

ESTTA Tracking number: **ESTTA495455**

Filing date: **09/19/2012**

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	Ole Henriksen of Denmark, Inc.		
Entity	Corporation	Citizenship	California
Address	16665 Arminta Street Van Nuys, CA 91406 UNITED STATES		

Attorney information	Douglas H. Morseburg Sheldon Mak & Anderson PC 100 Corson Street, 3rd Fl. Pasadena, CA 91103 UNITED STATES douglas.morseburg@usip.com		
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### Applicant Information

Application No	85629322	Publication date	08/21/2012
Opposition Filing Date	09/19/2012	Opposition Period Ends	09/20/2012
Applicant	Beshert Ventures, LLC 1401 McKinney Street, Suite 2550 Houston, TX 77010 UNITED STATES		

### Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Wine
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3173981	Application Date	01/03/2006
Registration Date	11/21/2006	Foreign Priority Date	NONE
Word Mark	TRUTH SERUM		

Design Mark	<b>TRUTH SERUM</b>
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2000/05/02 First Use In Commerce: 2000/05/02 non-medicated skin care preparations

Attachments	78784279#TMSN.jpeg ( 1 page )( bytes ) 20120919 Statement of Opposition.pdf ( 2 pages )(77249 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	/douglassmorseburg/
Name	Douglas H. Morseburg
Date	09/19/2012

## STATEMENT OF OPPOSITION

Opposer Ole Henriksen of Denmark, Inc.(hereafter, “Opposer”), a corporation organized and existing under the laws of California, located and doing business at 16665 Arminta Street, Van Nuys, California 91406, believes that it will be damaged by the registration of the mark shown in application Serial No. 85/629,322 and it hereby opposes same.

As grounds for its opposition, Opposer hereby alleges as follows:

1. Opposer is a corporation duly incorporated under the laws of California with its principal place of business located in the City of Los Angeles, in the County of Los Angeles, California.

2. At least as early as 2001, Opposer adopted a mark consisting of the words “Truth Serum” (the “Mark”) and used it in interstate commerce in connection with the sale of at least one skin care product.

3. Since adopting the Mark, Opposer has used it continuously to identify its goods and to distinguish them from goods made and sold by others by, among other things, prominently displaying the Mark on the containers and packaging for the goods. The Mark has attained considerable value.

4. The consuming public has come to associate the Mark with products sold by, or emanating from, Opposer. In addition, Opposer has developed extensive goodwill in the Mark.

5. On or about January 3, 2006, Opposer applied to register the Mark with the U.S. Patent and Trademark Office (“PTO”). The Mark was registered in the PTO on November 21, 2006 and it was assigned U.S. Registration No. 3,173,981.

6. Despite Opposer’s prior use of the Mark, Opposer is informed and it believes, that on or about May 18, 2012, Beshert Ventures, LLC (“Applicant”), filed application Serial No. 85/629,322 (the “322 Application”) with the PTO stating that Applicant intended to use the term “Truth Serum” in connection with the sale of wine and seeking a federal registration for that mark.

7. Opposer is informed and it believes that its use of the Mark in connection with the sale of the product(s) enumerated above was prior to the filing date of the '322 Application and prior to any actual or constructive date of first use by Applicant of Applicant's mark.

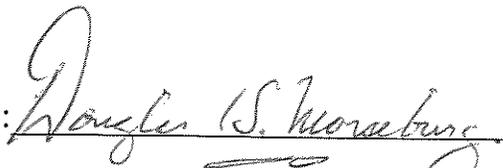
8. Applicant's use of the term "Truth Serum" on or in connection with Applicant's goods is likely to cause confusion, mistake or deception in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), in that persons familiar with Opposer's Mark would be likely to buy Applicant's goods believing they are Opposer's goods or to believe that Applicant's goods are made, sold or sponsored by, or otherwise associated with, Opposer. Furthermore, any defect, objection or fault found with goods sold by Applicant would necessarily reflect upon Opposer, and irreparably and seriously injure Opposer's reputation and goodwill.

9. In addition, Opposer's TRUTH SERUM mark is a strong and famous mark and the Opposed Mark, as used in connection with the identified goods, is likely to dilute the distinctiveness of the Opposer's mark. Registration of the Opposed Mark should therefore be refused pursuant to 15 U.S.C. §§ 1063 and 1125(c).

WHEREFORE, Opposer respectfully requests that registration of the '322 Application be denied.

Respectfully submitted,

Ole Henriksen of Denmark, Inc.

By: 

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Its Attorneys

Dated September 19, 2012