

ESTTA Tracking number: **ESTTA1244110**Filing date: **10/26/2022**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	Conway Electric, LLC
Granted to date of previous extension	10/26/2022
Address	9850 OWENSMOUTH AVENUE SUITE 3 CHATSWORTH, CA 91311 UNITED STATES
Attorney information	RYAN BAKER WAYMAKER LLP 515 S. FLOWER STREET, SUITE 3500 LOS ANGELES, CA 90071 UNITED STATES Primary email: rbaker@waymakerlaw.com Secondary email(s): mchan@waymakerlaw.com 424-652-7800
Docket no.	801595US

Applicant information

Application no.	90571349	Publication date	06/28/2022
Opposition filing date	10/26/2022	Opposition period ends	10/26/2022
Applicant	Lake and Wells, LLC P.O. BOX 628 CARRBORO, NC 27510 UNITED STATES		

Goods/services affected by opposition


Class 011. First Use: Oct 25, 2016 First Use In Commerce: Nov 2017
All goods and services in the class are opposed, namely: Customizable lighting fixtures including modular components that can be arranged to create a variety of lighting fixture designs

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. application no.	97520405	Application date	07/26/2022
Registration date	NONE	Foreign priority	NONE

		date	
Word mark	JAX		
Design mark			
Description of mark	NONE		
Goods/services	Class 011. First use: First Use: May 4, 2015 First Use In Commerce: May 4, 2015 Lamps; Lighting fixtures; Lighting installations		

Attachments	97520405#TMSN.png(bytes) Notice of Opposition.pdf(2032718 bytes) Proof of Service.pdf(86308 bytes)
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Signature	/Ryan Baker/
Name	Ryan Baker
Date	10/26/2022

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

In the Matter of Trademark Application Serial No. 90571349
Filed March 10, 2021
Mark JAX
Published in the Official Gazette on June 28, 2022

Conway Electric, LLC,)	
)	
Opposer,)	
)	Opposition No. _____
vs.)	
)	
Lake and Wells, LLC,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 90571349 (“Serial No. 90571349”) for the mark JAX by applicant Lake and Wells, LLC (“Applicant”), which was published for opposition in the Official Gazette on June 28, 2022. Conway Electric, LLC (“Conway Electric” or “Opposer”), a Limited Liability Company, organized under the laws of Delaware, with its principal place of business at 9850 Owensmouth Avenue, Suite 3, Chatsworth, California, 91311, will be damaged substantially by the registration of the mark in Serial No. 90571349 and hereby opposes the same pursuant to 15 U.S.C. §1063 and 37 C.F.R. §2.104.

As grounds for the opposition, Conway Electric alleges as follows:

Notice of Opposition
Serial No. 90571349

1. On information and belief, Applicant is a limited liability company, organized under the laws of North Carolina having an address of P.O, Box 628, Carrboro, North Carolina, 27510, United States.

2. On information and belief, Applicant filed Serial No. 90571349 seeking registration of the mark, JAX for “LED (light emitting diode) lighting fixtures; Lighting fixtures; Lighting installations” in International Class 011 on March 10, 2021. Applicant’s JAX mark consists of standard characters without claim to any particular font size, style, or color. Applicant purportedly claims, in International Class 011, the first time it used the JAX mark was on October 25, 2016, and the first time it used the mark in commerce was in November 2017.

3. On information and belief, Applicant filed a post-publication amendment to modify Applicant’s International Class 011 goods description from “LED (light emitting diode) lighting fixtures; Lighting fixtures; Lighting installations” to “customizable lighting fixtures including modular components that can be arranged to create a variety of lighting fixture designs” on July 20, 2022.

4. Conway Electric opposes the registration of Applicant’s mark JAX, Serial No. 90571349.

5. Conway Electric is a leader in innovative lighting products. At least as early as May 4, 2015, Conway Electric has been using and continues to use the “JAX” mark for its lamps, lighting fixtures and lighting installations in commerce. *See* Exhibit 1. Conway Electric sell lamps, lighting fixtures and lighting installations bearing the JAX mark throughout the United States and internationally. *See* Exhibit 2.

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6. Conway Electric has invested significant amounts of time, money, and effort in developing, marketing, promoting and protecting its JAX mark throughout the United States. Opposer's advertising and marketing campaign reach millions of consumers annually. The JAX lamps have been featured in major publications. Additionally, JAX products are used in hotel rooms throughout the United States and internationally, where thousands of people interact with JAX products daily. The JAX mark has become synonymous with Conway Electric. It has achieved widespread recognition throughout the United States and internationally. The public has come to associate the JAX mark with Conway Electric and Conway Electric's goods. This continuous use of the JAX mark in commerce by Conway Electric since 2015 has given Opposer extensive, non-registered statutory and common law rights in the JAX mark.

7. Conway Electric filed U.S. Trademark Application Serial No. 97520405 on July 26, 2022, for registration of the JAX mark for goods and services in International Class 011 – Lamps, Lighting Fixtures, and Lighting Installations. Conway Electric's JAX mark consists of standard characters without claim to any particular font size, style, or color.

8. Applicant's mark is identical to Conway Electric's JAX mark. Applicant is seeking to register the same, identical mark for customizable lighting fixtures. Without a doubt, Applicant's mark will cause confusion, cause mistake, or deceive within the meaning of 15 U.S.C. §1052(d). Specifically, Applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods/services in Serial No. 90571349 originate with or are affiliated with Conway Electric, or otherwise are authorized, licensed or sponsored by Conway Electric.

9. Conway Electric and Applicant are direct competitors in the same goods. On May 14, 2021, Applicant sent a cease and desist letter to one of Conway Electric's vendors

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concerning its lighting fixtures bearing the JAX mark. The vendor informed Applicant that the JAX mark have been used in commerce by Conway Electric since 2015.

10. Conway Electric's first use of the JAX mark in commerce is earlier than the first use date established by the Applicant for its use of the JAX mark. It is also earlier than Applicant's filing date of Serial No. 90571349. Therefore, Conway Electric has priority based on its prior use of the JAX mark in commerce in connection with its goods before the first use date established by the Applicant.

11. For the foregoing reasons, Conway Electric will sustain substantial harm and damages by the registration of Applicant's Serial No. 90571349.

WHEREFORE, Conway Electric respectfully requests that Applicant's registration of Serial No. 90571349 be denied and this Notice of Opposition be sustained in favor of Conway Electric.

Respectfully submitted,

CONWAY ELECTRIC, LLC

Dated: October 26, 2022

By: /Ryan Baker/

Ryan Baker
May Chan
WAYMAKER, LLP
515 South Flower Street,
Suite 3500
Los Angeles, CA 90071
Phone: (424) 652-7800
E-Mail: rbaker@waymakerlaw.com,
mchan@waymakerlaw.com

Attorneys for Opposer

Exhibit 1

JAX

Notice of Opposition
Serial No. 90571349

Exhibit 2



Home / Products / JAX Touch Smart USB and USBC Surge Protected Task Lamps Martha (Matte Sky) Blue



JAX TOUCH SMART USB AND USBC SURGE PROTECTED TASK LAMPS MARTHA (MATTE SKY) BLUE

2 reviews

\$275.00

Color

Tall (14.5inch) Martha Blue with smart USBC port

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The JAX Touch Smart Charging USB & USBC task lamps combine li and portability into a design enabling optimum productivity and r charging with minimum distraction. Whether reading in bed or w your desk, JAX is the perfect task lamp for the job.

Integrating traditional materials with advanced technology we are create better experience through design. We call this our timeless modern technology approach.

Introducing the JAX Touch - A Smart USB sensor-controlled surge-task lamp with integrated surge protection. Smart USBC also avail charging the latest devices faster with a universal-plug orientatio JAX Touch we combined capacitive sensing with a hand-hammere rivet and leather backing to create the light control touch sensor : Components are contained in a cast aluminum and stainless stee held together with brass machine bolts, marrying the function you the form reflecting reverence for fine materials.

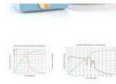
The spun stainless steel shade is connected to a brass collar that and pivots 180° for directional focused light for any activity - from and sketching to reading. The angled neck is designed to be fixed, articulation, so you can easily move it wherever you need it, and i flop or flex.

We source parts from manufacturers in [Chat with us!](#) the cc support jobs where they need it most. The bent tubing, spun shac

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EXTÖ FAST USB/USBC EXTÖ+2 EXTÖ+4 LIGHTING CLOTH CORD FIND A STORE OUR STORY



leather & brass. Six foot cotton cord rated to 1500W. Made in some imported components. Each unit is hand assembled in our factory with a unique serial number.

Specifications

- Brown saddle leather and brass touch sensor light control
- Solid bent, angled-neck acts as a handle to place it where you
- Spun stainless light shade with ceramic E26 medium base so bulbs up to 70W (dimmable LED included)
- 360° shade rotation or 180° shade pivot for light direction
- USB Model is 4.0Amp 2.4amp max per-port Smart Chip contr
- USBC is 5.1AMP Smart Chip controlled
- All USB/USBC models have integrated surge protection prote connected devices from external power surges (note: if a pov occurs it will disable the USB ports so the module is replacea
- Two 3-prong, Tamper-Resistant 125V outlets help prevent sh safer around kids
- Threaded, chaumfered, brass inserts are hand turned in Min from solid brass
- Urethane feet are no-scratch and prevent slipping on hard su
- Hand-built and powder coated in our factory using mostly Ur components
- Every part is finished to the highest standard in a 5 step QC p
- Cover secured with four custom-made brass socket-head ma for tamper resistance and refined industrial detail
- Aluminum ID plate with unique serial number and location o manufacture is affixed to the bottom of every JAX Touch
- Cotton covered wire is made in our USA factory and is FT-2 te good results

*Up to two week lead time for delivery. Please include a note with or email howdy@conwaygoods.com with you order number if you faster delivery.

Collections: Lighting

Type: Light

Share:    

CUSTOMER REVIEWS

Based on 2 reviews Write a review

THE PERFECT BEDSIDE TABLE LAMP

Britta Dass on **Apr 10, 2022**

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7/15/22, 3:41 PM

JAX Touch Smart USB and USBC Surge Protected Task Lamps Martha (Matte - The Conway Electric Store

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Super cute love it would recommend this to anybody

And their power strips are really cool to very good quality very nice

Report as Inappropriate

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JAX Touch Smart USB and USBC Surge-Protected Task Lamps Carrara Black 2 reviews

from \$255.00



JAX Touch Smart USBC Surge-Protected Task Lamp Humboldt Fog Gray No reviews

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JAX Touch Smart USB and USBC Surge-Protected Task Lamp Aspen White 2 reviews

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Home / Products / JAX Touch Smart USBC Surge-Protected Task Lamp Silver Mint & Red



JAX TOUCH SMART USBC SURGE-PROTECTED TASK LAMP SILVER MINT & RED

No reviews

\$275.00

Color

Mint & Red (14.5 inch height) USBC

ADD TO CART

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The JAX Touch Smart Charging USBC task lamp combines light, protection and portability into a design enabling optimum product rapid device charging with minimum distraction. Whether reading working at your desk, JAX is the perfect task lamp for the job.


Integrating traditional materials with advanced technology we are create better experience through design. We call this our timeless modern technology approach.

Inside the JAX Touch we combined capacitive sensing with a hand stainless rivet and leather backing to create the light control touch switch. The Smart Chip USB A & C ports are forward compatible with 3.0 standard and are paired with 3-prong TR outlets contained in aluminum and stainless steel housing held together with stainless bolts, marrying the function you need with the form reflecting refined materials.

The spun stainless steel shade is connected to a nickel silver collar rotates 360° and pivots 180° for directional focused light for any use from soldering and sketching to reading. The angled neck is designed fixed, without articulation, so you can easily move it wherever you want and it will never flop or flex.

We source parts from manufacturers in the cc support jobs where they need it most. The silver accents and leather are sourced from Minnesota, Wisconsin

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members




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Type: Light

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JAX Touch Smart USB and USBC Surge-Protected Task Lamps Carrara Black 2 reviews
from \$255.00



JAX Touch Smart USBC Surge-Protected Task Lamp Humboldt Fog Gray No reviews
\$275.00



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Serial No. 90571349

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In the Matter of Trademark Application Serial No. 90571349
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Lake and Wells, LLC,)	
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Applicant.)	
_____)	

PROOF OF SERVICE

I hereby certify this NOTICE OF OPPOSITION that has been electronically filed with the Trademark Trial and Appeal Board (“TTAB”) through the Electronic System for Trademark Trials and Appeals (“ESTTA”) has been served on the attorney of record for Applicant, Kerianne A. Strachan, FITCH EVEN TABIN & FLANNERY LLP, 120 So. LaSalle Street, Suite 2100, Chicago, IL 60603 on this 26th of October 2022.

Dated: October 26, 2022

_____/May Chan/
May Chan
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Los Angeles, CA 90071
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