

ESTTA Tracking number: **ESTTA682576**

Filing date: **07/08/2015**

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	International Flora Technologies, LTD.
Granted to Date of previous extension	07/08/2015
Address	291 E. El Prado Court Chandler, AZ 85225 UNITED STATES
Attorney information	Adam R. Stephenson Adam R. Stephenson, LTD. 40 W. Baseline Rd., Ste 101 Tempe, AZ 85283 UNITED STATES adam@patentproblempro.com, janice@patentproblempro.com Phone:480.264.6075

**Applicant Information**

Application No	86248555	Publication date	03/10/2015
Opposition Filing Date	07/08/2015	Opposition Period Ends	07/08/2015
Applicant	PPP&C, Inc. 137 N. Larchmont Blvd. #705 Los Angeles, CA 90004 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cosmetic skin fresheners; Moisturizing preparations for the skin; Moisturizing solutions for the skin; Non-medicated skin care preparations; Skin conditioners
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**Grounds for Opposition**

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

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1794063	Application Date	05/04/1992
Registration Date	09/21/1993	Foreign Priority Date	NONE

Word Mark	FLORASUN
Design Mark	<b>FLORASUN</b>
Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 1993/02/16 First Use In Commerce: 1993/02/16 oils derived from sunflower seed for industrial uses

U.S. Registration No.	1816554	Application Date	04/22/1993
Registration Date	01/18/1994	Foreign Priority Date	NONE
Word Mark	FLORAESTERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1993/01/19 First Use In Commerce: 1993/01/19 chemical compounds; namely, jojoba esters for use in the manufacture of cosmetics and lubricants		

U.S. Registration No.	1891878	Application Date	02/14/1994
Registration Date	05/02/1995	Foreign Priority Date	NONE
Word Mark	FLORABEADS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1993/04/14 First Use In Commerce: 1993/04/14 wax esters in microspherical form useful in the manufacture of cosmetics		

U.S. Registration No.	2043520	Application Date	04/10/1996
Registration Date	03/11/1997	Foreign Priority Date	NONE
Word Mark	FLORATECH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1992/07/01 First Use In Commerce: 1992/07/01 plant-derived chemicals for use in the manufacture of cosmetics, personal cleaning products and pharmaceuticals		

U.S. Registration No.	2153452	Application Date	10/22/1996
Registration Date	04/28/1998	Foreign Priority Date	NONE

Word Mark	FLORATECH INTERNATIONAL FLORA TECHNOLOGIES THE NATURAL SOLUTION
Design Mark	
Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 1996/06/01 First Use In Commerce: 1996/06/01 plant derived chemicals for use in the manufacture of cosmetics, personal cleaning products and pharmaceuticals

U.S. Registration No.	2387152	Application Date	02/05/1999
Registration Date	09/19/2000	Foreign Priority Date	NONE
Word Mark	FLORAMAC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1998/12/22 First Use In Commerce: 1998/12/22 macadamia nut oil and derivatives thereof for use in the manufacture of cosmetics		

U.S. Registration No.	2759867	Application Date	10/12/2001
Registration Date	09/02/2003	Foreign Priority Date	NONE
Word Mark	FLORALIPIDS		

Design Mark	<b>FLORALIPIDS</b>		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1993/02/16 First Use In Commerce: 1993/02/16 Chemical additives prepared from natural products for use in the manufacture of cosmetics		

U.S. Registration No.	2233871	Application Date	12/16/1997
Registration Date	03/23/1999	Foreign Priority Date	NONE
Word Mark	FLORASOMES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 1997/11/21 First Use In Commerce: 1997/11/21 chemicals, namely, wax esters in microspherical form for use in the manufacture of cosmetics and lubricants		

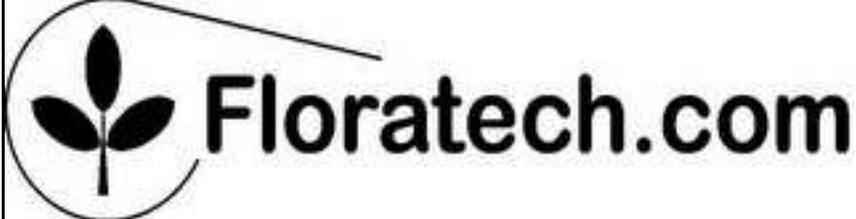
U.S. Registration No.	2639282	Application Date	11/26/2001
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	FLORAPEARLS		
Design Mark	<b>FLORAPEARLS</b>		
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 2000/09/08 First Use In Commerce: 2000/09/08 Chemical additives prepared from natural products for use in the manufacture of cosmetics		

U.S. Registration No.	2639281	Application Date	11/26/2001
Registration Date	10/22/2002	Foreign Priority Date	NONE
Word Mark	FLORASPHERES		
Design Mark	<b>FLORASPHERES</b>		

Description of Mark	NONE
Goods/Services	Class 001. First use: First Use: 1998/11/05 First Use In Commerce: 1998/11/05 Chemical additives prepared from natural products for use in the manufacture of cosmetics

U.S. Registration No.	4064164	Application Date	05/11/2010
Registration Date	11/29/2011	Foreign Priority Date	NONE

Word Mark	FLORATECH.COM
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Design Mark	
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Description of Mark	The mark consists of a logo comprising the wording "Floratech.com", an adjacent branch with three leaves and a curved portion and line surrounding some of the branch and wording.
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Goods/Services	Class 001. First use: First Use: 2010/05/11 First Use In Commerce: 2010/05/11 Plant-derived chemicals, botanical oils and their derivatives, and botanical extracts for use in the manufacture of cosmetics, personal care products, and pharmaceuticals; Botanical extracts, oils and their derivatives for use in the manufacture of cosmetics
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Attachments	74272089#TMSN.png( bytes ) 75185561#TMSN.png( bytes ) 75633180#TMSN.png( bytes ) 76324056#TMSN.png( bytes ) 76341401#TMSN.png( bytes ) 76341400#TMSN.png( bytes ) 85035042#TMSN.png( bytes ) FiledNoticeOfOpposition.pdf(106043 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	/Adam Stephenson/
Name	Adam R. Stephenson
Date	07/08/2015

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

In the Matter of Application Serial No. 86/248,555

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International Flora Technologies, LTD., Opposition No.: \_\_\_\_\_

Petitioner,

v.

**NOTICE OF OPPOSITION**

PPP&C, Inc.

Applicant.

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Opposer International Flora Technologies, LTD., a for-profit corporation organized and existing under the laws of the State of Arizona, doing business at 291 E El Prado Court, Chandler, AZ 85225, brings this Opposition against Application Serial No. 86/248,555, filed by Applicant PPP&C, Inc., having an address of 137 N. Larchmont Blvd. #705, Los Angeles, CA 90004.

1. On information and belief, on April 10, 2014, PPP&C, Inc. ("Applicant") filed Application Serial No. 86/248,555 (the "Application") under Section 1(b) of the Lanham Act. On information and belief, the Application was published in the U.S. Patent & Trademark Office's Official Gazette on March 10, 2015. The Application seeks to cover a logo design that includes the literal elements EXCLUSIVE FLORA-CELL COMPLEX ROBIN MCGRAW REVELATION 3 VITAL HYDRATION SERUM INFUSED MOISTURIZING TREATMENT for the listed services: "Cosmetic skin

fresheners; Moisturizing preparations for the skin; Moisturizing solutions for the skin; Non-medicated skin care preparations; Skin conditioners,” in International Class 003.

2. Opposer International Flora Technologies, LTD. (Floritech) is a manufacturer of cosmetic ingredients that are included in numerous well-known consumer brands of retail cosmetics. Opposer is known in the industry by its trademark FLORATECH® and has been manufacturing cosmetic ingredients for over 40 years. Since 1975, Opposer has marketed and sold its ingredients and products to manufacturers of cosmetics which have been sold in all US States.

3. Currently, in the United States alone, Floritech owns more than 30 valid and subsisting U.S. federal trademark and service mark registrations. Many of its U.S. federal registrations have become incontestable under Section 15 of the Lanham Act. Additionally, Floritech owns more than 100 similar trademark and service mark registrations in more than 17 countries throughout the world. All these (along with numerous trade names and common-law marks) form a "family" of FLORA-containing trade names, trademarks, and service marks (“FLORATECH Marks”). Under the Lanham Act, Floritech’s incontestable U.S federal registrations are conclusive evidence of Floritech’s exclusive right to use or authorize the use of the FLORATECH Marks in commerce.

4. Floritech has extensively used, advertised, and promoted the FLORATECH Marks throughout the United States. Floritech has invested substantial sums in advertising and promoting its marks, services, products, and image, thereby creating substantial goodwill in the marketplace. As a result, the general public

recognizes the FLORATECH Marks separately and collectively as identifying Floratech and the quality products and services it provides. The FLORATECH Marks are an asset of incalculable value to Floratech; and it has vigorously and successfully protected its marks in the United States and internationally.

5. Among Floratech's FLORATECH Marks and other related marks are a range of marks consisting substantially of the term FLORA, including FLORATECH, FLORATECH INTERNATIONAL FLORA TECHNOLOGIES THE NATURAL SOLUTION, FLORATECH.COM, FLORAESTERS, FLORABEADS, FLORASUN, FLORAMAC, FLORALIPIDS, FLORASOMES, FLORAPEARLS, FLORASPHERES (the "FLORA Marks"). Historically, before Applicant's adoption or use of Applicant's Mark, and, since as early as 1993, and through the present, Floratech (including through its predecessors in interest) has used and does use the FLORA Marks in connection with cosmetic ingredients, cosmetic formulations, and cosmetic ingredient production and related services. Among Floratech's FLORA Marks and other related marks are also a range of marks for chemical ingredients and cosmetic ingredients, including in International Class 001. Several of Floratech's U.S. federal trademark registrations for its marks, including its FLORA Marks, are identified as "Marks Cited by Opposer as Basis for Opposition" in Opposer's electronic submission of this Opposition, including without limitation Registration Nos. 1794063, 1816554; 1891878; 2043520; 2153452; 2387152; 2759867; 2233871; 2639282; 2639281; and 4064164. Floratech believes that as a result of its long use, the FLORA Marks have become famous marks.

6. Applicant's Mark is confusingly similar to one or more of Floratech's FLORA Marks. Among other things, Applicant's Mark contains the term FLORA-CELL in a set off circular emblem at the top right of the logo mark in the phrase EXCLUSIVE FLORA-CELL COMPLEX. Such symbolic use of the term FLORA-CELL word mark clearly denotes that a particular cosmetic ingredient branded as FLORA-CELL is included in the cosmetic preparation to which this mark is to be affixed. Furthermore, the FLORA portion of the FLORA-CELL mark is the distinctive part of this emblem as the terms COMPLEX, CELL, and EXCLUSIVE are merely descriptive of a cosmetic formulation, as indicated by the disclaimer of the terms COMPLEX and EXCLUSIVE already of record in the Application. The goods listed in the Application are similar to, overlap with, related to, or are otherwise the type to be seen as emanating from the same source under a single mark as those goods designated by Floratech's FLORA Marks or other related marks. In sum, Applicant's Mark is therefore likely to confuse, cause mistake among, or deceive the relevant public into believing that Applicant is affiliated with by, endorsed by, or in some manner related to Floratech.

7. The above-described uses of Applicant's Mark is likely to impair and will impair the distinctiveness of the FLORA Marks and their ability to identify and distinguish the goods and services of Floratech and is also likely to harm the reputation of Floratech and these marks by associating them with Applicant through creating likelihood of consumer confusion.

8. Likewise, registration of Applicant's Mark, as described in the Application, will injure Floratech by causing the relevant public to be confused,

mistaken, or deceived to the detriment of Floratech, by diluting the distinctive quality of Floratech's famous FLORA Marks, and by harming the reputation of Floratech and its marks by associating them with Applicant.

9. For the reasons set forth in this Notice of Opposition, Floratech believes that it will be damaged by the registration of Applicant's Mark in the Application. Accordingly, Floratech requests and prays that the Application (and all parts of it) be denied registration.

Dated: July 8, 2015

Respectfully submitted,  
/s/ Adam R. Stephenson  
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Attorney for Opposer, International Flora  
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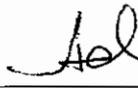
## CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the foregoing NOTICE OF OPPOSITION is being served on the parties listed below by mailing copies via U.S. Mail

First Class, postage pre-paid as follows:

- (1) Applicant PPP&C, Inc.  
137 N. Larchmont Blvd. #705  
Los Angeles, CALIFORNIA 90004
  
- (2) Attorney of Record Christopher Chatham  
Chatham & Hogan, LLP  
2312 W. Olive Ave, Ste D  
Burbank, CA 91506

Dated: July 8, 2015



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