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Filing date: **12/06/2019**

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

Proceeding	92072623
Party	Defendant Oggibox llc; Kevin Ren
Correspondence Address	OGGIBOX LLC 15110 NE 81ST WAY UNIT 203 REDMOND, WA 98052 UNITED STATES renk701@gmail.com 425-246-9432
Submission	Answer
Filer's Name	kevin ren
Filer's email	kevin.ren@oggibox.com
Signature	/kevin ren/
Date	12/06/2019
Attachments	ttabvue-92072623 contest with color marking.pdf(222269 bytes)

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

Petition for Cancellation (CONTEST)

Notice is hereby given that the following party has filed a petition to cancel the registration (CONTEST) indicated below.

Petitioner Information

Name	ASDAK International		
Entity	Corporation	Citizenship	California
Address	1809 1/2 North Orangethorpe Park Anaheim, CA 92705 UNITED STATES		

Attorney information	Craig J. Lervick Larkin Hoffman Daly & Lindgren Ltd. 8300 Norman Center Drive Suite 1000 Minneapolis, MN 55437-1060 UNITED STATES ipgroup@larkinhoffman.com, clervick@larkinhoffman.com, pgod- fread@larkinhoffman.com 952-896-3245		
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Registration Subject to Cancellation (CONTEST)

Registration No.	5672245	Registration date	02/12/2019
Registrants	kevin ren 15110 ne 81st way unit 203 Redmond, WA 98052 UNITED STATES Email: renk701@gmail.com oggibox llc 15110 ne 81st way unit 203 Redmond, WA 98052 UNITED STATES Email: renk701@gmail.com		

Goods/Services Subject to Cancellation (CONTEST)

Class 021. First Use: 2016/07/20 First Use In Commerce: 2016/07/20 All goods and services in the class are subject to cancellation, namely: Bakeware
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IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE BEFORE THE TRADEMARK TRIAL AND
APPEAL BOARD

In the Matter of Trademark Registration No. 5,672,245
For the Mark: OGGIBOX OUR TOOLS YOUR INGREDIENTS

Date Registered: February 12, 2019

ASDAK International.

Petitioner,

vs.

Cancellation No. _____

Oggibox, LLC, Keven Ren


Respondents.

PETITION TO CANCEL (CONTEST)

Respondents, Oggibox LLC, owner of the registration of the Mark in U.S. registration No 5,672,245 believes that Petitioner ASDAK international's claim of damage is unfounded. They are claiming that because they have had PRIORITY in using the word "OGGI" (unverified) in their products early, so they own the word "OGGI" which IF we use it as part of our trade name "OGGIBOX", will create confusion. This logic will be like as if APPLE INC (apple computers) claims to own the word "Apple" and any other companies that had trademarks with the word "apple" after needs to be cancelled in attempt not to create confusion, regardless of the field there in, as if companies like Applebee's Neighborhood Grill + Bar trademark of "Applebee" should be cancelled because the use of "Apple" is incorporated in their trademark of "Applebee". We here by contest its claims of petitions for cancellation of the same on the following responds in red:

1. Petitioner is a California corporation having its principal place of business at 1809 ½ North Orangethorpe Park, Anaheim, California 92705. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox.**

2. Petitioner first adopted and used its OGGI trademark in the United States in 1993 and has continuously used this mark on a wide variety of products including barware, drinkware, and houseware products. These products have been sold throughout the United States since 1993 and continue to be sold today. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox.**

3. Petitioner first adopted and used its related  trademark in the United States as early as 2000 on a variety of barware, drinkware, and houseware products. These products have been sold throughout the United States since at least as early as 2000 and continue to be sold today. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox.**

4. As outlined above, both of Petitioner's trademarks have remained in continuous use in interstate commerce since first being used in 1993 and 2000 respectively. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox.**

5. Petitioner's products bearing these trademarks are promoted and sold by multiple national retailers throughout the United States, such as Target, Bed Bath & Beyond, and Amazon. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox. Oggibox is also used in Amazon, Etsy, Ebay, Kizuki, Bakeware solution, dick's restaurant supplies and etc.**

6. Through the continuous sale of high quality products, the OGGI

trademarks are well known by consumers and widely recognized in the barware, drinkware, and houseware markets. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox. Oggibox trademark is in BAKEWARE.**

7. Petitioner's trademarks became well known and widely recognized throughout the United States many years prior to Respondents claimed date of first use of July 20, 2016. **Petitioner's history is currently unverified. And is unrelated to our trademark Oggibox. We are in different field, as oggibox is widely known in BAKEWARE.**

8. On August 24, 2018, Petitioner filed an application to register the mark "OGGI" on the Principal Register for use in connection with "Zesters; oyster openers; kitchen knives; spreader in the nature of a small knife for butter or cheese; can openers, non-electric; non-electric cheese slicers," in Class 8; "measuring cups; measuring spoons; kitchen timers" in Class 9; "cocktail shakers; cocktail stirrers; cocktail sticks; ice buckets; ice tongs; ice scoops; fruit muddlers; napkin holders; strainers for household purposes; bottle openers; cutting boards; portable beverage dispensers; liquor pourers; shot glasses; mugs; drinking glasses;, namely, tumblers; martini glasses; champagne goblets; vacuum mugs; vacuum bottles; hip flasks; coolers for wine; champagne buckets; vacuum bottle stoppers specially adapted for use with wine bottles; corkscrews; coasters, not of paper or textile; serving trays; colanders; mixing bowls; bowls; non-electric cooking steamers; kitchen utensil crocks; kitchen utensils, namely, splatter screens; cooking strainers; jars for cooking grease sold empty; trivets; spoon rests; manually actuated pump dispensers for attachment to containers for use in dispensing liquids; toothpick holders, not of precious metal; oil and vinegar cruet for oil and vinegar, sold empty; hand- operated pepper mills; hand-operated salt and pepper mills; salt and pepper shakers; stovetop popcorn poppers,

non-electric; fruit presses, non-electric, for household purposes; paper towel dispensers for household use; bread boxes; cheese board and knife set; hand-operated claw crackers; canister sets; cookie jars; cookware for use in microwave ovens; plastic storage containers for household use; trays for domestic purposes; carafes; coffee servers; coffeepots, non-electric; non-electric French presses; non-electric tea kettles; tea pots, non-electric; tea infusers not of precious metal; glass mugs; cream and sugar sets; hand operated coffee grinders; coffee mugs; sports bottles sold empty; pitchers; dispensers for liquid soap; dish drying racks; toilet brushes; toilet brush holders; toilet plunger holders; compost containers for household use; household storage containers for pet food,” in class 21; U.S. Application Serial No. 88/092,280 (the “OGGI Application”). **Petitioner’s history is unrelated to our trademark Oggibox.**


9. On March 14, 2019, Petitioner filed an application to register the trademark,



on the Principal Register for use in connection with the same goods as recited in paragraph 6 above, U.S. Application Serial No. 88/340,829 (the “OGGI Design Application”) **Petitioner’s history is unrelated to our trademark Oggibox.**

10. The United States Patent and Trademark Office has refused registration of



Petitioner’s “OGGI” mark in the OGGI Application and the  mark in the OGGI Design Application because it believes these marks so resembles the mark shown in U.S. Registration No. 5,672,245 as to be likely, when used on the recited goods, to cause confusion, or cause mistake, or to deceive. **We are in different field as Oggibox is applied in Bakeware and Oggi claimed to be in Barware etc, in the field of bakeware, ASDAK international is not the earliest as OGGIBOX is in bakeware earlier.**

11. Petitioner has responded to the Office Actions issued for both the OGGI

Application and the OGGI Design Application and the Office has maintained and made final its refusals to register Petitioner's trademarks due to the alleged likelihood of confusion with Respondents' trademark. **Petitioner's history is unrelated to our trademark Oggibox.**

12. Petitioner has tried, without success, to resolve the issue of likelihood of confusion raised by the Examining Attorneys assigned to each of Petitioner's applications by means of a consent or coexistence agreement with Respondents. To date, Respondents have refused to enter into such an agreement. **Petitioner's history is unrelated to our trademark Oggibox. We feel that since we are not in the related field , The members of Oggibox llc has no reason to consent or coexistence as we are not in the same field.**

13. Upon information and belief, Respondent Oggibox, LLC is a Washington limited liability company with an address of 15110 NE 81st Way, Unite 203, Redmond, Washington 98052. **true.**

14. Upon information and belief, Respondent Kevin Ren is an individual also with an address of 15110 NE 81st Way, Unite 203, Redmond, Washington 98052. **true.**

15. Upon information and belief, Respondents are co-owners of the OGGIBOX OUR TOOLS YOUR INGREDIENTS trademark and U.S. Registration No. 5,672,245, registered on February 12, 2019 and directed exclusively to "bakeware." **true.**

16. Upon information and belief, Respondents adopted the mark in U.S. Registration No.5,672,245 no earlier than July 20, 2016; many years after Petitioner had begun using its OGGI trademarks throughout the United States. **We are not in the same field, and the claim to "oggi" an word in the Italian language meaning: today, nowadays etc is not**

related to our trademark “Oggibox” which is a made up word not in the Italian dictionary.

17. Petitioner’s rights in the OGGI trademark and related design trademark predate any rights Respondent may have in its trademark and therefore Petitioner has priority. As 1. Our trademark for “OGGIBOX” is not the same as their trademark for “OGGI”. 2. We are also not in the same Market. the petitioner’s claim to be in market in barware is not the same field as in bakeware. And the trademark dispute for “Oggi” vs “Oggibox” is not the same meaning as in their trademark of a common Italian word “oggi” vs our trademark doesn’t apply in the same group. Predate doesn’t apply.

18. Petitioner is being damaged by continued existence of U.S. Registration No. 5,672,245 because Petitioner is unable to obtain registration of the trademarks in the OGGI Application and the OGGI Design Application due to the refusals based on alleged likelihood of confusion with Respondents’ registration. As 1. Our trademark for “OGGIBOX” is not the same as their trademark for “OGGI”. 2. We are not in the same Market, the petitioner’s claim to be in different markets in barware is not the same field as in bakeware. The likelihood of confusion is unfounded.

19. Petitioner’s legal use of its trademarks will be impaired by the continued registration of the mark in U.S. Registration No. 5,672,245. As “Oggibox” is not the same trademark as the petitioner’s legal use of “oggi”, that claim is unrelated to Oggibox LLC.

WHEREFORE, Petitioner claim of priority in our bakeware market and the likelihood of confusion in their filing for trademark of a common word to our existing trademark of “OGGIBOX” is unfounded. We pray that this Petition for cancellation be denied and that U.S. Registration No.5,672,245 not to be cancelled.

Please address all communication to Kevin Ren, Oggibox LLC., 15110 ne 81st way unit 203 Redmond, WA 98052.

Date: DECEMBER 6, 2019

OGGIBOX LLC

By its member:

/Kevin Ren/

Kevin Ren
OGGIBOX LLC
22030 68TH AVE S
KENT WA 98032
Tel.: (425) 246-9432

I hereby certify that a true and complete copy of the foregoing to contest the petition for cancellation has been served on Craig J. Lervick Larkin Hoffman Daly & Lindgren Ltd. By forwarding said copy on December 6, 2019, via email to:

Attorney information	Craig J. Lervick Larkin Hoffman Daly & Lindgren Ltd. 8300 Norman Center Drive Suite 1000 Minneapolis, MN 55437-1060 UNITED STATES ipgroup@larkinhoffman.com, clervick@larkinhoffman.com, pgod- fread@larkinhoffman.com 952-896-3245
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Signature _____



Date _____

Dec 6 2019