

ESTTA Tracking number: **ESTTA1217063**

Filing date: **06/22/2022**

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	Edelman B.V.
Granted to date of previous extension	06/22/2022
Address	SCHINKELDIJK 56 REEUWIJK, NL-2811 PB NETHERLANDS
Attorney information	ROBERT J. ENGLISH/JEFFREY CHERY COWAN, LIEBOWITZ & LATMAN, P.C. 114 WEST 47TH STREET NEW YORK, NY 10036 UNITED STATES Primary email: trademark@cll.com Secondary email(s): las@cll.com, rje@cll.com, jyc@cll.com 2127909200
Docket no.	

Applicant information

Application no.	79313515	Publication date	02/22/2022
Opposition filing date	06/22/2022	Opposition period ends	06/22/2022
International registration no.	1597391	International registration date	12/22/2020
Applicant	Midea Group Co., Ltd. B26-28F, MIDEA HEADQUARTER BUILDING, NO.6 MIDEA AVENUE, BEIJIAO, SHUNDE, FOSH CHINA		

Goods/services affected by opposition

<p>Class 007. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Light bulb making machines; electric fruit presses for household purposes; electric blenders for making soybean milk for household purposes; dishwashers; dry cleaning machines; washing machines for household purposes; wringing machines for laundry; industrial robots; electric wire and cable manufacturing machines; compressors for refrigerators; turbocompressors; electric compressors; electric machines and apparatus for cleaning, namely, vacuum cleaners; vacuum cleaners; disintegrators for chemical processing; packing machines for food; electromechanical food processing machines; fruit washing machines; automatic packing machines for food; electric food processors; electromechanical beverage preparation machines; tea processing machine; sealing machines for industrial purposes; electric hair clipping machines for animals; bottle sealing machines; corn husking machines; vacuum packing machines; steam cleaning machines; grain husking machines; packing machines for textile; milking machines; electric house-</p>

hold vacuum sealing machines for food; electric feeders for animals; wrapping machines; washing apparatus, namely, dish washing machines, highpressure washers; electrical packaging machines for sealing plastics; woodworking machines, namely, laser engraving machines for woodworking; paper-making machines; printing machines for commercial or industrial use; yarn spinning machines; textile dyeing machines; tobacco processing machines; leather-working machines; portable rotary steam presses for fabrics; machines for the bicycle industry, namely, bicycle assembling machines; machines for the ceramic industry, namely, printing presses for ceramic material; laser engraving machines; batteries making machines; dual-purpose peeling and shelling machines for commercial use; enamelmaking machines; honeycomb-shaped briquette making machines; machines for processing plastics; glass-working machines; fertilizer manufacturing machines; electromechanical machines for chemical industry, namely, industrial mixer for mixing liquids in the pharmaceutical and chemical industries; rinsing machines; rolling mills for metalworking; petrochemical plant machinery, namely, extracting machines for chemical processing; mechanical and hydraulic lifts; metalworking machines, namely, bending machines for metalworking; shaping machines for metalworking; steam engines, not for land vehicles; internal combustion engines for power generation, other than for land vehicles; wind-powered electricity generators; pin making machines; zipper making machines; optical cold working machines, namely, industrial robots; gas separating machines; painting machines; dynamos; air filters for engines; water heaters being parts of machines; bearings, as parts of machines; belts for machines; gas-operated welding apparatus; ultrasonic cleaning machines for household purposes; filtering machines for coffee extracting; electrically operated curtain drawing devices; electric shoe polishers; vending machines; electroplating machines

Class 008. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Flatware, namely, teaspoons; non-electric vegetable choppers; non-electric egg slicers; non-electric food slicers; household shears; scissors; plane irons; pincers being hand tools; scrapers being hand tools; hand operated hand tools, namely, hammers, wrenches; hand operated vegetable peelers; thin-bladed kitchen knives; table knives; non-electric garlic choppers; table cutlery, namely, forks, spoons, knives; scaling knives; nippers; household knives; hand operated choppers; vegetable knives; hand-operated fruit segment cutting tools; hand-operated fruit corers; grapefruit spoons; pocket knives; spoons being tableware; non-electric pizza cutters; slicing kitchen knives; cleavers; non electric garlic cutters; hand operated choppers; table knives, forks and spoons of plastic; non-electric fruit peelers; hand-operated choppers; kitchen knives; non-electric can openers; hand-operated scrapers for skinning fish; vegetable slicers; hand-operated vegetable shredders; fruit knife; table knives, forks and spoons of plastic; paring knives; fire tongs; table knives, forks and spoons for babies

Class 011. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Electric lamps; electric cooking utensils, namely, cooking ranges; electric kettles; electric pressure cookers; microwave ovens; refrigerators; ice machines and apparatus; extractor hoods for kitchens; electric laundry dryers; electric fans for personal use; air conditioning installations; air conditioning apparatus; air purifying apparatus and machines; fabric steamers; fireplaces; industrial gas boilers; heat pumps; heaters for warming bath water; water filtering apparatus; water purifying apparatus and machines; disinfectant apparatus, namely, dish disinfectant apparatus for industrial purposes, disinfectant apparatus for medical purposes, dish sterilizers, air sterilisers; refrigerated drinking water dispensing units; electric radiators; commercial ice-cream freezers; lava rocks for use in barbecue grills; hair dryers; Utility lighters for lighting grills, fireplaces and candles; automatic watering installations, namely, cooling installations for water; germicidal lamps for purifying air; smoke generating machines for creating special theatrical effects; naillamps; heating installations

Class 021. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Non-electric carpet sweepers; kitchen containers; kitchen utensils, namely, pouring and straining spouts, dishers, kitchen utensil crocks; non-electric cooking utensils, namely, basting spoons, wire baskets; containers for household or kitchen use; frying pans; hand-operated noodle machines; cooking pots; pressure cookers, non-electric; iron frying pans; earthenware saucepans; non-electric coffee pots; flat-iron stands; ironing boards; electric toothbrushes; vacuum bottles; heat-insulated containers for household use; menu card holders; tableware, other than knives, forks and spoons, namely, coffee services in the nature of tableware; tea infusers; non-electric egg beaters; non-electric autoclaves for cooking; non-electric milk frothers; cups, not of precious metal; napkin dispensers for household purposes; mixing cups; coffee scoops; electric and non-electric bottle openers; trash cans; tea balls; plastic place mats; drinking cups; drinking bottles for sports; narrow mouth big belly drinking cups; boxes for dispensing paper towels for

household use; non-electric coffee percolators for brewed coffee; pizza tray holder; fruit bowl of glass; chopping board for kitchen use; tankards; egg yolk separators; non-electric ice crushers; dishes for soap; non-electric food mixers for household purposes; non-electric egg beaters for household purposes; utensils for household purposes, namely, pot and pan scrapers, rolling pins, spatulas, turners, whisks; coffee services in the nature of tableware; cake molds; non-electric heaters for feeding bottles; watering cans; wine pourers; wine aerators; meat tongs; reusable silicone food covers for household containers; manual biscuit pastry bags; hand-operated coffee grinders; tree-shaped racks for hanging cups; fruit cups of glass; jugs, not of precious metal; coasters of plastic; heat-insulated containers for beverages; drinking glasses; saucers; spatulas for kitchen use; funnels for kitchen use; cutting boards for the kitchen; cake decorating tips and tubes; spice racks; non-electric meat grinders; tea infusers, not of precious metal; candy boxes, not of precious metal; soap boxes; rolling pins for cooking use; whisks, non-electric, for household purposes; egg separators, non-electric, for household purposes; strainers for household purposes; sieves for household purposes; scoops for household purposes; frying pans, non-electric; liqueur beverage sets; coffee cups; chopsticks; towel rails; cooking strainers; beer mugs; barbecue turners; thermally insulated containers for food or beverages; double insulated cups; dish drying racks; toothpick holders; toothbrush holders; floss for dental purposes; vacuum flasks; ice cube molds; flasks; teapots; tongs for household or kitchen use; round-bottomed frying pans; cake moulds; non-electric tea pots; non-electric, pour-over coffee filters not of paper for brewing coffee; coffee pots, not of precious metal; soap holders; pastry cooling racks; nutcrackers; non-electric, pour-over coffee and tea filters not of paper for brewing coffee and tea; omelet moulds; egg frying pans; wine glasses; chopstick cases; rails and rings for towels; non-electric kettles; salad bowls; thermally insulated containers for food; thermal insulated bags for food or beverages; toothpicks; daily use beverage glassware; works of art of porcelain, ceramic, earthenware, terra-cotta or glass; electric and non-electric aromatic oil diffusers, other than reed diffusers; dusting brushes; hair brushes; material for brush-making; cosmetic utensils, namely, cosmetic brushes, micro-dermabrasion sponges for cosmetic use, cosmetic spatulas, droppers for cosmetic purposes; make-up removing appliances; raw or semi-processed glass, not for construction; animal-activated pet feeders; automatic potties for pets; indoor terrariums; ultrasonic devices for attracting and killing insects

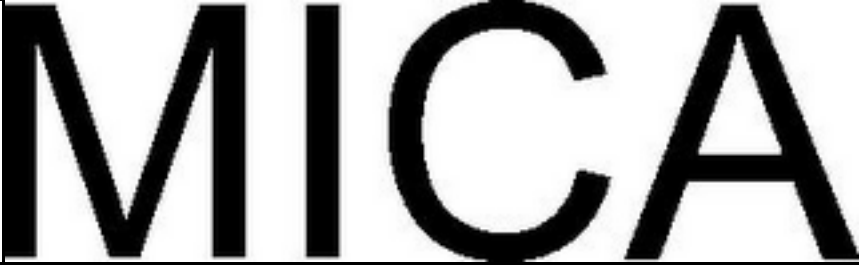
Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Common law priority and likelihood of confusion

Marks cited by opposer as basis for opposition

U.S. registration no.	6471893	Application date	01/27/2020
Register	Principal		
Registration date	08/31/2021	Foreign priority date	NONE
Word mark	MICA		
Design mark			
Description of mark	NONE		
Goods/services	Class 021. First use: First Use: 2013 First Use In Commerce: 2013 Containers for household or kitchen use; bowls; plates; cups; candle and tea light holders; baskets for household purposes; vases; plant pots; flower pots; plant bowls; baskets for plants; bottles for holding plants and flowers for household purposes; decorative pots, vases, bowls, bottles and jugs; all the foregoing not in connection with a school or college		

U.S. registration no.	5963784	Application date	04/13/2018
Register	Principal		
Registration date	01/21/2020	Foreign priority	10/17/2017

		date	
Word mark	MICA		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 020. First use: First Use: None First Use In Commerce: None Furniture, namely, sofas, armchairs, seats, tables, coffee tables, end tables and coatstands; bathroom furniture; mirrors; freestanding towel racks being furniture; hangers, non-metal, for towels not including towel racks and rings; boxes of wood and plastic; flower stands being furniture; tables, table tops, locker tables being furniture, sofa beds and divan beds; work counters being furniture, sofas, divans, doors for furniture, bottle racks, footrests, nesting boxes being stackable boxes, deck chairs and cupboards; curtain hooks, curtain tie-backs in the nature of non-textile curtain holders, curtain rods and curtain runners being curtain rings; mirrors being silvered glass; curtain suspension devices and hinges, not of metal, namely, curtain rods and curtain rails; head-rests being furniture; shelves for filing cabinets; storage racks; shelves as parts of furniture; clothes hangers, not of metal; furniture, namely, stacking dresser drawer units; office furniture; cushions and lying cushions; photograph frames; mouldings for picture frames; picture frame brackets; locks, other than electric, not of metal; buffets being furniture; medicine cabinets; furniture fittings, not of metal; key boards for hanging keys; kick steps being step stools; umbrella stands; furniture being indoor screens for blocking sun; slatted indoor blinds; indoor blinds made of wood; furniture, namely, drafting tables, roll tables, writing desks, seating furniture, desks; showcases being furniture; cupboards, sofas, cribs for children, chairs, beds; porcelain doorknobs</p> <p>Class 021. First use: First Use: None First Use In Commerce: None Heart shaped works of art made of glass; works of art made of earthenware featuring floral patterns; decorations being works of art made of earthenware featuring floral patterns; works of art of glass, porcelain or earthenware; glass, unworked or semi-worked, except building glass; works of glass being works of art; works of art made of ceramics, glass, porcelain and earthenware; decorations being works of art made of ceramics, glass, porcelain and earthenware; all the foregoing not in connection with a school or college</p> <p>Class 024. First use: First Use: None First Use In Commerce: None Textiles and textile goods, not included in other classes, namely, bed and table covers being duvets and textile table cloths; curtain fabric; curtains of textile or plastics; cotton fabrics; bed clothes being bed sheets and blankets, bed covers, table fabrics being fabric table runners, tablecloth of canvas, woolen cloth, pillowcases, shams and duvets made of textile materials; table napkins made of textile; dining table mats made of textile; curtains of textile; curtain holders of textile materials; bed pads; mosquito nets; upholstery fabrics; lap rugs; quilt covers; bed clothes being bed sheets and blankets; bed covers; table fabrics being fabric table runners; tablecloth of canvas; woolen cloth; pillowcases, shams and duvets; all the foregoing not in connection with a school or college</p> <p>Class 026. First use: First Use: None First Use In Commerce: None Artificial flowers, artificial flower decorations being artificial flower arrangements, wreaths of artificial flowers; garlands of artificial flowers; lace and embroidery, haberdashery ribbons, braids and laces; buttons, hooks and eyes, sewing pins</p>		

	and needles; elastic ribbons, tassels for haberdashery, beads for arts and crafts, other than for making jewelry; zippers; embroidered emblems and novelty badges, not made of precious metals; fashionable ornamental novelty badges being buttons; all the foregoing not in connection with a school or college
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U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	MICA, alone or with other word, letter and/or design elements		
Goods/services	household utensils; household containers; vases; flower pots; decorative household goods; furniture; works of art made of ceramics, glass, porcelain and earthenware; textile goods, including, but not limited to, bedding, curtains, cotton fabrics, shams, duvets, and table napkins; ribbons; braids and laces; buttons; hooks and eyes; sewing pins and needles; zippers, and providing blog and information services, including, but not limited to, the foregoing goods, indoor and outdoor décor, plants and gardening		

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Signature	/Jeffrey Chery/
Name	ROBERT J. ENGLISH/JEFFREY CHERY
Date	06/22/2022

for animals; bottle sealing machines; corn husking machines; vacuum packing machines; steam cleaning machines; grain husking machines; packing machines for textile; milking machines; electric household vacuum sealing machines for food; electric feeders for animals; wrapping machines; washing apparatus, namely, dish washing machines, high pressure washers; electrical packaging machines for sealing plastics; woodworking machines, namely, laser engraving machines for woodworking; papermaking machines; printing machines for commercial or industrial use; yarn spinning machines; textile dyeing machines; tobacco processing machines; leather-working machines; portable rotary steam presses for fabrics; machines for the bicycle industry, namely, bicycle assembling machines; machines for the ceramic industry, namely, printing presses for ceramic material; laser engraving machines; batteries making machines; dual-purpose peeling and shelling machines for commercial use; enamel making machines; honeycomb-shaped briquette making machines; machines for processing plastics; glass-working machines; fertilizer manufacturing machines; electromechanical machines for chemical industry, namely, industrial mixer for mixing liquids in the pharmaceutical and chemical industries; rinsing machines; rolling mills for metalworking; petrochemical plant machinery, namely, extracting machines for chemical processing; mechanical and hydraulic lifts; metalworking machines, namely, bending machines for metalworking; shaping machines for metalworking; steam engines, not for land vehicles; internal combustion engines for power generation, other than for land vehicles; wind-powered electricity generators; pin making machines; zipper making machines; optical cold working machines, namely, industrial robots; gas separating machines; painting machines; dynamos; air filters for engines; water heaters being parts of machines; bearings, as parts of machines; belts for machines; gas-operated welding apparatus; ultrasonic cleaning machines for household purposes; filtering machines for coffee extracting; electrically operated curtain drawing devices; electric shoe polishers; vending machines; electroplating machines;

International Class 8: Flatware, namely, teaspoons; non-electric vegetable choppers; non-electric egg slicers; non-electric food slicers; household shears; scissors; plane irons; pincers being hand tools; scrapers being hand tools; handoperated hand tools, namely, hammers, wrenches; hand operated vegetable peelers; thin-bladed kitchen knives; table knives; non-electric garlic choppers; table cutlery, namely, forks, spoons, knives; scaling knives; nippers; household knives; hand operated choppers; vegetable knives; hand-operated fruit segment cutting tools; hand-operated fruit corers; grapefruit spoons; pocket knives; spoons being tableware; non-electric pizza cutters; slicing kitchen knives; cleavers; non electric garlic cutters; handoperated choppers; table knives, forks and spoons of plastic; non-electric fruit peelers; hand-operated choppers; kitchen knives; non-electric can openers; hand-operated scrapers for skinning fish; vegetable slicers; hand-operated vegetable shredders; fruit knife; table knives, forks and spoons of plastic; paring knives; fire tongs; table knives, forks and spoons for babies;

International Class 11: Electric lamps; electric cooking utensils, namely, cooking ranges; electric kettles; electric pressure cookers; microwave ovens; refrigerators; ice machines and apparatus; extractor hoods for kitchens; electric laundry dryers; electric fans for personal use; air conditioning installations; air conditioning apparatus; air purifying apparatus and machines; fabric steamers; fireplaces; industrial gas boilers; heat pumps; heaters for warming bath water; water filtering apparatus; water purifying apparatus and machines; disinfectant apparatus, namely, dish disinfectant apparatus for industrial purposes, disinfectant apparatus for medical purposes, dish sterilizers, air sterilisers; refrigerated drinking water dispensing units; electric radiators; commercial ice-cream freezers; lava rocks for use in barbecue grills; hair dryers; Utility lighters for lighting grills, fireplaces and candles; automatic watering installations, namely, cooling installations for water; germicidal lamps for purifying air; smoke generating machines for creating special theatrical effects; nail lamps; heating installations; and

International Class 21: Non-electric carpet sweepers; kitchen containers; kitchen utensils, namely, pouring and straining spouts, dishers, kitchen utensil crocks; non-electric cooking utensils, namely, basting spoons, wire baskets; containers for household or kitchen use; frying pans; hand-operated noodle machines; cooking pots; pressure cookers, non-electric; iron frying pans; earthenware saucepans; non-electric coffeepots; flat-iron stands; ironing boards; electric toothbrushes; vacuum bottles; heat-insulated containers for household use; menu card holders; tableware, other than knives, forks and spoons, namely, coffee services in the nature of tableware; tea infusers; non-electric egg beaters; non-electric autoclaves for cooking; non-electric milk frothers; cups, not of precious metal; napkin dispensers for household purposes; mixing cups; coffee scoops; electric and non-electric bottle openers; trash cans; tea balls; plastic place mats; drinking cups; drinking bottles for sports; narrow mouth big belly drinking cups; boxes for dispensing paper towels for household use; non-electric coffee percolators for brewed coffee; pizza tray holder; fruit bowl of glass; chopping board for kitchen use; tankards; egg yolk separators; non-electric ice crushers; dishes for soap; non-electric food mixers for household purposes; non-electric egg beaters for household purposes; utensils for household purposes, namely, pot and pan scrapers, rolling pins, spatulas, turners, whisks; coffee services in the nature of tableware; cake molds; non-electric heaters for feeding bottles; watering cans; wine pourers; wine aerators; meat tongs; reusable silicone food covers for household containers; manual biscuit pastry bags; hand-operated coffee grinders; tree-shaped racks for hanging cups; fruit cups of glass; jugs, not of precious metal; coasters of plastic; heat-insulated containers for beverages; drinking glasses; saucers; spatulas for kitchen use; funnels for kitchen use; cutting boards for the kitchen; cake decorating tips and tubes; spice racks; non-electric meat grinders; tea infusers, not of precious metal; candy boxes, not of precious metal; soap boxes; rolling pins for cooking use; whisks, non-electric, for household purposes; egg separators, non-electric, for household purposes; strainers for household purposes; sieves for household purposes; scoops for household

purposes; frying pans, non-electric; liqueur beverage ware sets; coffee cups; chopsticks; towel rails; cooking strainers; beer mugs; barbecue turners; thermally insulated containers for food or beverages; double insulated cups; dish drying racks; toothpick holders; toothbrush holders; floss for dental purposes; vacuum flasks; ice cube molds; flasks; teapots; tongs for household or kitchen use; round-bottomed frying pans; cake moulds; non-electric tea pots; non-electric, pour-over coffee filters not of paper for brewing coffee; coffee pots, not of precious metal; soap holders; pastry cooling racks; nutcrackers; non-electric, pour-over coffee and tea filters not of paper for brewing coffee and tea; omelet moulds; egg frying pans; wine glasses; chopstick cases; rails and rings for towels; non-electric kettles; salad bowls; thermally insulated containers for food; thermal insulated bags for food or beverages; toothpicks; daily use beverage glassware; works of art of porcelain, ceramic, earthenware, terra-cotta or glass; electric and non-electric aromatic oil diffusers, other than reed diffusers; dusting brushes; hair brushes; material for brush-making; cosmetic utensils, namely, cosmetic brushes, microdermabrasion sponges for cosmetic use, cosmetic spatulas, droppers for cosmetic purposes; make-up removing appliances; raw or semi-processed glass, not for construction; animal activated pet feeders; automatic potties for pets; indoor terrariums; ultrasonic devices for attracting and killing insects

(“Applicant’s Goods”), as shown in Application Serial No. 79313515 (the “Application”), and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Since prior to November 20, 2020, Applicant’s claimed priority date, Opposer has used and is using various names, marks and domain names that comprise or contain the term MICA, alone or with other word, letter and/or design elements (collectively, “Opposer’s MICA Marks”) on or in connection with a variety of goods and services, including, but not limited to, household utensils; household containers; vases; flower pots; decorative household goods; furniture; works of art made of ceramics, glass, porcelain and earthenware; textile goods, including, but not limited to, bedding, curtains, cotton fabrics, shams, duvets, and table napkins; ribbons; braids and laces; buttons; hooks and eyes; sewing pins and needles; zippers, and providing blog and information services, including, but not limited to, the foregoing goods, indoor and outdoor décor, plants and gardening.

2. Opposer owns U.S. federal registrations for Opposer's MICA Marks in International Classes 20, 21, 24 and 26, namely, Registration Nos. 6471893 and 5963784 ("Opposer's MICA Registrations").

3. Since prior to November, 2020, Opposer has promoted and advertised the sale and/or distribution of goods and services bearing or offered in connection with Opposer's MICA Marks in connection with a variety of goods and services, including, but not limited to, household utensils; household containers; vases; flower pots; decorative household goods; furniture; works of art made of ceramics, glass, porcelain and earthenware; textile goods, including, but not limited to, bedding, curtains, cotton fabrics, shams, duvets, and table napkins; ribbons; braids and laces; buttons; hooks and eyes; sewing pins and needles; zippers, and providing blog and information services, including, but not limited to, the foregoing goods, indoor and outdoor décor, plants and gardening, and has offered such goods and services in commerce.

4. As a result of the sales, distribution, and promotion of Opposer's goods and services bearing or offered in connection with Opposer's MICA Marks, Opposer has built up highly valuable goodwill in Opposer's MICA Marks and said goodwill has become closely and uniquely identified and associated with Opposer.

5. On December 22, 2020, Applicant filed the Application for Applicant's Goods pursuant to Section 66(a) requesting extension of protection to the United States of International Registration No. 1597391, claiming a priority date of November 20, 2020.

6. Upon information and belief, Applicant did not use Applicant's Mark in United States commerce for Applicant's Goods prior to November 20, 2020, Applicant's claimed priority date.

Robert J. English
Jeffrey Chery

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