

ESTTA Tracking number: **ESTTA969436**

Filing date: **04/25/2019**

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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner Information

Name	doTERRA Holdings, LLC		
Entity	Limited Liability Company	Citizenship	Utah
Address	389 South 1300 West Pleasant Grove, UT 84062 UNITED STATES		

Attorney information	Krista Weber Powell Traskbritt, P.C. 230 South 500 East, #300 Salt Lake City, UT 84102 UNITED STATES trademark@traskbritt.com, hdburton@traskbritt.com, kwpowell@traskbritt.com, slrogers@traskbritt.com 8015321922		
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Registrations Subject to Cancellation

Registration No.	5639772	Registration date	12/25/2018
Registrant	Amarilis M. Sabando 8801 Albert Road Ozone Park, NY 11417 UNITED STATES Email: Josehtrelles@mailovo.com		

Goods/Services Subject to Cancellation

Class 003. First Use: 2018/07/00 First Use In Commerce: 2018/07/00 All goods and services in the class are subject to cancellation, namely: Essential oils; Essential oils for aromatherapy use; Fragrances
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Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)		
Registration No.	5639828	Registration date	12/25/2018
Registrant	Amarilis M. Sabando 8801 Albert Road Ozone Park, NY 11417 UNITED STATES Email: Josehtrelles@mailovo.com		


Goods/Services Subject to Cancellation

<p>Class 003. First Use: 2018/07/00 First Use In Commerce: 2018/07/00 All goods and services in the class are subject to cancellation, namely: Essential oils; Essential oils for aromatherapy use; Fragrances</p>


Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Marks Cited by Petitioner as Basis for Cancellation

U.S. Registration No.	3641123	Application Date	01/25/2008
Registration Date	06/16/2009	Foreign Priority Date	NONE
Word Mark	DOTERRA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 2008/04/29 First Use In Commerce: 2008/04/29 Aromatherapy oils; Bath oils; Body oils; Cosmetic oils; Cosmetic oils for the epidermis; Essential oils; Essential oils for flavoring beverages; Essential oils for food flavorings; Essential oils for household use; Essential oils for personal use; Essential oils for use in manufacturing of gels and other dietary supplements; Essential oils for use in the manufacture of scented products; Lavender oil; Massage oils; Natural essential oils; Oils for cleaning purposes; Oils for toiletry purposes; Peppermint oil; Skin and body topical lotions, creams and oils for cosmetic use; Food flavorings prepared from essential oils; Massage oil; Perfume oils; Tanning oils; Aromatherapy body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; Beauty creams for body care; Deodorants for body care; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Skin clarifiers; Skin cleansers; Skin creams; Skin lotions; Skin moisturizer; Skin toners; Soaps for body care; Wrinkle removing skin care preparations; Hair shampoos and conditioners; Hair styling preparations; Fragrances</p> <p>Class 005. First use: First Use: 2008/10/17 First Use In Commerce: 2008/10/17 Nutritional oils not for food or cosmetic purposes; Nutritional supplements in lotion form sold as a component of nutritional skin care products</p> <p>Class 009. First use: First Use: 2009/01/23 First Use In Commerce: 2009/01/23</p>		


	<p>Digital materials, namely, CD's, DVD's, and downloadable audio and video files featuring educational tools and training on essential oils and direct selling; Digital media, namely, CD's, DVD's, and downloadable audio and video files featuring educational tools and training on essential oils and direct selling</p> <p>Class 016. First use: First Use: 2008/10/17 First Use In Commerce: 2008/10/17 Stickers; Decals; Brochures about essentials oils</p> <p>Class 025. First use: First Use: 2008/10/17 First Use In Commerce: 2008/10/17 Shirts; Hats</p> <p>Class 029. First use: First Use: 2008/04/29 First Use In Commerce: 2008/04/29 Coconut oil</p>
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U.S. Registration No.	3802079	Application Date	06/02/2009
Registration Date	06/15/2010	Foreign Priority Date	NONE
Word Mark	AROMATOUCH		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 2008/04/25 First Use In Commerce: 2008/04/25 Essential oils; Essential oils for household use; Essential oils for personal use; Lavender oil; Massage oil; Massage oils; Natural essential oils; Aromatherapy oils; Bath oils; Body oils; Cosmetic oils; Cosmetic oils for the epidermis; Essential oils for flavoring beverages; Essential oils for food flavorings; Essential oils for use in manufacturing of gelpcaps and other dietary supplements; Essential oils for use in the manufacture of scented products; Oils for cleaning purposes; Oils for toiletry purposes; Skin and body topical lotions, creams and oils for cosmetic use; Food flavorings prepared from essential oils; Oils for perfumes and scents; Peppermint oil; Perfume oils; Tanning oils</p>		

Attachments	<p>77976895#TMSN.png(bytes) 77750044#TMSN.png(bytes) 19-04-25 Cancellation AROMA DTERRA FINAL.pdf(320515 bytes) 19-04-25-Exhibits for Cancellation AROMA DTERRA.pdf(574728 bytes)</p>
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Signature	/H. Dickson Burton/
Name	H. Dickson Burton
Date	04/25/2019

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

<p>DŌTERRA HOLDINGS, LLC</p> <p>Petitioner,</p> <p>v.</p> <p>AMARILIS M. SABANDO</p> <p>Registrant.</p>	<p>Cancellation No. (_____)</p> <p>Mark: AROMA D'TERRA Int'l Class: 003 Registration No: 5639772</p> <p style="text-align:center"></p> <p>Int'l Class: 003 Registration No: 5639828</p>
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CONSOLIDATED PETITION FOR CANCELLATION

Petitioner, dōTERRA Holdings, LLC (“dōTERRA”) is a limited liability company organized and existing under the laws of the State of Utah, with its principal place of business located at 389 South 1300 West, Pleasant Grove, Utah 84062. dōTERRA believes that it will be damaged by the continued registration of the mark appearing in pending Trademark Registration Serial Nos. 5639772 and 5639828 (the “subject marks”) of Amarilis M. Sabando (“Registrant”) and hereby seeks cancellation of the same.

As grounds for the present cancellation, dōTERRA alleges, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters, as follows:

1. dōTERRA began using its DOTERRA trademark in interstate commerce in connection with the sale and promotion of essential oils at least as early as April 2008. dōTERRA has thereafter continuously used DOTERRA in advertising, promoting, marketing and selling its products throughout the United States. Since at least as early as April 2008, dōTERRA has used

DOTERRA, in various forms, in interstate commerce in connection with the sale and promotion of its products.

2. dōTERRA's DOTERRA trademark is inherently distinctive as applied to its products.

3. By virtue of dōTERRA's continuous use in commerce of its DOTERRA mark in connection with its dōTERRA line of products, such products have become well and favorably known to the relevant trade and public.

4. dōTERRA has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its DOTERRA mark. As a result, considerable goodwill has attached to the mark DOTERRA to dōTERRA's benefit.

5. The DOTERRA mark is representative of dōTERRA's reputation for designing and providing high quality products and symbolizes the goodwill of dōTERRA, which is invaluable.

6. dōTERRA began using its AROMATOUCH trademark in interstate commerce in connection with the sale and promotion of essential oils at least as early as April 2008. dōTERRA has thereafter continuously used AROMATOUCH in advertising, promoting, marketing and selling its products throughout the United States. Since at least as early as April 2008, dōTERRA has used AROMATOUCH, in various forms, in interstate commerce in connection with the sale and promotion of its products.


7. dōTERRA's AROMATOUCH trademark is inherently distinctive as applied to its products.

8. By virtue of dōTERRA's continuous use in commerce of its AROMATOUCH mark in connection with its dōTERRA line of products, such products have become well and favorably known to the relevant trade and public.

9. dōTERRA has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its AROMATOUCH mark. As a result, considerable goodwill has attached to the mark AROMATOUCH to dōTERRA's benefit.

10. The AROMATOUCH mark is representative of dōTERRA's reputation for designing and providing high quality products and symbolizes the goodwill of dōTERRA, which is invaluable.

11. Registrant is the listed owner of the subject marks Registration No. 5639828 for the

mark  in International Class 003 for "essential oils, essential oils for aromatherapy use; fragrances" and Registration No. 5639772 for the mark AROMA D'TERRA for "essential oils, essential oils for aromatherapy use; fragrances". Both registrations issued on December 25, 2018. AROMA D' TERRA is the dominant portion of Registration No. 5639828.

12. dōTERRA has priority of use in the DOTERRA and AROMATOUCH marks. dōTERRA has continuously used the DOTERRA and AROMATOUCH marks in advertising, promoting, and marketing its products throughout the United States years prior to the date of Registrant's claimed first use/filing date.

13. In addition to extensive common law rights, dōTERRA is the owner of U.S. Trademark Registration No. 3641123 for DOTERRA (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 1), for, among other goods "Aromatherapy oils; Essential oils; Essential oils for flavoring beverages; Essential oils for food flavorings; Essential oils for household use; Essential oils for personal use; Essential oils for use in manufacturing of gelpcaps and other dietary

supplements; Essential oils for use in the manufacture of scented products; Lavender oil; Massage oils; Natural essential oils; Oils for cleaning purposes; Oils for toiletry purposes; Peppermint oil.”

14. In addition to extensive common law rights, dōTERRA is the owner of U.S. Trademark Registration No. 3802079 for AROMATOUCH (a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration is attached hereto as Exhibit 2), for among other goods, essential oils.

15. The subject marks are being used for goods that are closely related to the goods offered by dōTERRA in connection with its DOTERRA and AROMATOUCH marks.

16. Registrant’s goods would be directed to the same customer segment of the consuming public as dōTERRA’s goods.

17. The subject mark is substantially similar to dōTERRA the DOTERRA marks in sound, appearance, connotation, and commercial impression.

18. AROMA D’TERRA is confusingly similar to dōTERRA’s DOTERRA and AROMATOUCH marks.

19. Registrants’ use of the subject mark is likely to cause confusion, mistake, or deception as to the source of origin, sponsorship, or approval of Registrant’s goods.

20. Due to the confusingly similar nature of dōTERRA’s and Registrant’s marks and the similarity of the goods offered under the respective marks, the relevant consuming public and the consuming public generally are likely to believe that Registrant’s goods are those of dōTERRA or are in some way connected with, licensed by, or otherwise approved by dōTERRA.

21. Such confusion, mistake and/or deception are likely to damage and injure the purchasing public and dōTERRA.

22. Registrant's application and use of AROMA D'TERRA are without the consent or approval of dōTERRA.

23. Based on the foregoing, dōTERRA believes that it is or will be damaged by the continued registration of the Registrant's marks in the United States Patent and Trademark Office.

ACCORDINGLY, dōTERRA prays that Registration No. 5639772 and 5639828 be canceled and that this Petition for Cancellation be sustained in favor of dōTERRA.

DATED this 25th day of March, 2019.

TRASKBRITT, P.C.
Attorneys for dōTERRA Holdings, LLC



Krista Weber Powell
H. Dickson Burton
TRASKBRITT, P.C.
230 South 500 East, Suite 300
P.O. Box 2550
Salt Lake City, Utah 84110
Telephone: 1.801.532.1922
Facsimile: 1.801.531.9168

Enclosure: **Exhibit 1** – U.S. Trademark Registration No. 3641123
Exhibit 2 – U.S. Trademark Registration No. 3802079

EXHIBIT 1

Generated on: This page was generated by TSDR on 2019-04-25 10:18:44 EDT

Mark: DOTERRA

dōTERRA

US Serial Number: 77976895

Application Filing Date: Jan. 25, 2008

US Registration Number: 3641123

Registration Date: Jun. 16, 2009

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jun. 28, 2018

Publication Date: Jun. 24, 2008

Notice of Allowance Date: Sep. 16, 2008

Mark Information

Mark Literal Elements: DOTERRA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1203747

International Application(s) /Registration(s) Based on this Property: A0041341/1203747

Child Of: 77380975

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: Aromatherapy oils; Bath oils; Body oils; Cosmetic oils; Cosmetic oils for the epidermis; Essential oils; Essential oils for flavoring beverages; Essential oils for food flavorings; Essential oils for household use; Essential oils for personal use; Essential oils for use in manufacturing of gelpcaps and other dietary supplements; Essential oils for use in the manufacture of scented products; Lavender oil; Massage oils; Natural essential oils; Oils for cleaning purposes; Oils for toiletry purposes; Peppermint oil; Skin and body topical lotions, creams and oils for cosmetic use; Food flavorings prepared from essential oils; Massage oil; Perfume oils; Tanning oils; Aromatherapy body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; Beauty creams for body care; Deodorants for body care; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; Skin clarifiers; Skin cleansers; Skin creams; Skin lotions; Skin moisturizer; Skin toners; Soaps for body care; Wrinkle removing skin care preparations; Hair shampoos and conditioners; Hair styling preparations; Fragrances

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 29, 2008

Use in Commerce: Apr. 29, 2008

For: Nutritional oils not for food or cosmetic purposes; Nutritional supplements in lotion form sold as a component of nutritional skin care products

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 17, 2008

Use in Commerce: Oct. 17, 2008

For: Digital materials, namely, CD's, DVD's, and downloadable audio and video files featuring educational tools and training on essential oils and direct selling; Digital media, namely, CD's, DVD's, and downloadable audio and video files featuring educational tools and training on essential oils and direct selling

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 23, 2009

Use in Commerce: Jan. 23, 2009

For: Stickers; Decals; Brochures about essentials oils

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 17, 2008

Use in Commerce: Oct. 17, 2008

For: Shirts; Hats

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 17, 2008

Use in Commerce: Oct. 17, 2008

For: Coconut oil

International Class(es): 029 - Primary Class

U.S Class(es): 046

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 29, 2008

Use in Commerce: Apr. 29, 2008

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Doterra Holdings, LLC

Owner Address: 389 South 1300 West
Pleasant Grove, UTAH 84062
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country UTAH
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David Doxey

Attorney Primary Email Address: ddoxey@doterra.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: David Doxey
389 South 1300 West
Pleasant Grove, UTAH 84062
UNITED STATES

Phone: 801-437-7929

Correspondent e-mail: ddoxey@doterra.com sray@doterra.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 28, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 28, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74272
Jun. 28, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74272
Jun. 28, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74272
Jun. 18, 2018	TEAS SECTION 8 & 9 RECEIVED	
Jun. 16, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 06, 2018	NOTICE OF SUIT	
Nov. 24, 2017	NOTICE OF SUIT	
Aug. 13, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 13, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Aug. 13, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Jul. 29, 2014	TEAS SECTION 8 & 15 RECEIVED	
Jul. 25, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 25, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 10, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 10, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jun. 16, 2009	REGISTERED-PRINCIPAL REGISTER	
May 08, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	78145
May 06, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 04, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
May 04, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 29, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 29, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 29, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 22, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 22, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 22, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 22, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 17, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	
Apr. 17, 2009	NON-FINAL ACTION E-MAILED	
Apr. 17, 2009	SU - NON-FINAL ACTION - WRITTEN	62126
Mar. 25, 2009	ASSIGNED TO EXAMINER	62126
Mar. 24, 2009	STATEMENT OF USE PROCESSING COMPLETE	66154
Mar. 02, 2009	USE AMENDMENT FILED	66154
Mar. 24, 2009	DIVISIONAL PROCESSING COMPLETE	
Mar. 02, 2009	DIVISIONAL REQUEST RECEIVED	

Mar. 24, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Mar. 03, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 02, 2009	TEAS REQUEST TO DIVIDE RECEIVED	
Mar. 02, 2009	TEAS STATEMENT OF USE RECEIVED	
Mar. 02, 2009	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 02, 2009	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 16, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 24, 2008	PUBLISHED FOR OPPOSITION	
Jun. 04, 2008	NOTICE OF PUBLICATION	
May 17, 2008	WITHDRAWN FROM PUB - OG REVIEW QUERY	61844
May 06, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
May 06, 2008	ASSIGNED TO LIE	78145
May 05, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 02, 2008	ASSIGNED TO EXAMINER	76927
Jan. 30, 2008	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jun. 16, 2019

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 28, 2018

Proceedings

Summary

Number of Proceedings: 5

Type of Proceeding: Opposition

Proceeding Number: 91247128

Filing Date: Mar 22, 2019

Status: Pending

Status Date: Mar 22, 2019

Interlocutory Attorney: REBECCA J STEMPIEN COYLE

Defendant

Name: MTMS Holdings LLC

Correspondent Address: MICHAEL J. SCHWAB
MORITT HOCK & HAMROFF LLP
1407 BROADWAY, 39TH FLOOR
NEW YORK NY , 10018

Correspondent e-mail: mschwab@moritthock.com , bbloom@moritthock.com , msarney@moritthock.com , sbreidenbach@moritthock.com , trademark@moritthock.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BRINTERRA	Opposition Pending	<u>88125879</u>	
	Plaintiff(s)		

Name: doTERRA Holdings, LLC

Correspondent Address: Krista Weber Powell
TRASKBRITT, P.C.
230 South 400 East, #300PO Box 2550

Salt Lake City UT , 84110
UNITED STATES

Correspondent e-mail: trademark@traskbritt.com , hdburton@traskbritt.com , kwpowell@traskbritt.com , srogers@traskbritt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTERRA	REGISTERED AND RENEWED	77976895	3641123
DOTERRA	Registered	86964595	5054734
DOTERRA	Registered	88141943	5686350

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 22, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 22, 2019	May 01, 2019
3	PENDING, INSTITUTED	Mar 22, 2019	

Type of Proceeding: Opposition

Proceeding Number: [91233590](#)

Filing Date: Mar 22, 2017

Status: Terminated

Status Date: Jul 17, 2017

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: Student Global, LLC

Correspondent Address: LUKE BREAN
BREANLAW LLC
PO BOX 4120 ECM #72065
PORTLAND OR , 97208
UNITED STATES

Correspondent e-mail: imsupport@breanlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
O	Abandoned - After Inter-Partes Decision	87078955	

Plaintiff(s)

Name: doTERRA Holdings, LLC

Correspondent Address: BARNARD N MADSEN
FILLMORE SPENCER LLC
3301 NORTH UNIVERSITY AVENUE
PROVO UT , 84604
UNITED STATES

Correspondent e-mail: bmadsen@fslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTERRA	REGISTERED AND RENEWED	77976895	3641123
O	Registered	85983328	4693050

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 22, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 27, 2017	May 06, 2017
3	PENDING, INSTITUTED	Mar 27, 2017	
4	NOTICE OF DEFAULT	May 16, 2017	
5	BD DECISION: SUSTAINED	Jul 17, 2017	
6	TERMINATED	Jul 17, 2017	

Type of Proceeding: Opposition

Proceeding Number: 91229314

Filing Date: Aug 02, 2016

Status: Terminated

Status Date: Nov 22, 2016

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: JPW Industries Ltd

Correspondent Address: RYAN GILE
WEIDE & MILLER LTD
7251 WEST LAKE MEAD BLVD, SUITE 530
LAS VEGAS NV , 89128
UNITED STATES

Correspondent e-mail: RGile@WeideMiller.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
SOLTERRA	Abandoned - After Inter-Partes Decision	<u>86905374</u>	

Plaintiff(s)

Name: doTERRA Holdings, LLC

Correspondent Address: H DICKSON BURTON KRISTA WEBER POWELL
TRASKBRITT PC
230 SOUTH 500 , EAST#300
SALT LAKE CITY UT , 84102
UNITED STATES

Correspondent e-mail: trademark@traskbritt.com , hdburton@traskbritt.com , kwpowell@traskbritt.com , lmondragon@traskbritt.com , cvjohnson@traskbritt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTERRA	REGISTERED AND RENEWED	<u>77976895</u>	<u>3641123</u>
DOTERRA	Registered	<u>86964595</u>	<u>5054734</u>
DOTERRA ON GUARD	Section 8 and 15 - Accepted and Acknowledged	<u>77846891</u>	<u>3806204</u>
DOTERRA DAILY NUTRIENT PACK	Registered	<u>86600888</u>	<u>4822223</u>
DOTERRA LIFELONG VITALITY PACK	Registered	<u>86600901</u>	<u>4822224</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 02, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 02, 2016	Sep 11, 2016
3	PENDING, INSTITUTED	Aug 02, 2016	
4	NOTICE OF DEFAULT	Sep 21, 2016	
5	BD DECISION: SUSTAINED	Nov 22, 2016	
6	TERMINATED	Nov 22, 2016	

Type of Proceeding: Opposition

Proceeding Number: 91229315

Filing Date: Aug 02, 2016

Status: Terminated

Status Date: Apr 20, 2017

Interlocutory Attorney: ELIZABETH A DUNN

Defendant

Name: PortionPac Chemical Corporation

Correspondent Address: JAMES MICHAEL FAIER
FAIER & FAIER P C
566 W ADAMS ST , STE 600
CHICAGO IL , 60661-3632
UNITED STATES

Correspondent e-mail: jmfaier@faier.com , ipdocket@faier.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MYTERRA	Registered	<u>86664732</u>	<u>5546232</u>

Plaintiff(s)

Name: doTERRA Holdings, LLC

Correspondent Address: KRISTA WEBER POWELL
TRASKBRITT PC
230 SOUTH 500 EAST#300
SALT LAKE CITY UM , 84110
UNITED STATES

Correspondent e-mail: trademark@traskbritt.com , hdburton@traskbritt.com , kwpowell@traskbritt.com , Imondragon@traskbritt.com , cjohnson@traskbritt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTERRA	REGISTERED AND RENEWED	<u>77976895</u>	<u>3641123</u>
DOTERRA ON GUARD	Section 8 and 15 - Accepted and Acknowledged	<u>77846891</u>	<u>3806204</u>
DOTERRA BALANCE	Registered	<u>86425567</u>	<u>4751689</u>
DOTERRA SERENITY	Registered	<u>86446639</u>	<u>4760280</u>
DOTERRA BREATHE	Registered	<u>86446605</u>	<u>4864382</u>
DOTERRA TOUCH BREATHE	Registered	<u>86715645</u>	<u>5172267</u>
DOTERRA TOUCH ON GUARD	Registered	<u>86715660</u>	<u>5172268</u>
DOTERRA PEACE	Registered	<u>86675876</u>	<u>4947975</u>
DOTERRA CONSOLE	Registered	<u>86687188</u>	<u>4948003</u>
DOTERRA FORGIVE	Registered	<u>86687201</u>	<u>4948004</u>
DOTERRA PASSION	Registered	<u>86687209</u>	<u>4948005</u>
DOTERRA CHEER	Registered	<u>86687730</u>	<u>4948007</u>
DOTERRA MOTIVATE	Registered	<u>86687738</u>	<u>4948008</u>
DOTERRA TOUCH	Registered	<u>86675627</u>	<u>4979764</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 02, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 02, 2016	Sep 11, 2016
3	PENDING, INSTITUTED	Aug 02, 2016	
4	ANSWER	Sep 12, 2016	
5	P MOT FOR EXT W/O CONSENT	Mar 09, 2017	
6	STIP TO SUSP PEND SETTL NEGOTIATIONS	Mar 21, 2017	
7	SUSPENDED	Mar 21, 2017	
8	W/DRAW OF OPPOSITION	Apr 14, 2017	
9	BD DECISION: DISMISSED	Apr 20, 2017	
10	TERMINATED	Apr 20, 2017	

Type of Proceeding: Opposition

Proceeding Number: 91219521

Filing Date: Nov 26, 2014

Status: Terminated

Status Date: May 26, 2015

Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Sodterra Beverage Co., LLC

Correspondent Address: THOMAS F KELLY
SODTERRA BEVERAGE CO., LLC
8 WILLOW BND
POUGHKEEPSIE NY , 12601-5021
UNITED STATES

Correspondent e-mail: tkelly@outlook.com , tkelly@kellyandmeenagh.com

mail: _____

Associated marks

Mark	Application Status	Serial Number	Registration Number
SODTERRA	Abandoned - After Inter-Partes Decision	<u>86358930</u>	

Plaintiff(s)

Name: doTERRA Holdings, LLC

Correspondent Address: DOTERRA HOLDINGS C/O BARNARD N MADSEN
FILLMORE SPENCER LLC
3301 N UNIVERSITY AVE
PROVO UT , 84604
UNITED STATES

Correspondent e-mail: bmadsen@fslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTERRA	REGISTERED AND RENEWED	<u>77976895</u>	<u>3641123</u>
DOTERRA ON GUARD	Section 8 and 15 - Accepted and Acknowledged	<u>77846891</u>	<u>3806204</u>
DOTERRA A2Z CHEWABLE	Abandoned - Express	<u>86113758</u>	
DOTERRA WELLNESS ADVOCATE	Abandoned - No Statement Of Use Filed	<u>86273084</u>	
DOTERRA DAILY VITALITY	Abandoned - No Statement Of Use Filed	<u>86273135</u>	
DOTERRA BALANCE	Registered	<u>86425567</u>	<u>4751689</u>
DOTERRA BREATHE	Registered	<u>86446605</u>	<u>4864382</u>
DOTERRA SERENITY	Registered	<u>86446639</u>	<u>4760280</u>
DOTERRA HEALING HANDS FOUNDATION	ABANDONED-FAILURE TO RESPOND OR LATE RESPONSE	<u>86453669</u>	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 26, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 26, 2014	Jan 05, 2015
3	PENDING, INSTITUTED	Nov 26, 2014	
4	STIP FOR EXT	Dec 16, 2014	
5	EXTENSION OF TIME GRANTED	Dec 16, 2014	
6	D MOT FOR EXT W/ CONSENT	Feb 03, 2015	
7	EXTENSION OF TIME GRANTED	Feb 03, 2015	
8	NOTICE OF DEFAULT	Apr 16, 2015	
9	BD DECISION: SUSTAINED	May 26, 2015	
10	TERMINATED	May 26, 2015	

EXHIBIT 2

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Mark: AROMATOUCH

AromaTouch

US Serial Number: 77750044

Application Filing Date: Jun. 02, 2009

US Registration Number: 3802079

Registration Date: Jun. 15, 2010

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Aug. 22, 2015

Publication Date: Mar. 30, 2010

Mark Information

Mark Literal Elements: AROMATOUCH

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Essential oils; Essential oils for household use; Essential oils for personal use; Lavender oil; Massage oil; Massage oils; Natural essential oils; Aromatherapy oils; Bath oils; Body oils; Cosmetic oils; Cosmetic oils for the epidermis; Essential oils for flavoring beverages; Essential oils for food flavorings; Essential oils for use in manufacturing of gelscaps and other dietary supplements; Essential oils for use in the manufacture of scented products; Oils for cleaning purposes; Oils for toiletry purposes; Skin and body topical lotions, creams and oils for cosmetic use; Food flavorings prepared from essential oils; Oils for perfumes and scents; Peppermint oil; Perfume oils; Tanning oils

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 25, 2008

Use in Commerce: Apr. 25, 2008

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: doTERRA Holdings, LLC

Owner Address: 389 South 1300 West

Pleasant Grove, UTAH 84062
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country UTAH
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: David Doxey

Attorney Primary ddoxey@doterra.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent Name/Address: David Doxey
389 South 1300 West
Pleasant Grove, UTAH 84062
UNITED STATES

Phone: 801-437-7929

Fax: 801/426-8208

Correspondent e-mail: ddoxey@doterra.com sray@doterra.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2017	NOTICE OF SUIT	
Aug. 22, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 22, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Aug. 22, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jul. 23, 2015	TEAS SECTION 8 & 15 RECEIVED	
Jul. 25, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jul. 25, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jun. 15, 2010	REGISTERED-PRINCIPAL REGISTER	
May 10, 2010	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 10, 2010	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Mar. 30, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 30, 2010	PUBLISHED FOR OPPOSITION	
Feb. 24, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Feb. 24, 2010	ASSIGNED TO LIE	78145
Jan. 28, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 19, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 19, 2009	LETTER OF SUSPENSION E-MAILED	6332
Aug. 19, 2009	SUSPENSION LETTER WRITTEN	76419
Aug. 19, 2009	ASSIGNED TO EXAMINER	76419
Jun. 06, 2009	NOTICE OF PSEUDO MARK MAILED	
Jun. 05, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 05, 2009	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 115

Date in Location: Aug. 22, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91237572

Filing Date: Nov 01, 2017

Status: Terminated

Status Date: Mar 01, 2018

Interlocutory Attorney: YONG OH (RICHARD) KIM

Defendant

Name: 4Life Trademarks, LLC

Correspondent Address: GLENN S BACAL
BACAL LAW GROUP P C
6991 EAST CAMELBACK ROAD, SUITE D-102
SCOTTSDALE AZ , 85251
UNITED STATES

Correspondent e-mail: glenn.bacal@bacalgroup.com , jamie.tuccio@bacalgroup.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
COOLTOUCH	Registered	<u>87227209</u>	<u>5498645</u>

Plaintiff(s)

Name: doTERRA Holdings, LLC

Correspondent Address: H DICKSON BURTON
TRASKBRITT PC
230 SOUTH 500 EAST, SUITE 300 P O BOX 2550
SALT LAKE CITY UT , 84110
UNITED STATES

Correspondent e-mail: trademark@traskbritt.com , kwpowell@traskbritt.com , hdburton@traskbritt.com , lmondragon@traskbritt.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
DOTERRA TOUCH	Registered	<u>86675627</u>	<u>4979764</u>
AROMATOUCH	Section 8 and 15 - Accepted and Acknowledged	<u>77750044</u>	<u>3802079</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 01, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 01, 2017	Dec 11, 2017
3	PENDING, INSTITUTED	Nov 01, 2017	
4	ANSWER	Dec 11, 2017	
5	W/DRAW OF OPPOSITION	Feb 15, 2018	
6	BD DECISION: DISMISSED W/ PREJ	Mar 01, 2018	
7	TERMINATED	Mar 01, 2018	