

ESTTA Tracking number: **ESTTA1381587**
Filing date: **09/04/2024**

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	INTER-IKEA SYSTEMS B.V.		
Entity	Corporation	Incorporated or registered in	Netherlands
Address	OLOF PALMESTRAAT 1 DELFT, 2616 LN NETHERLANDS		
Attorney information	RICHARD LEHV FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: rlehv@fzlz.com Secondary email(s): ttabfiling@fzlz.com, rbecker@fzlz.com 2128135928		
Docket no.	IKE 0600462		

Applicant information

Application no.	98287567	Publication date	08/06/2024
Opposition filing date	09/04/2024	Opposition period ends	09/05/2024
Applicant	OKEI Ltd. JINGBIN INDUSTRIAL PARK, WUQING DISTRICT ROOM 7080, JINGBINRUICHENG BUILDING NO.10 TIANJIN, 301739 CHINA		


Goods/services affected by opposition


Class 021. First Use: Aug 1, 2023 First Use In Commerce: Aug 1, 2023
All goods and services in the class are opposed, namely: Goblets; Mugs; Appliances for removing make-up, non-electric; Cleaning cotton; Decorative glass balls; Double wall cups; Drinking glasses; Drinking glasses, namely, tumblers; Facial sponges for applying make-up; Ornaments of glass; Ornaments of porcelain; Tooth brushes

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Section 1(a) and (c)
Dilution by blurring	Trademark Act Sections 2 and 43(c)


Marks cited by opposer as basis for opposition

U.S. registration no.	1443893	Application date	01/28/1986
Register	Principal		
Registration date	06/23/1987	Foreign priority date	NONE
Word mark	IKEA		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 008. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 CUTLERY</p> <p>Class 011. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 LIGHTING FIXTURES, LAMPS, LAMP SHADES AND PARTS THEREOF</p> <p>Class 016. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 DRAWING PAPER, DRAWING BOARDS AND BLACKBOARDS</p> <p>Class 020. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 FURNITURE, COMPRISING TABLES, CHAIRS, SOFAS, COUCHES, BEDS, SOFA BEDS, SHELVES, MODULAR STORAGE UNITS, MODULAR WALL UNITS, BED FRAMES, HEADBOARDS, FOOTBOARDS, STOOLS, HIGH CHAIRS, OTTOMANS, BENCHES, SECTIONAL SEATING BENCHES, DESKS, CREDENZAS, SIDEBOARDS, BUFFETS, CHESTS, CUPBOARDS, CABINETS, BAR CABINETS, FILING CABINETS, DRESSERS, VANITIES, CHESTS OF DRAWERS, BOOKCASES, TEA CARTS, SERVING TROLLEYS, RECORD PLAYER BENCHES, CORNER CUPBOARDS, STORAGE CABINETS, STORAGE BOXES, STORAGE BOXES OF CARDBOARD, HAT RACKS, COAT RACKS, CLOTHES STANDS, CLOTHES RAILS, BOTTLE RACKS, NIGHT STANDS, WARDROBES, CRIBS, CRADLES, BUNKS, BUNK LADDERS, BUNK GUARD RAILS, PEDESTALS, TRESTLES, MAGAZINE STANDS AND SHOE STANDS; LEGS, RUNNERS AND PLINTHS FOR BEDS, BED SIDES, BED MIDBEAMS, CASTERS, BRACKETS, TABLE TOPS, SHELVES, DRAWERS, COUNTER TOPS, SINKS, DOORS, HOOKS, AND PARTS THEREOF; PICTURE FRAMES, BULLETIN BOARDS, BASKETS, TOY BOXES; MIRRORS; MATTRESSES, CRIB MATTRESSES, PILLOWS AND CUSHIONS, SLEEPING PADS, CHAIR SEAT AND BACK PADS, ARMRESTS AND ARMREST PILLOWS FOR SOFAS; CURTAIN RODS, BLINDS; CARPENTER'S BENCHES, WORK BENCHES, WALL BARS, VALANCES AND CLOTHES HANGERS, ALL SPECIFICALLY IN THE NATURE OF FURNITURE, BUMPER PADS</p> <p>Class 021. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 GLASS BEVERAGEWARE, GLASS DINNERWARE AND GLASS COOKWARE</p> <p>Class 024. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 WOVEN FABRICS FOR USE IN THE MANUFACTURE OF UPHOLSTERY, CURTAINS, SHEETS, PILLOWS AND THE LIKE</p> <p>Class 027. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 CARPETS, RUGS, MATS AND NON-TEXTILE WALL HANGINGS</p> <p>Class 028. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 [BABY'S SWINGS,] ROCKING HORSES, NETTING BAGS, TRAPEZES, KITES</p>		

U.S. registration no.	1118706	Application date	03/14/1977
Register	Principal		
Registration date	05/22/1979	Foreign priority date	NONE
Word mark	IKEA		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 011. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 LIGHTING FIXTURES, LAMPS, LAMP SHADES AND PARTS THEREOF</p> <p>Class 020. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 FURNITURE, COMPRISING TABLES, CHAIRS, SOFAS, COUCHES, BEDS, SHELVES, MODULAR STORAGE UNITS, MODULAR WALL UNITS, BED FRAMES, HEADBOARDS, STOOLS, OTTOMANS, SECTIONAL SEATING BENCHES, DESKS, CREDENZAS, SIDEBOARDS, CHESTS, CUPBOARDS, CABINETS, BAR CABINETS, DRESSERS, VANITIES, BOOKCASES, TEA CARTS, SERVING TROLLEYS, RECORD PLAYER BENCHES, CORNER CUPBOARDS, STORAGE CABINETS, STORAGE BOXES, HAT RACKS, COAT RACKS, NIGHT STANDS, WARDROBES, CRIBS, [CRADLES,] BUNKS, BUNK LADDERS, PEDESTALS, MAGAZINE STANDS AND SHOE STANDS; MIRRORS; MATTRESSES, CRIB MATTRESSES, PILLOWS AND CUSHIONS; CURTAIN RODS; [CARPENTERS' BENCHES,] WALL BARS, VALANCES AND CLOTHES HANGERS, ALL SPECIFICALLY IN THE NATURE OF FURNITURE</p> <p>Class 021. First use: First Use: 1963 First Use In Commerce: Jan 24, 1966 COFFEE POTS (NON-ELECTRIC), TEA SERVICE SETS (OF NON-PRECIOUS METAL)</p> <p>Class 024. First use: First Use: 1963 First Use In Commerce: Jul 6, 1966 WOVEN FABRICS, BED AND TABLE COVERS, SHEETS, PILLOW CASES, QUILTS, BEDSPREADS AND CURTAINS</p> <p>Class 027. First use: First Use: 1963 First Use In Commerce: Nov 20, 1968 CARPETS, RUGS, MATS AND NON-TEXTILE WALL HANGINGS</p>		

U.S. registration no.	3561226	Application date	04/24/2007
Register	Principal		
Registration date	01/13/2009	Foreign priority date	10/24/2006
Word mark	IKEA		
Design mark			
Description of mark	The mark consists of the term, "IKEA", in blue, within a shaded yellow oval, within a shaded blue rectangle.		
Goods/services	Class 016. First use: First Use: None First Use In Commerce: None Paper, [cardboard,] cardboard boxes, cardboard cartons, cardboard hang tags; printed matter, namely, magazines, [newspapers,] books featuring furniture		

	<p>and accessories; photographs; stationery; adhesives for stationery or household purposes; printed instructional and teaching materials in the field of furniture building, kitchen planning; plastic packing materials, namely, plastic bags for packing; [plastic bubble packs for wrapping or packaging;] catalogs in the field of furniture and accessories [; printed periodicals in the field of furniture and accessories]</p> <p>Class 020. First use: First Use: None First Use In Commerce: None Furniture; bulletin boards; storage baskets; storage boxes; packaging materials, namely, plastic storage boxes; cardboard storage boxes; hat racks; coat racks; hat and coat stands; magazine racks; and shoe racks</p> <p>Class 035. First use: First Use: None First Use In Commerce: None Advertising and advertisement services; advertising agencies; business management; business administration and management; business administration and office functions; retail stores and online retail stores featuring furniture, general consumer merchandise, toys, stuffed animals</p> <p>Class 043. First use: First Use: None First Use In Commerce: None Providing of food and drink [; providing of temporary accommodation]</p>
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U.S. registration no.	2313329	Application date	05/29/1998
Register	Principal		
Registration date	02/01/2000	Foreign priority date	NONE
Word mark	IKEA		
Design mark			
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: 1968 First Use In Commerce: Jun 12, 1985 retail services featuring furniture, housewares and home furnishings, retail and mail order services featuring furniture, housewares and home furnishings		

U.S. registration no.	1418733	Application date	01/28/1986
Register	Principal		
Registration date	11/25/1986	Foreign priority date	NONE
Word mark	IKEA		
Design mark			
Description of mark	NONE		
Goods/services	Class 042. First use: First Use: 1978 First Use In Commerce: Jun 12, 1985 RETAIL STORE SERVICES IN THE FIELD OF FURNITURE, HOUSEWARES AND HOME FURNISHINGS; AND RESTAURANT AND CATERING SERVICES		

Attachments	73579935#TMSN.png(bytes)
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	73118839#TMSN.png(bytes) 79039306#TMSN.png(bytes) 75493310#TMSN.png(bytes) 73580319#TMSN.png(bytes) OKEA - Sept 2024 Notice of Opposition 4853-9588-0673 v.1.pdf(165478 bytes)
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Signature	/Richard Lehv/
Name	Richard Lehv
Date	09/04/2024

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

INTER-IKEA SYSTEMS B.V.,

Opposer,

- against -

OKEI LTD.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION


Opposer, Inter-IKEA Systems B.V., a Netherlands corporation located and doing business at Olof Palmestraat 1, 2616 LN Delft, Netherlands, believes that it would be damaged by the issuance of a registration for the trademark OKEA as applied for in Application Serial No. 98287567, and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:



Facts Common to All Claims

1. Opposer is the owner of the trademark and service mark IKEA, which has been used since at least as early as 1966 (and prior to any date upon which Applicant can rely), on and in connection with a wide range of goods, including furniture and bedding, in the United States. Opposer and its United States franchisee have invested a substantial amount of time and money in promoting the IKEA mark. As a result, the IKEA trademark has come to represent enormous goodwill of Opposer.

2. The IKEA mark is a well-known mark, famous throughout the country for an enormous variety of household products, including furniture and bedding.

3. Opposer owns the following registrations, all of which are valid, subsisting, and in full force and effect:



TM/RN/SN	Status/Key Dates	Goods in Class 20, 21, or 24
IKEA RN: 1443893 SN: 73579935	Renewed: July 28, 2017 First Use in Class 20: January 24, 1966 Filed: January 28, 1986 Registered: June 23, 1987	GLASS BEVERAGEWARE, GLASS DINNERWARE AND GLASS COOKWARE; furniture, comprising tables, chairs, sofas, couches, beds, sofa beds, shelves, modular storage units, modular wall units, bed frames, headboards, footboards, stools, high chairs, ottomans, benches, sectional seating benches, desks, credenzas, sideboards, buffets, chests, cupboards, cabinets, bar cabinets, filing cabinets, dressers, vanities, chests of drawers, bookcases, tea carts, serving trolleys, record player benches, corner cupboards, storage cabinets, storage boxes, storage boxes of cardboard, hat racks, coat racks, clothes stands, clothes rails, bottle racks, night stands, wardrobes, cribs, cradles, bunks, bunk ladders, bunk guard rails, pedestals, trestles, magazine stands and shoe stands; legs, runners and plinths for beds, bed sides, bed midbeams, casters, brackets, table tops, shelves, drawers, counter tops, sinks, doors, hooks, and parts thereof; picture frames, bulletin boards, baskets, toy boxes; mirrors; mattresses, crib mattresses, pillows and cushions, sleeping pads, chair seat and back pads, armrests and armrest pillows for sofas; curtain rods, blinds; carpenter's benches, work benches, wall bars, valances and clothes hangers, all specifically in the nature of furniture, bumper pads
IKEA and Design 	Renewed: June 24, 2019 First Use in Class 20: January 24, 1966 Filed: March 14, 1977 Registered: May 22, 1979	furniture, comprising tables, chairs, sofas, couches, beds, shelves, modular storage units, modular wall units, bed frames, headboards, stools, ottomans, sectional seating benches, desks, credenzas, sideboards, chests, cupboards, cabinets, bar cabinets, dressers, vanities, bookcases, tea carts, serving trolleys, record player benches, corner cupboards, storage cabinets, storage boxes, hat

TM/RN/SN	Status/Key Dates	Goods in Class 20, 21, or 24
RN: 1118706 SN: 73118839		racks, coat racks, night stands, wardrobes, cribs, bunks, bunk ladders, pedestals, magazine stands and shoe stands; mirrors; mattresses, crib mattresses, pillows and cushions; curtain rods; wall bars, valances and clothes hangers, all specifically in the nature of furniture
IKEA and Design  RN: 3561226 SN: 79039306	Registered - a Section 71 Declaration Was Accepted On January 11, 2019 Filed: April 24, 2007 Registered: January 13, 2009 Int'l Reg Date: April 24, 2007	furniture; bulletin boards; storage baskets; storage boxes; packaging materials, namely, plastic storage boxes; cardboard storage boxes; hat racks; coat racks; hat and coat stands; magazine racks; and shoe racks
 RN: 1118706 SN: 73118839	Registered First use in commerce: July 6, 1966 Filed: March 14, 1977 Registered: May 22, 1979	WOVEN FABRICS, BED AND TABLE COVERS, SHEETS, PILLOW CASES, QUILTS, BEDSPREADS AND CURTAINS.

In addition, these registrations are incontestable under Section 15 of the Lanham Act and therefore, these registrations serve as conclusive evidence of the validity of the mark, of Opposer's ownership of the mark, and of Opposer's exclusive right to use the mark in commerce on or in connection with the goods and services identified in the registrations as provided by Section 33(b) of the Lanham Act, 15 U.S.C. §1115(b).

4. Opposer owns the following registrations, all of which are valid, subsisting, and in full force and effect, and which include retail services Class 35 or 42:

TM/RN/SN	Status/Key Dates	Services in Class 35 or 42
IKEA and Design	Renewed: October 10, 2019	retail services featuring furniture, housewares and home furnishings, retail and mail order services

TM/RN/SN	Status/Key Dates	Services in Class 35 or 42
 RN: 2313329 SN: 75493310	First Use in Class 35: June 12, 1985 Filed: May 29, 1998 Registered: February 01, 2000	featuring furniture, housewares and home furnishings
IKEA and Design  RN: 3561226 SN: 79039306	Registered - a Section 71 Declaration Was Accepted On January 11, 2019 Filed: April 24, 2007 Registered: January 13, 2009 Int'l Reg Date: April 24, 2007	Advertising and advertisement services; advertising agencies; business management; business administration and management; business administration and office functions; retail stores and online retail stores featuring furniture, general consumer merchandise, toys, stuffed animals
IKEA RN: 1418733 SN: 73580319	Registered First use in commerce: June 12, 1985. Filed: January 28, 1986 Registered: November 25, 1986	RETAIL STORE SERVICES IN THE FIELD OF FURNITURE, HOUSEWARES AND HOME FURNISHINGS; AND RESTAURANT AND CATERING SERVICES.

In addition, these registrations are incontestable under Section 15 of the Lanham Act and therefore, these registrations serve as conclusive evidence of the validity of the mark, of Opposer's ownership of the mark, and of Opposer's exclusive right to use the mark in commerce on or in connection with the goods and services identified in the registrations as provided by Section 33(b) of the Lanham Act, 15 U.S.C. §1115(b).

5. On November 28, 2023, Applicant, OKEI Ltd., filed the application at issue, Serial No. 98287567 (the "Application"), to register the mark OKEA for "Goblets; Mugs; Appliances for

removing make-up, non-electric; Cleaning cotton; Decorative glass balls; Double wall cups; Drinking glasses; Drinking glasses, namely, tumblers; Facial sponges for applying make-up; Ornaments of glass; Ornaments of porcelain; Tooth brushes” in Class 21, based on alleged use in commerce since August 1, 2023.

6. On information and belief, Applicant made no use of the mark OKEA prior to August 1, 2023. Therefore, Opposer has priority.

First Claim for Relief – Likelihood of Confusion

7. The mark that the Applicant seeks to register, OKEA, is highly similar in appearance, sound, and commercial impression to Opposer’s IKEA mark.

8. The goods in the subject application are identical or related to products sold in the U.S. by Opposer’s franchisee, and for which Opposer has registered its IKEA marks shown above. Further, Opposer owns Registrations for retail store services for such goods under the IKEA marks.

9. Based on the similarities of the marks and the identical and/or related nature of the goods, the public is likely to associate the goods sold by Applicant under the mark OKEA with Opposer or with IKEA products and services, or to believe that Applicant’s goods are made, sponsored, endorsed, approved, or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

10. For the above reasons, any use or registration of the mark OKEA for the goods identified in Application Serial No. 98287567 by Applicant is likely to cause confusion, or to cause mistake or deceive the public, or to cause the public to believe that the goods sold under the

OKEA mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act.

Second Claim for Relief – No Use in Commerce

11. Applicant claimed in the Application that it was using the mark OKEA in commerce on or in connection with *all* the goods identified in the Application.
12. On information and belief, as of the date of filing the Application, Applicant had not used the mark in commerce on or in connection with all the goods in the Application.
13. Accordingly, under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), Applicant is not entitled to a Registration based on use in commerce.

Third Claim for Relief – Dilution

14. The IKEA mark became famous long before any date on which Applicant can rely.
15. There is an association between Applicant's mark and the IKEA mark arising from the similarity of the marks.
16. This association is likely to impair the distinctiveness of the IKEA mark.
17. Thus, Applicant's use and registration of OKEA in connection with the goods identified in its Application is likely to cause dilution by blurring of Opposer's famous IKEA mark, in violation of Sections 13(a) and 43(c) of the Trademark Act.
18. By reason of the foregoing, Opposer will be damaged by the registration of the mark OKEA to Applicant.

WHEREFORE, Opposer respectfully requests that this opposition be sustained, and that registration of Application Serial No. 98287567 be denied.

Respectfully submitted,

**FROSS ZELNICK LEHRMAN &
ZISSU, P.C.**

By: /Richard Lehv/
Richard Z. Lehv (rlehv@fzlj.com)
Robert A. Becker
(rbecker@fzlj.com)

Dated: New York, New York
September 4, 2024

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