

ESTTA Tracking number: **ESTTA1221410**

Filing date: **07/13/2022**

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	East West International LLC
Granted to date of previous extension	07/13/2022
Address	11 EMPIRE BOULEVARD BUILDING 1A SOUTH HACKENSACK, NJ 07606 UNITED STATES
Correspondence information	DOUGLAS A. MIRO, ESQ. AMSTER, ROTHSTEIN & EBENSTEIN LLP 90 PARK AVENUE 21ST FLOOR NEW YORK, NY 10016 UNITED STATES Primary email: ptodocket@arelaw.com 212-336-8000

**Applicant information**

Application no.	90774318	Publication date	03/15/2022
Opposition filing date	07/13/2022	Opposition period ends	07/13/2022
Applicant	Hrak Atechyan 12249 DARBY AVE NORTHRIDGE, CA 91326 UNITED STATES		

**Goods/services affected by opposition**

Class 035. First Use: Mar 16, 2016 First Use In Commerce: Mar 16, 2016 All goods and services in the class are opposed, namely: On-line retail store services featuring sports teams clothing, memorabilia, and general consumer sports merchandise
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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. registration no.	5032685	Application date	04/03/2015
Register	Principal		
Registration date	08/30/2016	Foreign priority	NONE

		date	
Word mark	JAVI		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Feb 1, 2016 First Use In Commerce: Apr 8, 2016 Footwear		

Attachments	Notice of Opposition with Exhibit 1 - Javi Sports.pdf(224179 bytes )
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Signature	/Douglas A. Miro/
Name	DOUGLAS A. MIRO, ESQ.
Date	07/13/2022

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

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EAST WEST INTERNATIONAL LLC,	:	Application Serial No. 90/774,318
	:	Filing Date: June 15, 2021
	:	Publication Date: March 15, 2022
Opposer,	:	Trademark: JAVI SPORTS
v.	:	
	:	
HRAK ATECHYAN,	:	
	:	
Applicant.	:	
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**NOTICE OF OPPOSITION**

In the matter of U.S. Trademark Application Serial No. 90/774,318 filed by Hrak Atechyan (“Applicant”) on June 15, 2021 and published for opposition in the March 15, 2022 issue of the Official Gazette of the United States Patent and Trademark Office for the trademark JAVI SPORTS (the “Subject Mark”) as applied to, inter alia, on-line retail store services featuring sports teams clothing, memorabilia, and general consumer sports merchandise (the “Subject Application”).

As grounds for opposition of the Subject Application, Opposer East West International LLC (“Opposer”), by and through its attorneys, alleges as follows:

1. Opposer, a limited liability company organized and existing under the laws of the State of New York having an office and place of business at 11 Empire Boulevard, Building 1a, South Hackensack, New Jersey, 07606, believes that it will be damaged by the registration of the Subject Application and hereby opposes the same.

**Opposer’s Well-Known Mark**

2. Opposer is the owner of the well-known and distinctive word mark JAVI for footwear and clothing (the “JAVI Mark”).

3. Opposer is the owner of U.S. Registration No. 5,032,685 for its JAVI Mark for footwear, with a priority filing date of April 3, 2015. A copy of this Registration is annexed hereto as Exhibit 1. This Registration is in full force and effect and has never been abandoned.

4. Opposer has been using its JAVI Mark since at least as early as February 1, 2016 in connection with the sale, advertisement and promotion at wholesale and e-commerce retail sale of athletic footwear and activewear under the JAVI Mark. Since that time, Opposer's JAVI Mark has been extensively promoted and has received widespread recognition from the trade and public. As such, the JAVI Mark has gained a secondary meaning as denoting footwear and clothing of excellent quality and value stemming from Opposer, and the JAVI Mark has become a business asset of significant value to Opposer. Opposer's sales, advertising sells, advertises and promotes the wholesale sale and e-commerce retail sale of athletic footwear and activewear.

**The Subject Mark Is Confusingly Similar to the JAVI Mark**

5. Opposer recently learned that after it began using the JAVI Mark in commerce, and after the JAVI Mark became well known to consumers, Opposer filed the Subject Application. The filling date of the Subject Application is June 15, 2021, and the first use date is March 16, 2016. These dates are both after Opposer's first use date (February 1, 2016) and its filling date (April 3, 2015). Upon information and belief, Applicant did not begin using the mark in connection with online clothing until well after the March 16, 2016 first use date recited in the Subject Application.

6. Given the fact that the Subject Application is identical to Opposer's JAVI Mark except that it ends with the descriptive word "sports," and both parties use their respective marks in connection with footwear and/or apparel (and athletic footwear and/or activewear in particular), consumers are likely to mistakenly believe that the parties' goods and services

emanate from the same source or that there is an affiliation, license or other relationship between the parties, when there is not.

**Conclusion**

7. Based on all of the foregoing, the use and/or registration of the Subject Mark by Applicant is likely to cause confusion and mistake in the minds of the purchasing public, and, in particular, will, upon information and belief, tend to falsely create the impression that the online clothing and/or footwear sold under the Subject Mark is authorized, sponsored, or approved by Opposer when, in fact, it is not.

8. Accordingly, it is Opposer's belief that if Applicant is granted the Application opposed herein, Opposer will suffer irreparable harm and damage.

**WHEREFORE**, Opposer respectfully requests that the mark shown in the Subject Application be refused registration and that this Opposition be sustained.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP  
Attorneys for Opposer East West International LLC  
90 Park Avenue  
New York, New York 10016  
(212) 336-8000



Dated: New York, New York  
July 13, 2022

By: /s/ Douglas A. Miro

# Exhibit 1

# United States of America

United States Patent and Trademark Office

## JAVI

**Reg. No. 5,032,685**

East West International LLC (NEW YORK LIMITED LIABILITY COMPANY)  
c/o Mendelson, 246 Taxter Road  
Irvington, NY 10533

**Registered Aug. 30, 2016**

**Int. Cl.: 25**

CLASS 25: Footwear

**Trademark**

FIRST USE 2-1-2016; IN COMMERCE 4-8-2016

**Principal Register**

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-586,867, FILED 04-03-2015  
HOWARD SMIGA, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office