

ESTTA Tracking number: **ESTTA632886**

Filing date: **10/15/2014**

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	Baar Products, Inc		
Entity	Corporation	Citizenship	Pennsylvania
Address	PO Box 60 Downingtown, PA 19335 UNITED STATES		

Correspondence information	Charles L. Riddle, Esq. Riddle Patent Law, LLC / EsquireTrademarks.com 434 Lackawanna Ave. Suite 200 ScRANTON, PA 18503 UNITED STATES charles@charlesriddle.com Phone:5703444439
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Applicant Information

Application No	85350687	Publication date	09/16/2014
Opposition Filing Date	10/15/2014	Opposition Period Ends	10/16/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Natural Factors Nutritional Products Ltd. 1550 United Boulevard Coquitlam, BC, V3K6Y2 CANADA		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Dietary food supplements; Health food supplements; Herbal supplements; Mineral supplements; Natural herbal supplements; Nutraceuticals for use as a dietary supplement; Nutritional supplements; Vitamin supplements
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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. Application No.	86397053	Application Date	09/17/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ALKACARE		

Design Mark	ALKACARE
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 solutions; supplements; mouthwash and gargle solution; health supplement; dietary supplement; nutritional supplement; goods; services

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ALKACARE		
Goods/Services	solutions; supplements; mouthwash and gargle solution; health supplement; dietary supplement; nutritional supplement; goods; services		

Attachments	86397053#TMSN.png(bytes) 14j14 Notice of Opposition.pdf(88209 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	/clr/
Name	Charles L. Riddle, Esq.
Date	10/15/2014

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

BAAR PRODUCTS, INC.,	:
	:
Opposer	: Opposition No. _____
	: Application No. 85/350,687
	:
	:
NATURAL FACTORS	:
NUTRITIONAL PRODUCTS LTD.,	:
	:
Applicant	:

NOTICE OF OPPOSITION

Petitioner Baar Products, Inc. (“Baar Products”), a Pennsylvania Corporation, located in Downingtown, Pennsylvania, believes that it will be damaged by registration of the mark shown in Application No. 85/350,687 and hereby opposes the same on the following grounds:

1. Upon information and belief, Applicant, Natural Factors Nutritional Products Ltd., is a Corporation of Canada, having an address 1550 United Boulevard Coquitlam, BC V3K6Y2 CANADA, is seeking to register the mark ALKACARE PH for Dietary and nutritional supplements; Dietary food supplements; Health food supplements; Herbal supplements; Mineral supplements; Natural herbal supplements; Nutraceuticals for use as a dietary supplement; Nutritional supplements; Vitamin supplements.
2. Opposer is using the mark ALKACARE in commerce and such use commenced long prior to the June 20, 2011 intent to use filing date of Application No. 85/350,067 for ALKACARE PH.
3. Opposer has priority.
4. Applicant’s mark is substantially similar to Opposer’s mark.

5. Applicant's mark contains, utilizes, or states the term ALKACARE.
6. Applicant's goods are identical to and/or commercially related to Opposer's goods.
7. Opposer is the owner of U.S. Trademark Application Serial No. 86/397,053.
8. In view of the substantial similarity between the marks, the commercial relationship between the goods and services, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source, sponsorship, and/or affiliation of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of 85/350,687, and prays that this opposition be sustained, and that registration of 85/350,687 be denied.

Respectfully submitted,

RIDDLE PATENT LAW, LLC

By: s/Charles L. Riddle
Charles L. Riddle, Esq. (Reg. No 54,779)
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Counsel for Opposer, Baar Products, Inc.

Dated: October 14, 2014

CERTIFICATE OF SERVICE

I, Charles L. Riddle, certify that a copy of the foregoing Notice of Opposition was served on the following by first-class mail, postage prepaid, on the following:

Natural Factors Nutritional Products Ltd.
1550 United Boulevard
Coquitlam, BC V3K6Y2 CANADA

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Counsel for Opposer, Baar Products, Inc.

Dated: October 14, 2014