

ESTTA Tracking number: **ESTTA1336008**  
Filing date: **01/24/2024**

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	Debonair Trading Internacional Lda
Granted to date of previous extension	01/24/2024
Address	AVENIDA DO INFANTE 50 FUNCHAL, MADEIRA, P-9000 PORTUGAL

Attorney information	DONNA J. BUNTON NIXON & VANDERHYE P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 UNITED STATES Primary email: nixonptomail@nixonvan.com Secondary email(s): djb@nixonvan.com, slg@nixonvan.com, clisenby@nixonvan.com 703-816-4003
Docket no.	DJB/141-862

### Applicant information

Application no.	97435654	Publication date	09/26/2023
Opposition filing date	01/24/2024	Opposition period ends	01/24/2024
Applicant	Suzanne Jackson SOSUBYSJ HQ UNIT 7A, ASHBOURNE BUSINESS PARK ASHBOURNE, CO. MEATH IRELAND		

### 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: Cologne; Fragrances; Lipsticks; Make-up; Perfume; Shampoos; Adhesives for false eyelashes, hair and nails; Bath foams; Bath gels; Beauty masks; Beauty balm creams; Beauty serums; Body spray used as a personal deodorant and as fragrance; Body sprays; Cosmetic pencils; Cosmetic preparations for body care; Cosmetic preparations for skin care; Cosmetics and cosmetic preparations; Eau de toilette; Eye make-up; Eye make-up remover; Eyebrow pencils; Facial concealer; False eyebrows; False eyelashes; False nails; Foundation creams; Lip glosses; Make-up foundations; Make-up powder; Nail care preparations; Nail gel; Nail polish; Nail polish pens; Nail polish remover; Nail varnish; Beauty lotions; Cosmetic tanning preparations; Make-up removing milk, gel, lotions and creams; Non-medicated skin care preparations; Self-tanning preparations; Sun-tanning preparations

## 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.	6269007	Application date	04/28/2016
Register	Principal		
Registration date	02/16/2021	Foreign priority date	NONE
Word mark	SO...?		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None Perfumes; perfumed body spray		

Attachments	97435654-Notice of Opposition.pdf(274502 bytes )
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Signature	/Donna J. Bunton/
Name	DONNA J. BUNTON
Date	01/24/2024



gel; Nail polish; Nail polish pens; Nail polish remover; Nail varnish; Beauty lotions; Cosmetic tanning preparations; Make-up removing milk, gel, lotions and creams; Non-medicated skin care preparations; Self-tanning preparations; Sun-tanning preparations

2. On information and belief, Applicant made no use of Applicant's mark for any of Applicant's Class 3 goods prior to April 1, 2022.

3. Opposer is the owner of Registration No. 6269007, dated February 16, 2021, of the mark "SO...?" for the following goods in International Class 3: *Perfumes; perfumed body spray* ("Opposer's goods"). A printout from TSDR, evidencing the current status and ownership of Registration No. 6269007, is annexed hereto as Opposer's Exhibit A.

4. The filing date of Opposer's Registration No. 6269007 is April 28, 2016, more than six years prior to the May 31, 2022 filing date of Application Serial No. 97/435,654 to register Applicant's mark based on Section 44(e).

5. Applicant's mark SO SU & Design begins with and essentially incorporates Opposer's mark "SO...?" The marks SO...? and SO SU & Design are identical in pertinent part, each beginning with the word "SO." The marks SO...? and SO SU & Design are visually and phonetically very similar and create strikingly similar commercial impressions.

6. Applicant's mark SO SU & Design is so similar to Opposer's mark SO...?, when used on the same or closely related goods, such as, for example, cologne, fragrances, perfume, body spray used as a personal deodorant and as fragrance, body sprays, as to be very likely to cause confusion, mistake or lead to deception as to the source or origin of Applicant's goods when sold under Applicant's mark.

7. Applicant's Class 3 goods in the opposed Application Serial No. 97435654 and Opposer's goods in its Registration No. 6269007 are the same and/or closely related products which are or are likely to be advertised, sold and distributed through the same or overlapping channels of trade to the same or overlapping classes of purchasers such that purchasers, users and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's Class 3 goods offered under the mark SO SU & Design emanate from and/or are in some way sponsored or approved by Opposer or are otherwise related to Opposer's goods, thereby damaging Opposer.


9. Applicant is not lawfully entitled to the registration which it seeks for the reason, *inter alia*, that the mark SO SU & Design as used for Applicant's Class 3 goods so resembles Opposer's previously registered mark SO...? as to be likely to cause confusion, to cause mistake, or to deceive within the meaning of Section 2(d) of the Trademark Act, thereby damaging Opposer.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration of the mark SO SU & Design for goods in Class 3 sought by Applicant be refused.

The requisite filing fee of \$600 is submitted herewith.

Debonair Trading Internacional Lda

Dated: January 24, 2024

By:   
Donna J. Buntor  
Attorney for Opposer  
NIXON & VANDERHYTE P.C.  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, Virginia 22203  
(703) 816-4003

# **EXHIBIT A**

Generated on: This page was generated by TSDR on 2024-01-24 15:58:51 EST

Mark: SO...?

SO...?

US Serial Number: 87017281

Application Filing Date: Apr. 28, 2016

US Registration Number: 6269007

Registration Date: Feb. 16, 2021

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Feb. 16, 2021

Publication Date: Nov. 28, 2017

### Mark Information

Mark Literal Elements: SO...?

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

### Related Properties Information

Claimed Ownership of US Registrations: 3254759, 3369334, 3381907 and others

### Foreign Information

Foreign Registration Number: 000485078

Foreign Registration Date: Feb. 26, 2001

Foreign Application/Registration Country: EUROPEAN UNION

Foreign Expiration Date: Mar. 07, 2027

### Goods and Services

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Perfumes; perfumed body spray

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 44(e)

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## Basis Information (Case Level)

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Filed Use:	No	Currently Use:	No
Filed ITU:	Yes	Currently ITU:	No
Filed 44D:	No	Currently 44D:	No
Filed 44E:	No	Currently 44E:	Yes
Filed 66A:	No	Currently 66A:	No
Filed No Basis:	No	Currently No Basis:	No

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## Current Owner(s) Information

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**Owner Name:** DEBONAIR TRADING INTERNACIONAL LDA  
**Owner Address:** Avenida do Infante 50, Funchal  
Madeira PORTUGAL 9000  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**State or Country Where Organized:** PORTUGAL

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## Attorney/Correspondence Information

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### Attorney of Record

**Attorney Name:** Donna J. Bunton  
**Attorney Primary Email Address:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)  
**Docket Number:** DJB/141-725  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Donna J. Bunton  
NIXON & VANDERHYE P.C.  
901 N GLEBE RD 11TH FL  
ARLINGTON, VIRGINIA UNITED STATES 22203  
**Phone:** 703-816-4003  
**Fax:** 703-816-4100  
**Correspondent e-mail:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com) [djb@nixonvan.com](mailto:djb@nixonvan.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**&nbsp;Domestic Representative Name:** Donna J. Bunton  
**Phone:** 703-816-4003  
**&nbsp;Domestic Representative e-mail:** [nixonptomail@nixonvan.com](mailto:nixonptomail@nixonvan.com)  
**&nbsp;Domestic Representative e-mail Authorized:** Yes

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## Prosecution History

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Date	Description	Proceeding Number
Feb. 16, 2021	REGISTERED-PRINCIPAL REGISTER	
Jan. 13, 2021	1(B) BASIS DELETED; PROCEED TO REGISTRATION	
Dec. 23, 2020	NOTICE OF ALLOWANCE CANCELLED	
Dec. 23, 2020	TEAS DELETE 1(B) BASIS RECEIVED	
Aug. 08, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 07, 2020	SOU EXTENSION 5 GRANTED	
Jul. 15, 2020	SOU EXTENSION 5 FILED	
Aug. 06, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	
Jul. 15, 2020	SOU TEAS EXTENSION RECEIVED	
Nov. 23, 2019	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 21, 2019	SOU EXTENSION 4 GRANTED	
Nov. 21, 2019	SOU EXTENSION 4 FILED	



Nov. 21, 2019 SOU TEAS EXTENSION RECEIVED  
 Jul. 23, 2019 NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED  
 Jul. 19, 2019 SOU EXTENSION 3 GRANTED  
 Jul. 19, 2019 SOU EXTENSION 3 FILED  
 Jul. 19, 2019 SOU TEAS EXTENSION RECEIVED  
 Jan. 12, 2019 NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED  
 Jan. 10, 2019 SOU EXTENSION 2 GRANTED  
 Jan. 10, 2019 SOU EXTENSION 2 FILED  
 Jan. 10, 2019 SOU TEAS EXTENSION RECEIVED  
 Jun. 19, 2018 NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED  
 Jun. 15, 2018 SOU EXTENSION 1 GRANTED  
 Jun. 15, 2018 SOU EXTENSION 1 FILED  
 Jun. 15, 2018 SOU TEAS EXTENSION RECEIVED  
 Jan. 23, 2018 NOA E-MAILED - SOU REQUIRED FROM APPLICANT  
 Nov. 28, 2017 OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED  
 Nov. 28, 2017 PUBLISHED FOR OPPOSITION  
 Nov. 08, 2017 NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED  
 Oct. 21, 2017 LAW OFFICE PUBLICATION REVIEW COMPLETED  
 Oct. 20, 2017 APPROVED FOR PUB - PRINCIPAL REGISTER  
 Sep. 30, 2017 TEAS/EMAIL CORRESPONDENCE ENTERED  
 Sep. 29, 2017 CORRESPONDENCE RECEIVED IN LAW OFFICE  
 Sep. 29, 2017 TEAS RESPONSE TO OFFICE ACTION RECEIVED  
 Apr. 03, 2017 NOTIFICATION OF NON-FINAL ACTION E-MAILED  
 Apr. 03, 2017 NON-FINAL ACTION E-MAILED  
 Apr. 03, 2017 NON-FINAL ACTION WRITTEN  
 Mar. 11, 2017 TEAS/EMAIL CORRESPONDENCE ENTERED  
 Mar. 11, 2017 CORRESPONDENCE RECEIVED IN LAW OFFICE  
 Mar. 04, 2017 ASSIGNED TO LIE  
 Feb. 21, 2017 TEAS RESPONSE TO OFFICE ACTION RECEIVED  
 Aug. 19, 2016 NOTIFICATION OF NON-FINAL ACTION E-MAILED  
 Aug. 19, 2016 NON-FINAL ACTION E-MAILED  
 Aug. 19, 2016 NON-FINAL ACTION WRITTEN  
 Aug. 12, 2016 ASSIGNED TO EXAMINER  
 May 19, 2016 PRELIMINARY/VOLUNTARY AMENDMENT - ENTERED  
 May 16, 2016 ASSIGNED TO LIE  
 May 03, 2016 TEAS VOLUNTARY AMENDMENT RECEIVED  
 May 02, 2016 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED  
 May 02, 2016 NEW APPLICATION ENTERED

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 16, 2021