

ESTTA Tracking number: **ESTTA1216702**

Filing date: **06/21/2022**

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	Menwiththepot LTD f/k/a The Cooking Guild LTD
Granted to date of previous extension	06/22/2022
Address	29 CHERRYMOUNT GREEN ENNISKILLEN COUNTY FERMANAGH, BT744GX UNITED KINGDOM
Party who filed extension of time to oppose	The Cooking Guild LTD
Relationship to party who filed extension of time to oppose	Opposer's attorney erred as to the name of the entity that this opposition should be brought by. In support thereof, Applicant directs the Board's attention to Exhibit "B" in which the Opposer's product is branded with both THE COOKING GUILD and MENWITHTHEPOT marks.
Attorney information	ALAN F. FEENEY, ESQ. FEENEY IP LAW 235 PROMENADE STREET SUITE 485 PROVIDENCE, RI 02908 UNITED STATES Primary email: Alan@FeeneyLawGroup.com Secondary email(s): JSHyde@FeeneyLawGroup.com, Donald@FeeneyLawGroup.com, kirsten@virtuosolegal.com 4016606079
Docket no.	COOK_003_OPP

Applicant information

Application no.	97003900	Publication date	02/22/2022
Opposition filing date	06/21/2022	Opposition period ends	06/22/2022
Applicant	Zhang, Long NO.35, GROUP 3, FANZHUANG VILLAGE NANMACHANG TOWNSHIP, ETDZ, HUAIAN CITY JIANGSU, 223000 CHINA		

Goods/services affected by opposition


Class 008. First Use: Jul 29, 2021 First Use In Commerce: Jul 29, 2021

All goods and services in the class are opposed, namely: Bayonets; Bread knives; Butcher knives; Carving knives; Ceramic knives; Filleting knives; Folding knives; Knife handles; Knife steels; Machetes; Penknives; Scalpels for hobby use; Shear blades; Shears; Table knives

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1
Deceptiveness	Trademark Act Section 2(a)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Mark cited by opposer as basis for opposition

U.S. application no.	97278409	Application date	02/22/2022
Registration date	NONE	Foreign priority date	01/25/2022
Word mark	MENWITHTHEPOT		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 008. First use: First Use: Jan 25, 2022 First Use In Commerce: Jan 25, 2022 Cutlery, kitchen knives, and cutting implements for kitchen use; knives; knives; Japanese, style chopping kitchen knives; knife bags; knife handles; knife holders; knife sharpeners; manual knife sharpeners; knife sharpeners; knife sheaths; knife steels; knives being tableware; tableware, namely, knives, forks and spoons; knives for hobby use; knives for skinning animals; hand operated knives for skinning animals; knives, forks and spoons; knives made of precious metal; tableknives made of precious metal; knives, forks and spoons being tableware made of precious metal; shear blades; shears; machetes; penknives; scalpels for hobby use; folding knives; carving knives; ceramic knives; bayonets; bread knives; butcher knives</p> <p>Class 009. First use: First Use: Jan 25, 2022 First Use In Commerce: Jan 25, 2022 Downloadable digital books; downloadable electronic books; downloadable recipe and cooking books; downloadable electronic books in the field of cooking and recipes; cases for mobile phones</p> <p>Class 016. First use: First Use: Jan 25, 2022 First Use In Commerce: Jan 25, 2022 Books; recipe books; cook books; manuals</p> <p>Class 021. First use: First Use: Jan 25, 2022 First Use In Commerce: Jan 25, 2022</p>		

	<p>Tableware, cookware and containers; cooking utensils; cutting boards; cutting boards for the kitchen; holder for cutting board; mugs; cups</p> <p>Class 025. First use: First Use: Jan 25, 2022 First Use In Commerce: Jan 25, 2022</p> <p>Clothing, footwear and headgear; aprons, hoodies; T-shirts; caps; sweatshirts; tops; long sleeve tops; long sleeve T-shirts; short sleeved T-shirts; baby clothes</p> <p>Class 035. First use: First Use: Jan 25, 2022 First Use In Commerce: Jan 25, 2022</p> <p>Retail services, online retail services and mail order services all of the aforesaid in relation to cutlery, kitchen knives, and cutting implements for kitchen use, knives, knives, Japanese-style chopping kitchen knives, knife bags, knife handles, knife holders, knife sharpeners, manual knife sharpeners, knife sharpeners, Knife sheaths, knife steels, knives being tableware, tableware, namely, knives, forks and spoons, knives for hobby use; knives for skinning animals, hand operated knives for skinning animals; knives, forks and spoons, knives made of precious metal, table knives made of precious metal, knives, forks and spoons being tableware made of precious metal, shear blades, shears, machetes; penknives; scalpels for hobby use, folding knives, carving knives, ceramic knives, bayonets, bread knives, butcher knives, downloadable digital books, downloadable electronic books, downloadable recipe and cooking books, downloadable electronic books in the field of cooking and recipes, cases for mobile phones, books, recipe books, cook books, manuals, tableware, cookware and containers, cooking utensils, cutting boards, cutting boards for the kitchen, holder for cutting board, mugs, cups, clothing, footwear and headgear, aprons, hoodies, T-shirts, caps, sweatshirts, tops; long sleeve tops; long sleeve T-shirts, short sleeved T-shirts, baby clothes; Advertising and marketing; advertising and promotional services; advertising agency services; advertising and advertisement services; advertising and marketing services provided by means of social media; providing business information in the field of social media; providing marketing consulting in the field of social media; social media marketing</p>
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Attachments	97278409#TMSN.png(bytes) MEN_OPP_001_ComplaintwExhibitsasFiledFinal.pdf(731754 bytes)
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Signature	/alan f feeney/
Name	ALAN F. FEENEY, ESQ.
Date	06/21/2022

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

MENWITHTHEPOT f/k/a
THE COOKING GUILD LTD.,

Opposer,

v.

Long ZHANG,

Applicant.

Opposition No. _____
Serial No. 97/003,900
Mark: MEN WITH THE POT
Filing Date: August 31, 2021
Publication Date: Feb. 22, 2022

NOTICE OF OPPOSITION

MenwiththePot, LTD. f/k/a The Cooking Guild, maintaining a corporate office at 29 Cherrymount Green, Enniskillen, County Fermanagh, UNITED KINGDOM, BT74 4GX, a private limited company, organized under the laws of the United Kingdom, (hereinafter called “Opposer”), believes that it will be damaged by the registration of the mark shown in Application Serial No. 97/003, 900 in Class 008, filed by Long Zhang (hereinafter referred to as “Applicant”) on August 31, 2021, and opposes Application Serial No. 97/003,900.

The grounds for this opposition are as follows:

1. Opposer is engaged in the sale of commerce of an assortment of items under the following trademark filed in the U.S. Patent and Trademark Office (the “Mark”):

<u>Mark</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Date of First use in Interstate Commerce</u>
MENWITHTHEPOT	97/278,409	Feb. 22, 2022	Sept. 11, 2020

(hereafter referred to as “Opposer’s Mark”). The description of goods and services of Opposer’s Marks in International Class 008 are as follows: Cutlery, kitchen knives, and cutting implements for kitchen use; knives; knives; Japanese, style chopping kitchen knives; knife bags; knife handles; knife holders; knife sharpeners; manual knife sharpeners; knife sharpeners; knife sheaths; knife steels; knives being tableware; tableware, namely, knives, forks and spoons; knives for hobby use; knives for skinning animals; hand operated knives for skinning animals; knives, forks and spoons; knives made of precious metal; table knives made of precious metal; knives, forks and spoons being tableware made of precious metal; shear blades; shears; machetes; penknives; scalpels for hobby use; folding knives; carving knives; ceramic knives; bayonets; bread knives; butcher knives (hereinafter referred to as the “Products”).

2. The Mark has been used continuously in interstate commerce in connection with the Products beginning at least as early as September 11, 2020 based upon the filing date of United Kingdom trademark application number UK00003532270 filed on September 11, 2020, now registered and entered into the UK Trademark Registry on January 1, 2021. A copy of the UK Trademark Registry page for the UK registration is attached as “Exhibit “A”

3. Opposer has made substantial investment in advertising and promoting their goods under Opposer's MENWITHTHEPOT Mark since its initial use. Opposer has used, advertised, promoted, and offered Opposer's goods bearing Opposer's MENWITHTHEPOT Mark to the public through various channels of trade in commerce, with the result that Opposer's customers have come to know and recognize Opposer's MENWITHTHEPOT Mark and associate the same with Opposer and/or the goods sold by Opposer. A copy of Opposer's website introductory page (downloaded from the internet from <https://menwiththepot.com>. On June 21, 2022) is attached as Exhibit "B".

4. Upon information and belief, Applicant filed an application for registration of the proposed MEN WITH THE POT trademark in International Class 008 for "Bayonets; Bread knives; Butcher knives; Carving knives; Ceramic knives; Filleting knives; Folding knives; Knife handles; Knife steels; Machetes; Penknives; Scalpels for hobby use; Shear blades; Shears; Table knives, on August 31, 2021. Said application was assigned Serial No. 97/003,900 and was published for Opposition in the Official Gazette on February 22, 2022.

5. Applicant's MEN WITH THE POT mark so resembles Opposer's MENWITHTHEPOT mark as to be likely, when applied to the goods of Opposer, to cause confusion or mistake or to deceive purchasers resulting in damage and detriment of Opposer and its reputation.

6. Opposer, upon information and belief, avers that its customers are likely to be confused, mistaken, or deceived as to the origin and sponsorship of Applicant's proposed goods of Application Serial No. 97/003,900 to be marketed under Applicant's proposed MEN WITH THE POT Mark and misled into believing that such goods emanate from, are licensed by, or are in some

way directly or indirectly associated with, approved by, or sponsored by Opposer, to the damage and detriment of Opposer and its reputation.

Wherefore, this Opposer, Menwiththepot, LTD. f/k/a The Cooking Guild LTD, believes and avers that it is being, and will continue to be, damaged by registration of the proposed men with the pot trademark as aforesaid, prays that the said Application Serial No. 97/003,900 be rejected in accordance with the provisions of the Trademark Act, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Dated: June 21, 2022

Respectfully submitted,

Electronic signature: /alan f feeney/
Alan F. Feeney, Esq.

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Attorney for Opposer

Exhibit “A”

[Skip to main content](#)

Intellectual Property Office

Trade mark number

UK00003532270

Status

Registered

Overview

Trade mark

MenWithThePot

Dates

Filing date

11 September 2020

Date of entry in register

01 January 2021

Renewal date

11 September 2030

Goods and services

Classes and terms

Class 8

Class 35

Names and addresses

Owner(s) name

Menwiththepot Ltd

29 Cherrymount Green, ENNISKILLEN, County Fermanagh, bt744gx, United Kingdom

Country of Incorporation

United Kingdom

Company registration number

NI672514

Publications

First advert

Journal

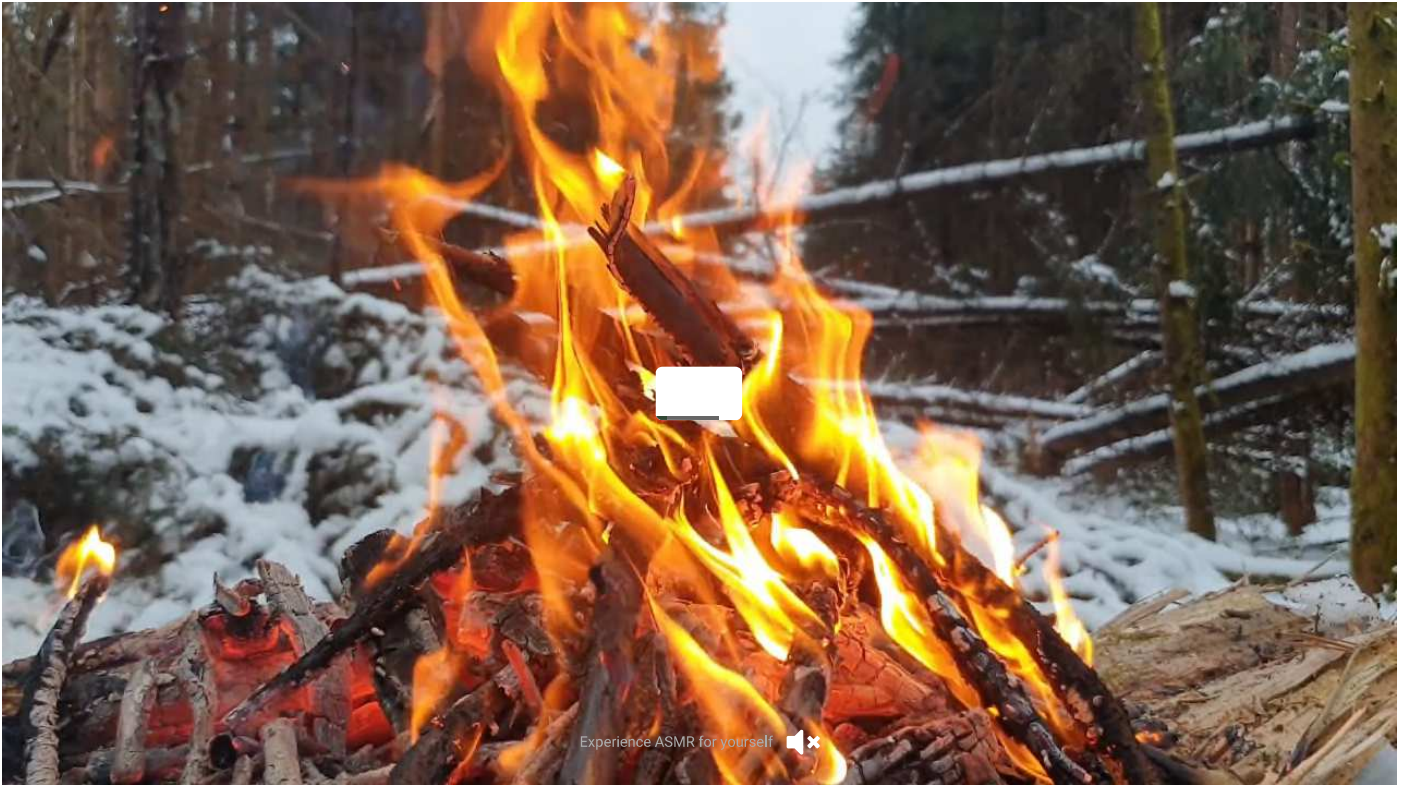
2020/043

Date of publication

23 October 2020

Intellectual Property Office is an operating name of the Patent Office

Exhibit “B”



WE ARE MEN WITH THE POT

Over a year ago we made you hungry for the first time and now we can't seem to stop! We've been in this forest so long, we've given up trying to find our way out! Cooking up delicious food on the other hand, is something we'll be doing forever! So next time you're wandering through the woods, take a sniff...you might just catch a whiff of our latest creation wafting through the wilderness!

[READ MORE](#)



JOIN OUR FAMILY

9.7M



416K



999K



527K



- 15 Great Recipes that you've seen on TikTok
 - Video link showing how we make it
- 'How to' bushcraft kitchen setup instructions



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Of our recipes. Due to popular demand more of the knives are
now on sale



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BUSHCRAFT KNIFE**

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