

ESTTA Tracking number: **ESTTA757068**

Filing date: **07/08/2016**

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	Krass USA, LLC		
Entity	Limited Liability Company	Citizenship	New Jersey
Address	4460 Bordentown Ave. Old Bridge, NJ 08857 UNITED STATES		

Attorney information	Mark J. Ingber The Ingber Law Firm 374 Millburn Ave Suite 301 Millburn, NJ 07041 UNITED STATES ingber.law@verizon.net Phone:(973) 921-0080
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### Applicant Information

Application No	86876402	Publication date	06/14/2016
Opposition Filing Date	07/08/2016	Opposition Period Ends	07/14/2016
Applicant	Samer Abdelmaseh 710 Hartle St. Sayreville, NJ 08872 UNITED STATES		

### Goods/Services Affected by Opposition

Class 034. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Smokers' articles, namely, hookah charcoal

### 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.	86862888	Application Date	12/31/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SUN LIGHT S		

Design Mark	
Description of Mark	The mark consists of the shaded circular border that contains words Sun and Light and a teardrop-shaped flame between the words positioned in the upper portion of the border. There is a stylized letter S inside the circular border with a flame design emanating from the middle portion of the letter S.
Goods/Services	Class 034. First use: First Use: 2016/01/28 First Use In Commerce: 2016/01/28 Hookah parts, namely, hoses, bowls, mouthpieces, bases, hookah heads, glasses, trays, pipes, filters; Hookahs; Smokers' articles, namely, hookah charcoal

Attachments	86862888#TMSN.png( bytes ) SUNLITE CHARCOAL Opposition.pdf(2239131 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark J. Ingber/
Name	Mark J. Ingber
Date	07/08/2016

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
<b>IN RE APPLICATION OF:</b> <b>Samer Abdelmaseh</b> <b>SERIAL NO: 86/876402</b> <b>FILED: January 15, 2016</b> <b>MARK: SUNLITE CHARCOAL</b>	<b>CLASS: 34</b>  <b>PUBLISHED: June 14, 2016</b>
<b>KRASS USA, LLC</b>  <p style="text-align: center;"><b>Opposer,</b></p> <p><b>vs.</b></p> <p style="text-align: center;"><b>Samer Abdelmaseh</b></p> <p style="text-align: center;"><b>Applicant.</b></p>	<b>OPP. NO:</b>
<b>TO: TRADEMARK TRIAL AND APPEAL BOARD</b> U.S. Patent and Trademark Office P.O. Box 1451 Alexandria, VA 22313-1451	

### NOTICE OF OPPOSITION

**A. Identification of Opposer:**

1. Opposer is Krass USA, LLC, a New Jersey corporation with a principal place of business at 4460 Bordentown Ave. Old Bridge, NJ 08857 (herein after "Krass").
2. Opposer is the owner of the following U.S. Trademark Application:
  - a) No. 86/862,888, for the mark SUN LIGHT S filed on December 31, 2015 as used since at least as early as January 28, 2016, in connection with "Hookah parts, namely, hoses, bowls, mouthpieces, bases, hookah heads, glasses, trays, pipes, filters; hookahs; smokers' articles, namely, hookah charcoal" in Class 34;
3. A copy of the TESS printout of this application is attached hereto as Exhibit A.
4. Applicant, Samer Abdelmaseh, a United States individual, is the owner of U.S. Trademark Application Serial No. 86/876,402 for the mark SUNLITE CHARCOAL filed on January 15, 2016, as intended for use in connection with "Smokers' articles, namely, hookah charcoal" in Class 34.
5. Opposer believes that it will be damaged by the grant of and registration of said SUNLITE CHARCOAL mark in Class 34 shown in the above referenced Application Ser. No. 86/876,402, and hereby opposes the registration of such mark.

6. Upon information and belief, Applicant has made no use of the SUNLITE CHARCOAL mark for which it seeks registration in Class 34. There is no issue as to priority. Applicant's foregoing SUNLITE CHARCOAL application was filed January 15, 2016, while Opposer's SUN LIGHT S application was originally filed as an intent-to-use application with a prior filing date of December 31, 2015, but was later amended to a use application with a date of first use of January 28, 2016.

B. Grounds for Opposition:

As grounds for opposition, it is alleged that:

7. Krass USA, LLC ("Opposer") is presently engaged in and has been continuously engaged in its hookah goods and services in the United States since at least as early as 1998. Opposer has used its SUN LIGHT S mark in commerce since at least as early as January 28, 2016, however the mark was filed as an intent-to-use application, with a filing date of December 31, 2015. Such date is prior to the January 15, 2016 date of filing by Applicant of its intent-to-use Application Ser. No. 86/876,402 for the mark SUNLITE CHARCOAL.
8. As a consequence of Opposer's continuous, substantial and widespread use of the SUN LIGHT S mark, the trade and consuming public have come to know and associate Opposer's SUN LIGHT S mark with Opposer's hookah parts, namely hookah charcoal goods and having their source of origin from and originating with Opposer, such identification and association with Opposer having occurred prior to the January 15, 2016 filing date for Applicant's intent-to-use SUNLITE CHARCOAL mark Ser. No. 86/876,402.
9. The trademark proposed for registration by the Applicant, namely, SUNLITE CHARCOAL in Class 34, is so confusingly similar in sight and sound to Opposer's SUN LIGHT S mark that there is a substantial likelihood of confusion amongst the consuming public. Moreover, Applicant's goods, as identified in its trademark application, are identical to Opposer's goods and are likely to cause confusion therewith and mistake therefore. The Applicant's intended SUNLITE CHARCOAL mark is deceptively similar to Opposer's prior filed and used SUN LIGHT S mark, so as to cause confusion and lead to deception as to the origin of Applicant's goods bearing Applicant's marks.
10. Moreover, the goods of Opposer and the goods of Applicant are identical, are in similar channels of commerce, and are offered and/or will be offered to similar customers.
11. As a result of the confusing similarity between Opposer's prior filed and used SUN LIGHT S mark and the Applicant's intended SUNLITE CHARCOAL mark, and because the goods of Applicant and Opposer are identical, are in similar channels of commerce, and are directed to similar customers, registration of Applicant's SUNLITE CHARCOAL mark in connection with Applicant's goods is likely to cause confusion and/or is likely to deceive the public as to the source or sponsorship of such goods and thereby to damage Opposer.
12. Opposer would be damaged by the granting to Applicant of the registration of the



SUNLITE CHARCOAL mark for which registration is sought, because such mark, when applied to the goods of Applicant, would:

- a. Be likely to continue to cause confusion and to cause mistake and to deceive;
  - b. Falsely suggest a connection with Opposer;
  - c. Cause consumers to purchase Applicant's goods assuming that they were purchasing Opposer's goods;
  - d. Damage Opposer's valuable goodwill in its SUN LIGHT S mark; and
  - e. Cause confusion in the trade which would inevitably result in the loss of sales to the Opposer. Furthermore, any defect, objection or fault found with Applicant's goods marketed under its mark would necessarily reflect upon and seriously injure the reputation which the Opposer has established for its goods.
  - f. If the Applicant were granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark. Such registration would be a source of damage and injury to the Opposer.
13. By reason of the foregoing, Applicant is not entitled to registration of the mark sought by its application Serial No. 86/876,402 for the intended mark SUNLITE CHARCOAL.

WHEREFORE, Opposer respectfully prays that:

- a. Applicant be required to answer this Notice of Opposition;
- b. Application Serial No. 86/876,402 in International Class 34 be rejected, and that the mark therein sought for the goods herein specified in International Class 34 be denied and refused.
- c. Opposer hereby gives notice under Rule 2.122(d) of the Rules of Practice that after hearing and in any appeal on this opposition proceeding, it will rely on its Application which is annexed as an exhibit to this Notice of Opposition as evidence in support of this Notice of Opposition.
- d. The \$300 filing fee required in § 2.6(a)(17) is submitted herewith.
- e. Opposer be awarded such other and further relief as may be deemed to be just and proper.

Respectfully submitted,

THE INGBER LAW FIRM

By: /Mark J. Ingber/  
Mark J. Ingber, Esq.

Dated: July 8, 2016

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