

ESTTA Tracking number: **ESTTA1232344**

Filing date: **08/30/2022**

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	KING TECHNOLOGY, INC.		
Entity	Corporation	Citizenship	MINNESOTA
Address	530 11TH AVENUE SOUTH HOPKINS, MN 55343 UNITED STATES		

Attorney information	MICHAEL RAY BRIGHTWORK LAW GROUP, LLC 5139 PINE BRANCH POINT ATLANTA, GA 30338-4024 UNITED STATES Primary email: mer@brightlaw.us Secondary email(s): mer@brightlaw.us 3363454462		
Docket no.			

Applicant information

Application no.	97079111	Publication date	08/30/2022
Opposition filing date	08/30/2022	Opposition period ends	09/29/2022
Applicant	Letus Corporation 9404 SE SUN CREST DRIVE HAPPY VALLEY, OR 97086 UNITED STATES		

Goods/services affected by opposition

Class 001. First Use: Sep 25, 2021 First Use In Commerce: Sep 25, 2021 All goods and services in the class are opposed, namely: Hypochlorous acid
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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.	4928135	Application date	05/21/2014
Register	Principal		
Registration date	03/29/2016	Foreign priority date	NONE
Word mark	SMARTCHLOR		

Design mark	
Description of mark	NONE
Goods/services	Class 001. First use: First Use: Dec 17, 2015 First Use In Commerce: Dec 17, 2015 Water purification chemicals contained in cartridges and dispensers for use in killing bacteria and algae in swimming pool, hot tub and spa; algaecides and bactericides for swimming pool, hot tubs and spas

Attachments	Notice of Opposition -- MIRACHLOR.pdf(12604 bytes)
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Signature	/michaeleray/
Name	Michael Ray
Date	08/30/2022

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

RE: U.S. Trademark Application Serial No. 97079111
Published in the Official Gazette on 30 August 2022

KING TECHNOLOGY, INC.,)	
)	
Opposer)	
)	Opposition No. _____
-v-)	
)	
LETUS CORPORATION,)	
)	
)	
Applicant)	
_____)	

NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22314

Commissioner:

In the matter of Application Serial No. 97079111 filed 18 October 2021 by Letus Corporation (“Applicant”), to register the MIRACHLOR word mark covering goods in International Class 001 described as: “hypochlorous acid” (“Applicant’s Goods”), which was published in the Official Gazette on 30 August 2022, King Technology, Inc. (“Opposer”) of Hopkins, MN believes it will be damaged by the registration of the MIRACHLOR Mark and opposes registration of same.

The grounds for the opposition are as follows:

1. Upon information and belief, Applicant is a corporation having an address at 9404 SE Sun Crest Drive, Happy Valley, OR 97086.

2. On 18 October 2021, Applicant filed Application Serial No. 97079111 for the mark MIRACHLOR for Applicant's Goods.

3. Opposer, King Technology, Inc., is a Minnesota company and the owner and user of the SMARTCHLOR word trademark.

4. Opposer is the owner of U.S. Registration No. 4,928,135 for the SMARTCHLOR word mark covering goods described as "water purification chemicals contained in cartridges and dispensers for use in killing bacteria and algae in swimming pool, hot tub and spa; algaecides and bactericides for swimming pool, hot tub and spas" in International Class 001. The foregoing Registration is not limited by channels of trade or classes of purchasers. Opposer's Registration is valid, subsisting, and incontestable evidence of the validity of the registered mark set forth therein and of Opposer's exclusive right to use the registered mark in connection with the goods specified in the registration.

5. The goods recited in the registrations set forth in Paragraph 4 are collectively hereinafter referred to as "Opposer's Goods".

6. The 18 October 2021 filing date of Serial No. 97079111 for MIRACHLOR is subsequent to the filing dates of Opposer's registration set forth in Paragraph 4.

7. Since its initial use of the SMARTCHLOR Mark, Opposer has made a substantial investment in advertising, promoting, and selling Opposer's Goods under Opposer's Marks. Opposer has extensively used, promoted, offered, and sold Opposer's Goods to the public through various channels of trade in commerce. Opposer's customers and the public in general know and recognize Opposer's SMARTCHLOR Mark and associate it with Opposer or Opposer's Goods.

8. Applicant's MIRACHLOR Mark is confusingly similar to Opposer's SMARTCHLOR Mark in that the Applicant's Mark ends with and fully incorporates the dominant or primary CHLOR term and C-H-L-O-R letter string, thereby causing confusion or mistake or to

deceive purchasers resulting in damage and detriment to Opposer and its reputation. In Opposer's prosecution history, Opposer did not disclaim rights to the term CHLOR.

9. Applicant has asserted in its application that its first use and first use in commerce of the MIRACHLOR Mark was on 25 September 2021. Consequently, Opposer used its SMARTCHLOR Mark well prior to 25 September 2021.

10. Opposer's customers, and the public in general, are likely to be confused, mistaken, or deceived as to the origin, affiliation, endorsement, and sponsorship of Applicant's Goods offered for sale, marketed, and sold under Applicant's MIRACHLOR Mark and misled into believing that such goods are produced, distributed, offered, sold, or are in some way associated with Opposer, to the damage and detriment of Opposer and its reputation.

11. Opposer will be damaged by Applicant's use and registration of the MIRACHLOR Mark as set forth in Application Serial No. 97079111, in that Applicant's MIRACHLOR Mark is confusingly similar in appearance, sound, and commercial impression to Opposer's SMARTCHLOR Mark.

12. Applicant's filing of Application Serial No. 97079111 for MIRACHLOR is without license, authorization, or permission from Opposer.

13. Applicant's registration of the MIRACHLOR Mark would be contrary to 15 U.S.C. § 1052(d) and would violate and diminish the prior and superior rights of Opposer to its SMARTCHLOR Mark.

WHEREFORE, Opposer prays that its Opposition be sustained, that Application Serial No. 97079111 for the MIRACHLOR Mark be refused and for such other relief as may be deemed just and proper.

Respectfully submitted,

Date: 30 August 2022

By: /michaeleray/

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