋白質
4g	1g	0g	45mg	35g	0g	17g	3g
5%	2%	0%	1%	10%	0%	5%	10%

\*The % Daily Value(DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.  
 每日營養攝取量百分比告訴我們每份食物中的營養含量。計算每日營養攝取量的比例是基於多少。一般建議每日的營養攝取量為2000卡路里。

**流心紫薯月餅**

LAVA PURPLE POTATO MOON CAKE  
 淨重/NET WT: 200g (7.0oz) / 2 PIECES  
 Ingredients: white kidney bean, sugar, water, purple potato, peanut oil, mung bean, margarine, trehalose, egg yolk powder, peanut, malt syrup, corn oil, corn starch, whole milk powder, salt, maltitol, sorbitol, hydroxypropyl distarch phosphate, xanthan gum, artificial flavor, potassium sorbate.

配料: 白蠶豆、白砂糖、水、紫薯、花生油、綠豆、人造奶油、海鹽糖、蛋黃粉、花生油、麥芽糖漿、玉米油、玉米澱粉、全脂奶粉、食用鹽、麥芽糖醇、山梨糖醇、羧丙基二澱粉磷酸酯、黃原膠、人造甜味劑、山梨糖醇。

Allergen Information/過敏源  
 Contains egg, peanut and milk.  
 配料中含有蛋、花生、牛奶。

**Nutrition Facts 營養標示**

2 Servings per container. 本包裝含有 2 份  
 Serving Size 攝取份量 1 piece (45g)

Amount Per Serving 每份食用量  
**Calories 總熱量 160**

Total Fat 總脂肪	Saturated Fat 飽和脂肪	Trans Fat & Cholesterol 反式脂肪及膽固醇	Sodium 鈉	Total Carbohydrate 總碳水化合物	Dietary Fiber 膳食纖維	Total Sugar 糖	Protein 蛋白質
4g	1g	0g	10mg	20mg	20g	0g	3g
5%	2%	0%	1%	10%	0%	0%	10%

\*The % Daily Value(DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.  
 每日營養攝取量百分比告訴我們每份食物中的營養含量。計算每日營養攝取量的比例是基於多少。一般建議每日的營養攝取量為2000卡路里。

**流心抹茶月餅**

LAVA MATCHA MOON CAKE  
 淨重/NET WT: 90g (3.2oz) / 2 PIECES  
 Ingredients: white kidney bean, water, sugar, peanut oil, margarine, mung bean, malt syrup, egg yolk powder, peanut, trehalose, matcha powder, corn oil, corn starch, whole milk powder, salt, maltitol, sorbitol, hydroxypropyl distarch phosphate, xanthan gum, artificial flavor, potassium sorbate.

配料: 白蠶豆、水、白砂糖、花生油、人造奶油、綠豆、麥芽糖漿、蛋黃粉、花生油、海鹽糖、抹茶粉、玉米油、玉米澱粉、全脂奶粉、食用鹽、麥芽糖醇、山梨糖醇、羧丙基二澱粉磷酸酯、黃原膠、人造甜味劑、山梨糖醇。

Allergen Information/過敏源  
 Contains egg, peanut and milk.  
 配料中含有蛋、花生、牛奶。

**Nutrition Facts 營養標示**

2 Servings per container. 本包裝含有 2 份  
 Serving Size 攝取份量 1 piece (45g)

Amount Per Serving 每份食用量  
**Calories 總熱量 170**

Total Fat 總脂肪	Saturated Fat 飽和脂肪	Trans Fat & Cholesterol 反式脂肪及膽固醇	Sodium 鈉	Total Carbohydrate 總碳水化合物	Dietary Fiber 膳食纖維	Total Sugar 糖	Protein 蛋白質
5g	1g	0g	0mg	25g	1g	14g	3g
10%	2%	0%	0%	13%	4%	20%	10%

\*The % Daily Value(DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.  
 每日營養攝取量百分比告訴我們每份食物中的營養含量。計算每日營養攝取量的比例是基於多少。一般建議每日的營養攝取量為2000卡路里。



中國製造 Made in China

**溫馨提示: 請勿食用袋內脫氧劑**  
 Warning: Do not eat the deoxidizer inside packets

淨重/NET WT: 360g (12.7oz) / 8 PIECES  
 保存方法: 存放在陰涼乾燥的地方。  
 Storage: Store in cool dry place.  
 此日期前最佳/Best Before: (MM/DD/YYYY)  
 10/20/2021



香港 HONG KONG

百年品牌 品質保證



### 雙黃白蓮蓉月餅

WHITE LOTUS PASTE WITH 2 EGG  
YOLKS MOON CAKE

淨重/NET.WT.: 720G (25.4oz) / 4 PIECES

Ingredients: lotus seed, sugar, salted egg yolk, water, wheat flour, peanut oil, trehalose, rapeseed oil, egg, maltitol, potassium sorbate, sodium carbonate, potassium carbonate, sulfur dioxide.

配料: 蓮子、白砂糖、鹹蛋黃、水、小麥麵粉、花生油、海藻糖、菜籽油、雞蛋、麥芽糖醇、山梨酸鉀、碳酸鈉、碳酸鉀、二氧化硫。

Allergen Information/過敏源

Contains peanut, wheat and egg.

配料中含有花生、小麥、蛋。

保存方法: 存放在陰涼乾爽的地方。

Storage: Store in cool dry place.

此日期前最佳/Best Before: (MM/DD/YYYY)

10/20/2021

### Nutrition Facts 營養標示

8 Servings per container, 本包裝量

Serving Size 攝取份量 1/2 piece (90g)

Amount Per Serving 每份食用量

**Calories 總熱量 380**

%Daily Value\* 每日食用值

Total Fat 總脂肪 17g 22%

Saturated Fat 飽和脂肪 4g 20%

Trans Fat 反式脂肪 0g

Cholesterol 膽固醇 120mg 40%

Sodium 鈉 80mg 3%

Total Carbohydrate 總碳水化合物 50g 18%

Dietary Fiber 膳食纖維 1g 4%

Total Sugars 糖 21g

Includes 19g Added Sugars 添加糖 38%

Protein 蛋白質 7g

Vitamin D 維他命D 0mcg 0%

Calcium 鈣質 40mg 4%

Iron 鐵質 0.8mg 4%

Potassium 鉀 200mg 4%

\* The % Daily Value(DV) tells you how much a nutrient in a serving of food contributes to a daily diet. 2,000 calories a day is used for general nutrition advice.

每日營養攝取百分比告訴我們每一份食物的卡路里含量，計算每日營養攝取量的比例是多少。一般建議每日的營養攝取量為2000卡路里。



6 971494 512000

中國製造 Made in China

溫馨提示: 請勿食用袋內脫氧劑

Warning: Do not eat the deoxidizer inside packets

# **EXHIBIT 2**

Generated on: This page was generated by TSDR on 2022-06-24 17:41:50 EDT

Mark: AMOY



US Serial Number: 97466977

Application Filing Date: Jun. 20, 2022

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Awaiting Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and has not yet been assigned to an examiner.

Status: New application will be assigned to an examining attorney approximately 6 months after filing date.

Status Date: Jun. 23, 2022

## Mark Information

Mark Literal Elements: AMOY

Standard Character Claim: No

Mark Drawing Type: -

Description of Mark: The mark consists of a stylized banner with two Chinese characters in vertical arrangement and a word AMOY on the right of it. The wording AMOY has no meaning in a foreign language. The non-Latin characters in the mark transliterate to "TAO" "DA" and this means "SEA WAVES" "BIG" in English.

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Moon cakes

International Class(es): 030 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2021

Use in Commerce: Jun. 01, 2021

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

## Current Owner(s) Information

**Owner Name:** May Flower International, Inc.

**Owner Address:** 56-72 49th. Pl.  
MASPETH, NEW YORK UNITED STATES 11378

**Legal Entity Type:** CORPORATION

**State or Country** NEW YORK  
**Where Organized:**

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## Attorney/Correspondence Information

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**Attorney of Record - None**

**Correspondent**

**Correspondent Name/Address:** MAY FLOWER INTERNATIONAL, INC.  
56-72 49TH. PL.  
MASPETH, NEW YORK UNITED STATES 11378

**Phone:** 718-366-8668

**Fax:** 7183662655

**Correspondent e-mail:** [mayflowerfoodinc@gmail.com](mailto:mayflowerfoodinc@gmail.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Jun. 23, 2022	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** NEW APPLICATION PROCESSING

**Date in Location:** Jun. 23, 2022