

ESTTA Tracking number: **ESTTA1243161**

Filing date: **10/21/2022**

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	JEAN PATOU
Granted to date of previous extension	10/23/2022
Address	24/32 RUE JEAN GOUJON PARIS, 75008 FRANCE
Attorney information	MARY CATHERINE MERZ MERZ & ASSOCIATES, P.C. 408 MADISON ST., SUITE A OAK PARK, IL 60302 UNITED STATES Primary email: docket@merz-law.com Secondary email(s): mmerz@merz-law.com, jwidmer@merz-law.com, yzong@merz-law.com 708-383-8801
Docket no.	26583

**Applicant information**

Application no.	90584912	Publication date	04/26/2022
Opposition filing date	10/21/2022	Opposition period ends	10/23/2022
Applicant	Mojo LLC 1980 FESTIVAL PLAZA DRIVE, SUITE 450 LAS VEGAS, NV 89135 UNITED STATES		

**Goods/services affected by opposition**

Class 003. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: Cosmetic skin and body topical lotions, gels, creams, balms, ointments and oils, all of the aforementioned containing CBD solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis

**Grounds for opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Marks cited by opposer as basis for opposition**

U.S. registration no.	529337	Application date	03/19/1948
Register	Principal		
Registration date	08/22/1950	Foreign priority date	NONE
Word mark	JOY		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Oct 1931 First Use In Commerce: Oct 1931 PERFUMES AND TOILET WATERS		

U.S. registration no.	4516831	Application date	05/20/2013
Register	Principal		
Registration date	04/22/2014	Foreign priority date	12/19/2012
Word mark	JOY FOREVER		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Perfumes, perfumery, cosmetics [, non-medicated toiletries, eau de cologne, after shave, soap, body lotion, bath gel, shower gel, anti-perspirants and deodorants for personal use ]		

U.S. registration no.	5043389	Application date	11/26/2015
Register	Principal		
Registration date	09/20/2016	Foreign priority date	NONE
Word mark	JOYFUL MOMENTS		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Perfumes; * perfumed cosmetics excluding skin care products for professional use, namely, * aftershave, bath gel, shower gel, bath foams and deodorants for personal use; * perfumed * toilet soap		


U.S. registration no.	5255628	Application date	01/05/2017
Register	Principal		
Registration date	08/01/2017	Foreign priority date	NONE
Word mark	JOY		

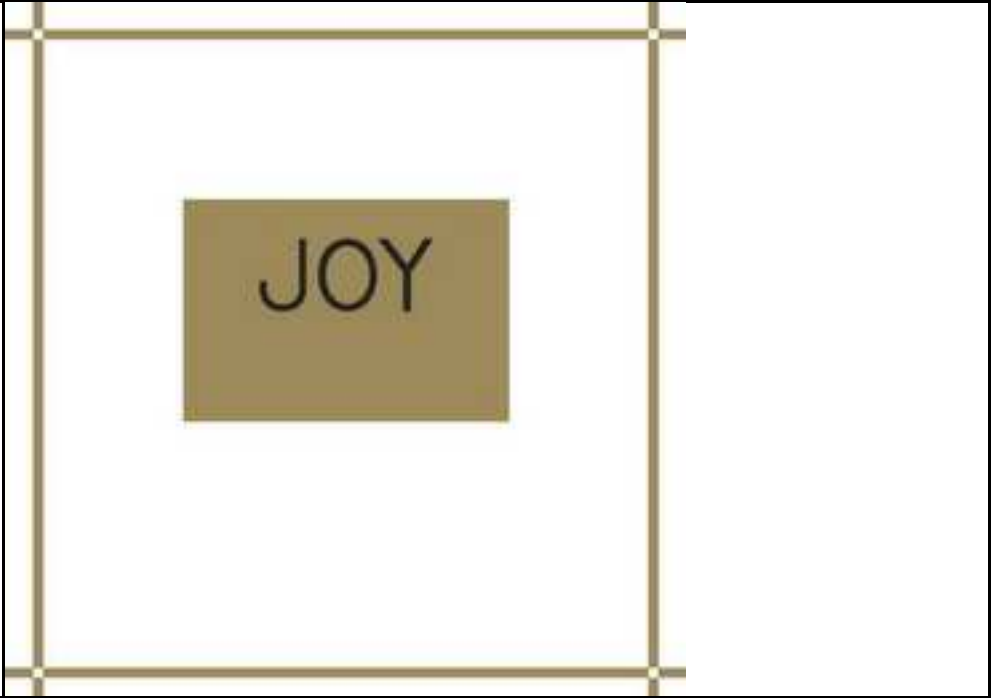
Design mark	<h1>JOY</h1>		
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: 2007 First Use In Commerce: 2007 Bar soap; Body cream		

U.S. registration no.	5320536	Application date	08/25/2016
Register	Principal		
Registration date	10/31/2017	Foreign priority date	NONE

Word mark	MADE WITH JOY		
Design mark	<h1>MADE WITH JOY</h1>		
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, headwear, neckwear, swimwear, beachwear, footwear, night-wear, underwear, lingerie; sportswear, namely, polo shirts, rugby shirts, golf shirts, golf shorts, golf pants, golf caps, tennis wear, ski wear, athletic tops and bottoms for rowing; rainwear, gowns, skirts, dresses, shirts; bridal gowns, veils and garters; t-shirts; knitwear, namely, jumpers, cardigans; leggings, jeans, trousers, coats, jackets; menswear, namely, suits, waistcoats; footwear, shoes, boots, sneakers, gloves, capes, mittens, scarves, hats, caps, hosiery socks, shawls, ponchos, bandanas and belts for wear		

U.S. registration no.	5907017	Application date	01/25/2019
Register	Principal		
Registration date	11/12/2019	Foreign priority date	08/03/2018
Word mark	JOY DIOR		

Design mark	
Description of mark	The mark consists of the large word "JOY" and the smaller word "DIOR" within the "O" of "JOY", both in stylized print.
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Perfumery; make-up; cosmetics

U.S. registration no.	5941498	Application date	11/02/2018
Register	Principal		
Registration date	12/24/2019	Foreign priority date	05/04/2018
Word mark	JOY		
Design mark			
Description of mark	The mark consists of the wording "JOY" in the color black inside a gold rectangle, inside two parallel intersecting vertical and horizontal lines also in the color gold, except at the intersection of the lines forming a square at each corner, with the color white appearing in the mark representing transparent and/or background areas and is not claimed as a feature of the mark.		
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Perfume; Eau de parfum; Toilet water; Cologne; Cosmetic creams; Body shower gels; Oils for cosmetic purposes; Beauty milk; Beauty lotions; Personal deodorants;Cosmetic masks; Cosmetics; Hair lotion;Make-up preparations; Cleansing milks and Make-up removing lotions; Shaving soap; Aftershave lotions and balms		

U.S. registration no.	6533605	Application date	07/17/2020
Register	Principal		
Registration date	10/26/2021	Foreign priority date	01/22/2020
Word mark	JOY TO THE WORLD		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Perfumery, make-up preparations, cosmetics		

Attachments	87289979#TMSN.png( bytes ) 87150294#TMSN.png( bytes ) 88276357#TMSN.png( bytes ) 88180133#TMSN.png( bytes ) 26583 Notice of Opposition against MO-JO MORE JOY.pdf(116029 bytes ) JOY Marks.Exhibits A - H (09.19.2022).pdf(1043833 bytes )
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Signature	/Mary Catherine Merz/
Name	MARY CATHERINE MERZ
Date	10/21/2022

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

In re Application Serial No. 90/584,912  
For: MO-JO MORE JOY  
Filing Date: March 17, 2021  
Date of Publication: April 26, 2022

JEAN PATOU	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
MOJO LLC	)	
	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

Opposer, Jean Patou ("Opposer"), a société par actions simplifiée of France, with its principal place of business at 24/32 rue Jean Goujon, Paris, France 75008, believes it will be damaged by registration of the mark MO-JO MORE JOY in Serial No. 90/584,912 and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Opposer alleges as follows:

1. Upon information and belief, Mojo LLC ("Applicant") is a limited liability company organized under the laws of Nevada with a principal place of business of 1980 Festival Plaza Drive, Suite 450, Las Vegas, Nevada 89135.

2. As evidenced by the publication of Serial No. 90/584,912 in the Official Gazette of April 26, 2022, Applicant seeks to register MO-JO MORE JOY (the "Opposed Mark") in connection with "Cosmetic skin and body topical lotions, gels, creams, balms, ointments and oils, all of the aforementioned containing CBD solely derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis" in Class 3.

3. Applicant filed Serial No. 90/584,912 on March 17, 2021, based on an intent to use the Opposed Mark in commerce in connection with the claimed goods.

4. Upon information and belief, Applicant has not yet begun using the Opposed Mark in connection with the claimed goods in commerce.

5. For over 90 years prior to the filing date of the application for the Opposed Mark, Opposer adopted and continuously has used the mark JOY in connection with its goods sold in the United States.

6. Opposer is the owner of the following U.S. trademark registrations for its JOY and JOY-formative marks (hereinafter the "JOY Marks"). Printouts from the USPTO's TESS database showing the current status and title of these registrations are attached.

Registration No. 0529337 for JOY for "perfumes and toilet water" in Class 3, an incontestable registration (see Exhibit A);

Registration No. 4516831 for JOY FOREVER for "perfumes, perfumery, cosmetics" in Class 3, which has a priority date of December 19, 2012 (see Exhibit B);

Registration No. 5043389 for JOYFUL MOMENTS for "perfumes; perfumed cosmetics excluding skin care products for professional use, namely, aftershave, bath gel, shower gel, bath foams and deodorants for personal use; perfumed toilet soap" in Class 3 (see Exhibit C);

Registration No. 5255628 for JOY for "bar soap; body cream" in Class 3 (see Exhibit D);

Registration No. 5320536 for MADE WITH JOY for "clothing, namely, headwear, neckwear, swimwear, beachwear, footwear, nightwear, underwear, lingerie; sportswear, namely, polo shirts, rugby shirts, golf shirts, golf shorts, golf pants, golf caps, tennis wear, ski wear, athletic tops and bottoms for rowing; rainwear, gowns, skirts, dresses, shirts; bridal gowns, veils and garters; t-shirts; knitwear, namely, jumpers, cardigans; leggings, jeans, trousers, coats, jackets; menswear, namely, suits, waistcoats; footwear, shoes, boots, sneakers, gloves, capes, mittens, scarves, hats, caps, hosiery socks, shawls, ponchos, bandanas and belts for wear" in Class 25, which has a priority date of February 25, 2016 (see Exhibit E);

Registration No. 5907017 for JOY DIOR Stylized for "Perfumery; make-up; cosmetics" in Class 3, which has a priority date of August 3, 2018 (see Exhibit F);

Registration No. 5941498 for JOY and Design for "perfume; eau de parfum; toilet water; cologne; cosmetic creams; body gels; oils for cosmetic purposes; beauty milk; beauty lotions; personal deodorants; cosmetic masks; cosmetics; hair lotion; make-up preparations; cleansing milks and make-up removing lotions; shaving soap; aftershave lotions and balms" in Class 3, which has a priority date of May 4, 2018 (see Exhibit G); and

Registration No. 6533605 for JOY TO THE WORLD for "Perfumery, make-up preparations, cosmetics" in Class 3,



which has a priority date of January 22, 2020 (see Exhibit H).

7. These registrations are valid, subsisting, uncanceled and are evidence of Opposer's exclusive right to use the JOY Marks in commerce in connection with the goods specified in the registrations.

8. Opposer's use of the JOY Marks has not been abandoned. Opposer has sold its goods through online and brick-and-mortar retailers throughout the United States, and Opposer's goods are associated with the JOY Marks among its customers and the relevant trade.

9. In addition to its registered trademark rights, Opposer owns non-registered statutory and common law rights in and to the JOY Marks in the United States.

10. Applicant has no license, consent or permission from Opposer to use or register the Opposed Mark.

11. The Opposed Mark so resembles the JOY Marks that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d), when used on or in connection with the Applicant's goods covered by Serial No. 90/584,912; furthermore, the Opposed Mark and use thereof will cause the trade and purchasing public to believe that the Applicant's

goods covered by Serial No. 90/584,912 are authorized, licensed or sponsored by Opposer.

12. By reason of all the foregoing, Opposer will be damaged by the registration of the Opposed Mark for the goods covered by Serial No. 90/584,912, because registration of this mark would be in violation of Opposer's trademark rights.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 90/584,912 be denied registration. Opposer submits herewith its payment of the \$600 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

JEAN PATOU



Date: October 21, 2022 By:

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Attorneys for Opposer

EXHIBIT A



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**Word Mark** JOY  
**Goods and Services** IC 003. US 051. G & S: PERFUMES AND TOILET WATERS. FIRST USE: 19311000. FIRST USE IN COMMERCE: 19311000  
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Serial Number** 71552488  
**Filing Date** March 19, 1948  
**Current Basis** 1A  
**Original Filing Basis** 1A  
**Registration Number** 0529337  
**Registration Date** August 22, 1950  
**Owner** (REGISTRANT) JEAN PATOU, INC. CORPORATION NEW YORK 730 FIFTH AVENUE NEW YORK NEW YORK  
(LAST LISTED OWNER) JEAN PATOU COMPANY FRANCE 24/32 RUE JEAN GOUJON PARIS FRANCE 75008  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Mary Catherine Merz  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECTION 8(10-YR) 20201205.  
**Renewal** 5TH RENEWAL 20201205  
**Live/Dead Indicator** LIVE

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JOY FOREVER

Word Mark JOY FOREVER
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Perfumes, perfumery, cosmetics [, non-medicated toiletries, eau de cologne, after shave, soap, body lotion, bath gel, shower gel, anti-perspirants and deodorants for personal use ]
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 79130724
Filing Date May 20, 2013
Current Basis 66A
Original Filing Basis 66A
Published for Opposition February 4, 2014
Registration Number 4516831
International Registration Number 1161806
Registration Date April 22, 2014
Owner (REGISTRANT) Jean Patou Worldwide Limited a Limited Liability Company UNITED KINGDOM Amertrans Park Bushey Mill Lane Watford WD24 7JG UNITED KINGDOM
(LAST LISTED OWNER) JEAN PATOU Soci t par actions simplifi e FRANCE 24/02 Jean Goujon Paris FRANCE 75008
Attorney of Record Mary Catherine Merz
Priority Date December 19, 2012
Prior Registrations 0529337
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECTION 71
Live/Dead Indicator LIVE

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# JOYFUL MOMENTS

**Word Mark** JOYFUL MOMENTS

**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Perfumes; \* perfumed cosmetics excluding skin care products for professional use, namely, \* aftershave, bath gel, shower gel, bath foams and deodorants for personal use; \* perfumed \* toilet soap

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 79180474

**Filing Date** November 26, 2015

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** July 5, 2016

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 5043389

**International Registration Number** 1283126

**Registration Date** September 20, 2016

**Owner** (REGISTRANT) Jean Patou Worldwide Limited LIABILITY COMPANY UNITED KINGDOM Amertrans Park, Bushey Mill Lane Watford WD24 7JG UNITED KINGDOM  
(LAST LISTED OWNER) JEAN PATOU Soci t par actions simplifi e FRANCE 24f82 Jean Goujon F-75008 Paris FRANCE

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# JOY

**Word Mark** JOY

**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: Bar soap; Body cream. FIRST USE: 20070000. FIRST USE IN COMMERCE: 20070000

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 87289979

**Filing Date** January 5, 2017

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** May 16, 2017

**Registration Number** 5255628

**Registration Date** August 1, 2017

**Owner** (REGISTRANT) Jean Patou Worldwide Limited private limited company UNITED KINGDOM Amertrans Park Bushey Mill Lane Watford UNITED KINGDOM WD24 7JG  
(LAST LISTED OWNER) JEAN PATOU COMPANY FRANCE 24/32 RUE JEAN GOUJON 75008 PARIS FRANCE

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Ronald E. Shapiro

**Prior Registrations** 0529337;4516831

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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# MADE WITH JOY

**Word Mark** MADE WITH JOY

**Goods and Services** IC 025. US 022 039. G & S: Clothing, namely, headwear, neckwear, swimwear, beachwear, footwear, nightwear, underwear, lingerie; sportswear, namely, polo shirts, rugby shirts, golf shirts, golf shorts, golf pants, golf caps, tennis wear, ski wear, athletic tops and bottoms for rowing; rainwear, gowns, skirts, dresses, shirts; bridal gowns, veils and garters; t-shirts; knitwear, namely, jumpers, cardigans; leggings, jeans, trousers, coats, jackets; menswear, namely, suits, waistcoats; footwear, shoes, boots, sneakers, gloves, capes, mittens, scarves, hats, caps, hosiery socks, shawls, ponchos, bandanas and belts for wear

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 87150294

**Filing Date** August 25, 2016

**Current Basis** 44E

**Original Filing Basis** 44D;44E

**Published for Opposition** August 15, 2017

**Registration Number** 5320536

**Registration Date** October 31, 2017

**Owner** (REGISTRANT) Jean Patou Worldwide Limited private limited company UNITED KINGDOM Amertrans Park Bushey Mill Lane Watford UNITED KINGDOM WD24 7JG  
(LAST LISTED OWNER) JEAN PATOU COMPANY FRANCE 24/32 RUE JEAN GOUJON 75008 PARIS FRANCE

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Ronald E. Shapiro

**Priority Date** February 25, 2016

**Prior Registrations** 0529337;4516831

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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Word Mark JOY DIOR  
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Perfumery; make-up; cosmetics  
Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
Serial Number 88276357  
Filing Date January 25, 2019  
Current Basis 44E  
Original Filing Basis 44D;44E  
Published for Opposition August 27, 2019  
Registration Number 5907017  
Registration Date November 12, 2019  
Owner (REGISTRANT) Parfums Christian Dior CORPORATION FRANCE 33 Avenue Hoche PARIS FRANCE 75008  
(REGISTRANT) Jean Patou Simplified Joint-Stock Company FRANCE 24/32 rue Jean Goujon PARIS FRANCE 75008  
Attorney of Record David Ehrlich  
Priority Date August 3, 2018  
Description of Mark Color is not claimed as a feature of the mark. The mark consists of the large word "JOY" and the smaller word "DIOR" within the "O" of "JOY", both in stylized print.  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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26.09.09 - Squares made of geometric figures, objects, humans, plants or animals  
26.09.14 - Squares, three or more ; Three or more squares  
26.09.20 - Squares inside one another  
26.09.21 - Squares that are completely or partially shaded  
26.11.21 - Rectangles that are completely or partially shaded  
26.17.04 - Bands, vertical ; Bars, vertical ; Lines, vertical ; Vertical line(s), band(s) or bar(s)  
26.17.05 - Bands, horizontal ; Bars, horizontal ; Horizontal line(s), band(s) or bar(s) ; Lines, horizontal**Serial Number** 88180133**Filing Date** November 2, 2018**Current Basis** 44E**Original Filing Basis** 44D**Published for Opposition** October 8, 2019**Registration Number** 5941498**Registration Date** December 24, 2019**Owner** (REGISTRANT) JEAN PATOU COMPANY FRANCE 24/32 rue Jean Goujon Paris FRANCE 75008**Attorney of Record** Mary Catherine Merz**Priority Date** May 4, 2018**Description of Mark** The color(s) black, and gold is/are claimed as a feature of the mark. The mark consists of the wording "JOY" in the color black inside a gold rectangle, inside two parallel intersecting vertical and horizontal lines also in the color gold, except at the intersection of the lines forming a square at each corner, with the color white appearing in the mark representing transparent and/or background areas and is not claimed as a feature of the mark.**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#) | [PREV LIST](#) | [CURR LIST](#) | [NEXT LIST](#) | [FIRST DOC](#) | [PREV DOC](#) | [NEXT DOC](#) | [LAST DOC](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



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JOY TO THE WORLD

Word Mark JOY TO THE WORLD
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Perfumery, make-up preparations, cosmetics
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 90058686
Filing Date July 17, 2020
Current Basis 44E
Original Filing Basis 44D
Published for Opposition August 10, 2021
Registration Number 6533605
Registration Date October 26, 2021
Owner (REGISTRANT) Jean Patou soci t par actions simplifi e (sas) FRANCE 24/32 rue de la Goujon Paris FRANCE 75008
Attorney of Record MARY CATHERINE MERZ
Priority Date January 22, 2020
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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