

**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	Diabetes Relief LLC
Granted to Date of previous extension	03/21/2018
Address	11511 Katy FwySte 101 Houston, TX 77079 UNITED STATES

Attorney information	Wendy Buskop Buskop Law Group, P.C. 4511 Dacoma Street Houston, TX 77092 UNITED STATES Email: wendy.buskop@buskoplaw.com , sunshine.limanni@buskoplaw.com , chanelle.mack@buskoplaw.com , docketing@buskoplaw.com Phone: 713-275-3400
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Applicant Information

Application Serial No	87514385	Publication date	11/21/2017
Opposition Filing Date	03/21/2018	Opposition Period Ends	03/21/2018
Applicant	Diabetes Relief Centers of America, LLC 111 W 67th St. Suite 23B New York, NY 10023 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical services, namely, administration of insulin
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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.	87610347	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	<p style="text-align: center;">DIABETES RELIEF</p>		
Goods/Services	Class 009 First Use: 20150126 First Use In Commerce: 20150126 computer software and computer hardware for managing complications arising from diabetes		

U.S. Application No.	87610635	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	<p style="text-align: center;">DIABETES RELIEF</p>		
Goods/Services	Class 025 First Use: 20160200 First Use In Commerce: 20170914 Clothing, namely uniforms, t-shirts, scrub tops and pants not for surgical purposes, lab coats, pants, jackets, hats, shirts and caps		

U.S. Application No.	87610664	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	<p style="text-align: center;">DIABETES RELIEF</p>		
Goods/Services	Class 035 First Use: 20150107 First Use In Commerce: 20160300 Business consultation and licensing services, namely, providing business information, management assistance, and written business guidance in the form of operations manuals and printed educational materials in the establishment and operation of medical services for managing complications arising from diabetes		

U.S. Application No.	87610699	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	<p style="text-align: center;">DIABETES RELIEF</p>		
Goods/Services	Class 041 First Use: 20150107 First Use In Commerce: 20160300 Educational services and training courses, namely, providing information on diabetes treatment		

U.S. Application No.	87610725	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	<p style="text-align: center;">DIABETES RELIEF</p>		
Goods/Services	Class 041 First Use: 20150107 First Use In Commerce: 20160300 Technical services, namely, providing a database featuring data concerning medical analysis and treatment		

U.S. Application No.	87614123	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	<p style="text-align: center;">DIABETES RELIEF</p>		
Goods/Services	Class 044 First Use: 20150107 First Use In Commerce: 20150126 Medical treatment services, namely, providing metabolism optimization therapy		

U.S. Application No.	87613992	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		

Design Mark	DIABETES RELIEF		
Goods/Services	Class 010 First Use: 20150107 First Use In Commerce: 20160300 Medical apparatus for treating diabetic conditions		

U.S. Application No.	87614193	Application Date	09/15/2017
Word Mark	DIABETES RELIEF		
Design Mark	DIABETES RELIEF		
Goods/Services	Class 016 First Use: 20150107 First Use In Commerce: 20160300 Printed matter, namely, brochures, informational sheets, and booklets for diabetic monitoring and glucose level control, control of diabetes, use of drug delivery devices and the use of infusion pumps		

Attachments	87610347#TMSN.png (1 Page) 87610635#TMSN.png (1 Page) 87610664#TMSN.png (1 Page) 87610699#TMSN.png (1 Page) 87610725#TMSN.png (1 Page) 87614123#TMSN.png (1 Page) 87613992#TMSN.png (1 Page) 87614193#TMSN.png (1 Page) 2247.011 Pleading for Opposition lates draft 3-21-18 aj.pdf (6 Pages)
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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 of record by First Class Mail on this date.

Signature	/Wendy Buskop, Reg. #32202/
Name	Wendy Buskop
Date	03/21/2018

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

DIABETES RELIEF LLC
Opposer

v.

**DIABETES RELIEF CENTERS OF
AMERICA, LLC**

Applicant

Opposition Number:

Mark: DIABETES RELIEF CENTERS

Application Serial No.: 87/514385

**Published in Official Gazette: November 21,
2017**

Filed: July 3, 2017

MAIL STOP TRADEMARK TRIAL AND APPEAL BOARD

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. BOX 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Dear Sir or Madam:

Diabetes Relief LLC, a Texas series limited liability company, with offices at 11511 Katy Fwy, Suite 101, Houston, TX 77079 (“Opposer”), believes it will be damaged by the issuance of a trademark registration to Diabetes Relief Centers of America, a Delaware limited liability company, with offices at 111 W 67th St. Suite 23B, New York, NEW YORK UNITED STATES 10023 (“Applicant”), for the mark DIABETES RELIEF CENTERS (Serial No. 87/514385) in International Class 44, and hereby opposes the application.

As grounds for the opposition, Opposer alleges that:

1. Applicant is seeking to obtain, under the provisions of the Trademark Act of 1946, as amended, registration on the Principal Register of the mark DIABETES RELIEF CENTERS for “medical services, namely, administration of insulin” in International Class 44.

2. Applicant is not now, and never was, entitled to registration on the Principal Register of Applicant's Mark either on July 3, 2017, the date of Applicant's filing of the application, or on November 21, 2017, the date of publication in the *Official Gazette*.

3. Opposer is the owner of several pending federal trademark applications, as follows:

a. DIABETES RELIEF (Application No. 87/610347) for “computer software and computer hardware for managing complications arising from diabetes” in International Class 9;

b. DIABETES RELIEF (Application No. 87/610635) for “clothing, namely uniforms, t-shirts, scrub tops and pants not for surgical purposes, lab coats, pants, jackets, hats, shirts and caps” in International Class 25;

c. DIABETES RELIEF (Application No. 87/610664) for “business consultation and licensing services, namely, providing business information, management assistance, and written business guidance in the form of operations manuals and printed educational materials in the establishment and operation of medical services for managing complications arising from diabetes” in International Class 35;

d. DIABETES RELIEF (Application No. 87/610699) for “educational services and training courses, namely, providing information on diabetes treatment” in International Class 41;

e. DIABETES RELIEF (Application No.87/610725) for “technical services, namely, providing a database featuring data concerning medical analysis and treatment” in International Class 41;

f. DIABETES RELIEF (Application No. 87/614123) for “medical treatment services, namely, providing metabolism optimization therapy” in International Class 44;

g. DIABETES RELIEF (Application No.87/613992) for “medical apparatus for treating diabetic conditions” in International Class 10; and

h. DIABETES RELIEF (Application No. 87/614193) for “printed matter, namely, brochures, informational sheets, and booklets for diabetic monitoring and glucose level control, control of diabetes, use of drug delivery devices and the use of infusion pumps” in International Class 16;

4. Opposer has, since long prior to the filing date of Applicant's application, sold in commerce its goods under Opposer's Marks. Through usage by Opposer, the Opposer's Marks have become well known to consumers and potential customers as trademarks of Opposer and as an origin and source indicator of the goods sold and provided by Opposer.

5. Because Applicant's Mark is basically the same as Opposer's Marks, and Applicant's proposed mark will ultimately be used for similar products or services as those of the Opposer, and within the same classification, Applicant's Mark is likely to cause confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

6. Because Applicant's Mark is similar to Opposer's Marks, and Applicant's proposed mark will ultimately be used for similar products or services as those of the Opposer, and within the same classification, Applicant's Mark has caused actual confusion, mistake, or deception amongst the general and consuming public as to whether Applicant's goods are being offered by, or in affiliation with, Opposer, hence causing damage to Opposer.

7. Opposer has been engaged for three years in the medical industry, namely the treatment of diabetes and illnesses that result from or relate to diabetes.

8. Opposer has facilities for treating diabetes in the following areas: Texas, Utah, California, Turkey, and facilities planned for opening in Arizona, Georgia, and other counties in the Middle East and Europe.

9. Because Applicant's Mark is similar to Opposer's Marks, and Applicant's proposed mark will ultimately be used for similar products or services as those of the Opposer,

and within the same classification, Applicant's Mark has diluted Opposer's mark, hence causing damage to Opposer.

Accordingly, Opposer requests that registration of the mark DIABETES RELIEF CENTERS (Serial No. 87/514385) be denied to Applicant and this opposition be sustained.

Respectfully submitted,



Date: March 21, 2018

Wendy Buskop
Attorney for Opposer

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CERTIFICATE OF SERVICE

I, Wendy Buskop, hereby certify that on March 21, 2018, a true and correct copy of the foregoing Notice of Opposition was served via electronic mail at (arnie@arnieherz.com) and by U.S. First Class Mail, postage prepaid, upon the following:

Arnie Herz
Attorney for Applicant

14 VANDERVENTER AVE. STE. 255
PORT WASHINGTON, NEW YORK 11050

Respectfully submitted,



Wendy Buskop
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