

ESTTA Tracking number: **ESTTA563992**

Filing date: **10/09/2013**

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	Westridge Laboratories, Inc.
Granted to Date of previous extension	10/30/2013
Address	1671 E. St. Andrew Place Santa Ana, CA 92705 UNITED STATES

Attorney information	Jay Geller 12100 Wilshire Bl., Suite 500 Los Angeles, CA 90025 UNITED STATES jhgeller@aol.com Phone:3109799966
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### Applicant Information

Application No	76260958	Publication date	07/02/2013
Opposition Filing Date	10/09/2013	Opposition Period Ends	10/30/2013
Applicant	SUPERVALU INC. 7075 FLYING CLOUD DRIVE LEGAL DEPARTMENT EDEN PRAIRIE, MN 55344 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: BATH GEL, BODY LOTION, BODYMIST, BODY SHIMMER AND GIFT SETS OF THE FOREGOING PRODUCTS
Class 004. All goods and services in the class are opposed, namely: SCENTED CANDLES

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2573871	Application Date	03/21/2001
Registration Date	05/28/2002	Foreign Priority Date	NONE
Word Mark	I D		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 Gels, liquids and lotions for use as personal lubricants

U.S. Registration No.	2515606	Application Date	03/20/2001
Registration Date	12/04/2001	Foreign Priority Date	NONE
Word Mark	I D		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/18 First Use In Commerce: 1994/05/18 Gels, liquids and lotions for use as personal lubricants		

U.S. Registration No.	3609675	Application Date	11/20/2007
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	I D MOMENTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/15 First Use In Commerce: 2008/08/15 Gels for use as personal lubricant; Water-based personal lubricants		

U.S. Registration No.	2955769	Application Date	11/11/2003
Registration Date	05/24/2005	Foreign Priority Date	NONE
Word Mark	ID SENSATION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2004/08/06 First Use In Commerce: 2004/08/06 Massage oils and lotions, and skin moisturizers and conditioners		

U.S. Registration No.	3106538	Application Date	06/23/2005
Registration Date	06/20/2006	Foreign Priority Date	NONE
Word Mark	ID GLIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1998/01/00 First Use In Commerce: 1998/01/00 Personal lubricants		

U.S. Registration	3989480	Application Date	11/12/2010
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No.			
Registration Date	07/05/2011	Foreign Priority Date	NONE
Word Mark	I D		
Design Mark			
Description of Mark	The mark consists of the stylized letters "I" and "D".		
Goods/Services	Class 005. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Gels for use as personal lubricant; Medical lubricant, namely, vaginal lubricants; Personal lubricants; Silicone-based personal lubricants; Water-based personal lubricants		

U.S. Registration No.	4259263	Application Date	03/19/2012
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	ID HERO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2012/09/19 First Use In Commerce: 2012/09/19 personal lubricants; personal sexual lubricants		

U.S. Registration No.	4269252	Application Date	09/22/2011
Registration Date	01/01/2013	Foreign Priority Date	NONE
Word Mark	ID FRUTOPIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2012/01/27 First Use In Commerce: 2012/01/27 Personal lubricants; Personal sexual lubricants		

U.S. Registration No.	4354730	Application Date	10/07/2011
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	ID SILK		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/05 Personal lubricants; Personal sexual lubricants		

U.S. Registration No.	4408677	Application Date	07/13/2012
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	ID		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2013/04/11 First Use In Commerce: 2013/04/11 Condoms

Attachments	I.D.Opp.pdf(68339 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	/jhgeller/
Name	Jay Geller
Date	10/09/2013



International Class 10. Opposer is the owner of the following United States registrations all of which consist in whole or in part of the mark ID, several of which have become incontestable:

2573871	ID
2515606	ID
3609675	ID MOMENTS
2955769	ID SENSATION
3106538	ID GLIDE
3989480	ID
4259263	ID HERO
4269252	ID FRUTOPIA
4354730	ID SILK
4408677	ID

5. Applicant's mark wholly incorporates Opposer's trademark ID, and the I.D. portion of applicant's mark is identical in sound, spelling and appearance to Opposer's trademark.

6. The goods upon which applicant intends to use its mark I.D. are closely related to those goods upon which Opposer uses its mark ID.

7. The likelihood of confusion in the marketplace exists between Opposer's trademark when applied to the goods of the respective parties, and applicant's trademark.

8. Registration of applicant's trademark will result in damage to Opposer's trademark and Opposer's business.

Wherefore, Opposer requests that this Opposition be

sustained and that the registration to the Applicant be refused.

Dated: October 8, 2013

/jhgeller/  
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I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:

**RICHARD J POLLEY ESQ  
KLARQUIST SPARKMAN LLP  
ONE WORLD TRADE CTR STE 1600  
121 SW SALMON ST  
PORTLAND, OREGON 97204**

on October 8, 2013.

/jhgeller/  
Jay H. Geller