

ESTTA Tracking number: **ESTTA618545**

Filing date: **07/30/2014**

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	POM Wonderful LLC
Granted to Date of previous extension	07/30/2014
Address	11444 W. Olympic Blvd. Los Angeles, CA 90064 UNITED STATES

Attorney information	Danielle M. Criona 11444 W. Olympic Blvd. 7th Floor Los Angeles, CA 90064 UNITED STATES dcriona@roll.com, mrivera@roll.com
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Applicant Information

Application No	86091141	Publication date	04/01/2014
Opposition Filing Date	07/30/2014	Opposition Period Ends	07/30/2014
Applicant	Zucrum Foods, LLC 772 West Frontage Road Rio Rico, AZ 85621 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2013/06/26 First Use In Commerce: 2013/10/14 All goods and services in the class are opposed, namely: Unrefined sugar, namely, evaporated sugar cane juice

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)


Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	86206254	Application Date	02/27/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	A HEALTHY DOSE OF WONDERFUL		


Design Mark	A HEALTHY DOSE OF WONDERFUL
Description of Mark	NONE
Goods/Services	Class 030. First use: First Use: 0 First Use In Commerce: 0 Iced teas;Iced teas containing fruit juice; Iced tea-based beverages containing-fruit flavoring; Non-alcoholic iced tea; Non-alcoholic tea-based beverages; Non-alcoholic tea-based beverages containing fruit flavoring; Non-alcoholic low calorie tea-based beverages Class 032. First use: First Use: 0 First Use In Commerce: 0 Fruit juice; Fruit juice concentrate; Fruit drinks; Soft drinks, namely, sodas;Soft drinks; Non-carbonated soft drinks; Fruit-flavored soft drinks; Non-alcoholic beverages, namely, carbonated beverages; Fruit-flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages containing fruitextracts

U.S. Application No.	86190983	Application Date	02/11/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WONDERFUL POP		
Design Mark	WONDERFUL POP		
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 0 First Use In Commerce: 0 Iced teas;Iced teas containing fruit juice; Iced tea-based beverages containing-fruit flavoring; Non-alcoholic iced tea; Non-alcoholic tea-based beverages; Non-alcoholic tea-based beverages containing fruit flavoring; Non-alcoholic low calorie tea-based beverages Class 032. First use: First Use: 0 First Use In Commerce: 0 Soft drinks, namely, sodas; Soft drinks; Non-carbonated soft drinks; Fruit-flavored soft drinks; Non-alcoholic beverages, namely, carbonated beverages; Fruit-flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages containing fruit extracts		

U.S. Application No.	86190988	Application Date	02/11/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WONDERFUL SODA		
Design Mark	 <p style="text-align: center; font-size: 2em; font-weight: bold;">WONDERFUL SODA</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Iced teas;Iced teas containing fruit juice; Iced tea-based beverages containing-fruit flavoring; Non-alcoholic iced tea; Non-alcoholic tea-based beverages; Non-alcoholic tea-based beverages containing fruit flavoring; Non-alcoholic low calorie tea-based beverages</p> <p>Class 032. First use: First Use: 0 First Use In Commerce: 0 Soft drinks, namely, sodas; Soft drinks; Non-carbonated soft drinks; Fruit-flavored soft drinks; Non-alcoholic beverages, namely, carbonated beverages; Fruit-flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages containing fruit extracts</p>		

U.S. Application No.	85642778	Application Date	06/04/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	POM WONDERFUL		
Design Mark	 <p style="text-align: center; font-size: 2em; font-weight: bold;">POM WONDERFUL</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 0 First Use In Commerce: 0 Processed nuts; dried fruits; snack mixconsisting primarily of processed nuts and dried fruits; Milk shakes</p> <p>Class 030. First use: First Use: 0 First Use In Commerce: 0 Snack mix consisting primarily of candies, sweets, candy bars, and cereal basedsnack foods; beverages made of coffee; beverages made of tea; caffeine-</p>		

free coffee; coffee; candies; sweets; candy; candy bars; chocolate bars; chocolate candies; chocolate-based ready-to-eat food bars; cereal based energy bars not for use as a meal replacement; cereal-based snack foods; chewing gum; roasted, powdered, granulated coffee, or coffee in drinks; coffee-based beverage containing milk; espresso; flavored ices; flavored, sweetened gelatin desserts; flavorings for beverages; flavorings of tea; fruit ice; fruit ice bar; fruit ices; fruit sauces excluding cranberry and applesauce; fruit teas; grain-based beverages; grain-based food beverages; granola-based snack bars; green tea; herbal tea for food purposes; ice cream; ice cream drinks; ice cream mixes; ice cream sandwiches; ice milk bars; iced tea; instant coffee; lollipops; milk chocolate; muffin mixes; muffins; non-medicated lozenges; pancake mixes; pancake syrup; pastries; prepared cocoa and cocoa-based beverages; prepared coffee and coffee-based beverages; processed cereals; processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; ready to eat, cereal derived food bars; salad dressings; salad sauces; snack food chews made primarily from brown rice syrup; snack mix consisting primarily of crackers, pretzels, and/or popped popcorn; sugarfree chewing gum; sugarfree sweets; sugarless candies; sugarless chewing gum; sugarless sweets; sugar-free chewing gum; tea; tea bags; tea for infusions; tea substitutes; tea-based beverages with fruit flavoring; and toffees

U.S. Registration No.	3687491	Application Date	05/12/2005
Registration Date	09/22/2009	Foreign Priority Date	NONE
Word Mark	POM WONDERFUL		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 2007/05/00 First Use In Commerce: 2007/05/00 Food, dietary and nutritional supplements, including antioxidant supplements and supplements derived from and containing pomegranate extracts and plant extracts, including powders, liquids, capsules, and pills; nutraceuticals for use as a dietary supplement, including powders, liquids, capsules, and pills; [anti-cancer preparations;] pharmaceutical products and preparations, including preparations derived from and containing pomegranate extracts and plant extracts [, for the treatment of viral and infectious diseases, including for the treatment of cancer]</p> <p>Class 029. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 Frozen fruits</p> <p>Class 030. First use: First Use: 2006/02/01 First Use In Commerce: 2006/03/06 Topping syrup; iced tea and tea-based beverages with fruit flavoring</p> <p>Class 032. First use: First Use: 2004/06/30 First Use In Commerce: 2004/06/30 Non-alcoholic fruit extracts used in the preparation of beverages; preparations for making fruit drinks; fruit flavored beverages; non-alcoholic beverages containing</p>		

	fruit juices; smoothies; bottled water; non-alcoholic beverages with tea flavor; low calorie fruit flavored beverages; low calorie fruit juice drinks; low calorie tea flavored beverages
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U.S. Registration No.	3687492	Application Date	05/12/2005
Registration Date	09/22/2009	Foreign Priority Date	NONE

Word Mark	POM WONDERFUL
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Design Mark	
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Description of Mark	The mark consists of the words "POM WONDERFUL", with a Heart Design in place of the letter "O" in the word "POM".
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Goods/Services	<p>Class 005. First use: First Use: 2007/05/00 First Use In Commerce: 2007/05/00 Food, dietary and nutritional supplements, including antioxidant supplements and supplements derived from and containing pomegranate extracts and plant extracts, including powders, liquids, capsules, and pills; nutraceuticals for use as a dietary supplement, including powders, liquids, capsules, and pills; [anti-cancer preparations;] pharmaceutical products and preparations, including preparations derived from and containing pomegranate extracts and plant extracts [, for the treatment of viral and infectious diseases, including for the treatment of cancer]</p> <p>Class 029. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 Frozen fruits</p> <p>Class 030. First use: First Use: 2006/02/01 First Use In Commerce: 2006/03/06 Topping syrup; iced tea and tea-based beverages with fruit flavoring</p> <p>Class 032. First use: First Use: 2004/06/30 First Use In Commerce: 2004/06/30 Non-alcoholic fruit extracts used in the preparation of beverages; preparations for making fruit drinks; fruit flavored beverages; non-alcoholic beverages containing fruit juices; smoothies; non-alcoholic beverages with tea flavor; low calorie fruit flavored beverages; low calorie fruit juice drinks; low calorie tea flavored beverages</p>
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U.S. Registration No.	2864641	Application Date	08/04/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE

Word Mark	POM WONDERFUL
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Design Mark			
Description of Mark	THE MARK CONTAINS THE WORDS POM WONDERFUL, WITH A HEART DESIGN IN PLACE OF THE LETTER "O" IN THE WORD "POM".		
Goods/Services	Class 031. First use: First Use: 2001/10/15 First Use In Commerce: 2001/10/15 FRESH FRUITS Class 032. First use: First Use: 2002/09/16 First Use In Commerce: 2003/01/13 FRUIT JUICES and FRUIT JUICE CONCENTRATES		

U.S. Registration No.	2780314	Application Date	12/11/2001
Registration Date	11/04/2003	Foreign Priority Date	NONE

Word Mark	POM WONDERFUL
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Design Mark			
Description of Mark	The mark contains the word "POM", and the word "WONDERFUL" in red, the same redshade of which is also within the heartof the "POM".		
Goods/Services	Class 031. First use: First Use: 2001/10/15 First Use In Commerce: 2001/10/15 FRESH FRUITS Class 032. First use: First Use: 2001/10/15 First Use In Commerce: 2001/10/15 FRUIT JUICES AND FRUIT JUICE CONCENTRATES		

U.S. Registration No.	2640835	Application Date	04/19/2001
Registration Date	10/22/2002	Foreign Priority Date	NONE

Word Mark	POM WONDERFUL
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Design Mark	POM WONDERFUL
Description of Mark	NONE
Goods/Services	Class 031. First use: First Use: 2002/04/11 First Use In Commerce: 2002/04/11 FRESH FRUITS

Attachments	86206254#TMSN.png(bytes) 86190983#TMSN.png(bytes) 86190988#TMSN.png(bytes) 85642778#TMSN.png(bytes) 78628764#TMSN.png(bytes) 78628813#TMSN.png(bytes) 76534468#TMSN.png(bytes) 76347919#TMSN.png(bytes) 76244362#TMSN.png(bytes) Notice of Opposition re ZULKA NATURALLY WONDERFUL (US).pdf(34443 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	/s/ Danielle M. Criona /s/
Name	Danielle M. Criona
Date	07/30/2014

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

POM Wonderful LLC)	Opposition No.: _____
)	
)	
Opposer,)	NOTICE OF OPPOSITION
)	
v.)	
)	Mark: ZULKA. NATURALLY
Zucrum Foods, LLC AKA Zucarmex)	WONDERFUL.
)	
Applicant.)	Application Ser. No.: 86/091,141
)	
)	
)	

POM Wonderful LLC (“Opposer”), a Delaware limited liability company located and doing business at 11444 W. Olympic Blvd., Los Angeles, CA 90064, believes it will be damaged by the registration of the trademark ZULKA. NATURALLY WONDERFUL. (the “NATURALLY WONDERFUL Mark” or the “NATURALLY WONDERFUL Application”) in International Class 30 for “Unrefined sugar, namely, evaporated sugar cane juice” filed by Zucrum Foods, LLC, an Arizona limited liability company, with an address of 772 West Frontage Road, Rio Rico, Arizona 85621 (“Applicant”), and hereby opposes the same.

As grounds for this Opposition, Opposer alleges:

1. Opposer is the largest grower and distributor of pomegranates and pomegranate juices in the United States and is in the business of producing and marketing a variety of pomegranate products, including, without limitation, fresh pomegranate fruit, fresh and freeze-dried pomegranate arils, pure pomegranate juices and pomegranate juice blends, dietary supplements, pomegranate extract, and pomegranate concentrate, selling both consumer products to the general consuming public as well as ingredients to manufacturers in several different industries including the food,




beverages, confections, cosmetics, and dietary supplements industries, to name a few (“Opposer’s Products”).

2. Since long before the filing date of October 14, 2013 of the NATURALLY WONDERFUL Application, Opposer had extensively marketed Opposer’s Products in interstate commerce in connection with its distinctive POM WONDERFUL® marks.

3. Opposer owns numerous registrations and pending applications containing the term WONDERFUL for various goods with the United States Patent and Trademark Office (“USPTO”), (collectively, the “POM WONDERFUL® Marks”), including but not limited to the following:

Trademark	Classes	Ser. / Reg. No.	Goods and Services
A HEALTHY DOSE OF WONDERFUL	30, 32	86/206,254	Cl. 30 iced teas; iced teas containing fruit juice; iced tea-based beverages containing fruit flavoring; non-alcoholic iced tea; non-alcoholic tea-based beverages; non-alcoholic tea-based beverages containing fruit flavoring; non-alcoholic low calorie tea-based beverages Cl. 32 fruit juice; fruit juice concentrate; fruit drinks; soft drinks, namely, sodas; soft drinks; non-carbonated soft drinks; fruit-flavored soft drinks; non-alcoholic beverages, namely, carbonated beverages; fruit-flavored beverages; non-alcoholic beverages containing fruit juices; non-alcoholic beverages containing fruit extracts
WONDERFUL POP	30, 32	86/190,983	Cl. 30 iced teas; iced teas containing fruit juice; iced tea-based beverages containing fruit flavoring; non-alcoholic iced tea; non-alcoholic tea-based beverages; non-alcoholic tea-based beverages containing fruit flavoring; non-alcoholic low calorie tea-based beverages Cl. 32 soft drinks, namely, sodas; soft drinks; non-carbonated soft drinks; fruit-flavored soft drinks; non-alcoholic beverages, namely, carbonated beverages; fruit-flavored beverages; non-alcoholic beverages containing fruit juices; non-alcoholic beverages containing fruit extracts
WONDERFUL SODA	30, 32	86/190,988	Cl. 30 iced teas; iced teas containing fruit juice; iced tea-based beverages containing fruit flavoring; non-alcoholic iced tea; non-alcoholic tea-based beverages; non-alcoholic tea-based beverages containing fruit flavoring; non-alcoholic low calorie tea-based beverages Cl. 32 soft drinks, namely, sodas; soft drinks; non-carbonated soft drinks; fruit-flavored soft drinks; non-alcoholic beverages, namely, carbonated beverages; fruit-flavored beverages; non-alcoholic beverages containing fruit juices; non-alcoholic beverages containing fruit extracts

POM WONDERFUL	29, 30	85/642,778	<p>Cl. 29 processed nuts; dried fruits; snack mix consisting primarily of processed nuts and dried fruits; milk shakes</p> <p>Cl. 30 snack mix consisting primarily of candies, sweets, candy bars, and cereal based snack foods; beverages made of coffee; beverages made of tea; caffeine-free coffee; coffee; candies; sweets; candy; candy bars; chocolate bars; chocolate candies; chocolate-based ready-to-eat food bars; cereal based energy bars not for use as a meal replacement; cereal-based snack foods; chewing gum; roasted, powdered, granulated coffee, or coffee in drinks; coffee-based beverage containing milk; espresso; flavored ices; flavored, sweetened gelatin desserts; flavorings for beverages; flavorings of tea; fruit ice; fruit ice bar; fruit ices; fruit sauces excluding cranberry and applesauce; fruit teas; grain-based beverages; grain-based food beverages; granola-based snack bars; green tea; herbal tea for food purposes; ice cream; ice cream drinks; ice cream mixes; ice cream sandwiches; ice milk bars; iced tea; instant coffee; lollipops; milk chocolate; muffin mixes; muffins; non-medicated lozenges; pancake mixes; pancake syrup; pastries; prepared cocoa and cocoa-based beverages; prepared coffee and coffee-based beverages; processed cereals; processed cereal-based food to be used as a breakfast food, snack food or ingredient for making other foods; ready to eat, cereal derived food bars; salad dressings; salad sauces; snack food chews made primarily from brown rice syrup; snack mix consisting primarily of crackers, pretzels, and/or popped popcorn; sugarfree chewing gum; sugarfree sweets; sugarless candies; sugarless chewing gum; sugarless sweets; sugar-free chewing gum; tea; tea bags; tea for infusions; tea substitutes; tea-based beverages with fruit flavoring; and toffees</p>
POM WONDERFUL	5, 29, 30, 32	3,687,491	<p>Cl. 5 food, dietary and nutritional supplements, including antioxidant supplements and supplements derived from and containing pomegranate extracts and plant extracts, including powders, liquids, capsules, and pills; nutraceuticals for use as a dietary supplement, including powders, liquids, capsules, and pills; pharmaceutical products and preparations, including preparations derived from and containing pomegranate extracts and plant extracts</p> <p>Cl. 29 frozen fruits</p> <p>Cl. 30 topping syrup; iced tea and tea-based beverages with fruit flavoring</p> <p>Cl. 32 non-alcoholic fruit extracts used in the preparation of beverages; preparations for making fruit drinks; fruit flavored beverages; non-alcoholic beverages containing fruit juices; smoothies; bottled water; non-alcoholic beverages with tea flavor; low calorie fruit flavored beverages; low calorie fruit juice drinks; low calorie tea flavored beverages</p>

	5, 29, 30, 32	3,687,492	Cl. 5 food, dietary and nutritional supplements, including antioxidant supplements and supplements derived from and containing pomegranate extracts and plant extracts, including powders, liquids, capsules, and pills; nutraceuticals for use as a dietary supplement, including powders, liquids, capsules, and pills; pharmaceutical products and preparations, including preparations derived from and containing pomegranate extracts and plant extracts Cl. 29 frozen fruits Cl. 30 topping syrup; iced tea and tea-based beverages with fruit flavoring Cl. 32 non-alcoholic fruit extracts used in the preparation of beverages; preparations for making fruit drinks; fruit flavored beverages; non-alcoholic beverages containing fruit juices; smoothies; non-alcoholic beverages with tea flavor; low calorie fruit flavored beverages; low calorie fruit juice drinks; low calorie tea flavored beverages
	31 32	2,864,641	Cl. 31 fresh fruits Cl. 32 fruit juices and fruit juice concentrates
	31 32	2,780,314	Cl. 31 fresh fruits Cl. 32 fruit juices and fruit juice concentrates
POM WONDERFUL	31	2,640,835	Cl. 31 fresh fruits

4. Opposer’s registrations are valid, subsisting, and owned by Opposer.

5. Opposer has sold millions of dollars worth of goods in connection with the POM WONDERFUL® Marks.

6. Opposer has spent millions of dollars advertising and promoting its products in connection with the POM WONDERFUL® Marks throughout the United States.

7. Opposer’s advertising and promotion of the POM WONDERFUL® Marks includes television advertisements on major networks such as ABC, NBC, CBS, CNN, TNT and many others.

8. By virtue of the popularity of Opposer’s goods offered in connection with the POM WONDERFUL® Marks, Opposer has built and owns extremely valuable goodwill symbolized by, and associated with, the POM WONDERFUL® Marks.

9. In the Application, Applicant applied for registration of the NATURALLY WONDERFUL Mark in International Class 30, with the description of goods as “unrefined sugar,

namely, evaporated sugar cane juice” (“Applicant’s Goods”).

10. On October 30, 2013, Applicant filed an Amendment to Allege Use of the NATURALLY WONDERFUL Mark which included a sworn declaration that the NATURALLY WONDERFUL Mark was in use in commerce in connection with all of Applicant’s Goods as of June 26, 2013 anywhere and October 30, 2013 in interstate commerce.

11. Applicant’s application to register and proposed use of the NATURALLY WONDERFUL Mark in connection with Applicant’s Goods is without Opposer’s consent or permission.

12. Upon information and belief, neither Applicant nor any predecessor or related company of Applicant made actual use of the NATURALLY WONDERFUL Mark prior to the June 26, 2013 first use date claimed in the Amendment to Allege Use.

13. Opposer timely filed an Extension of Time to Oppose the Application with the Trademark Trial and Appeal Board on April 25, 2014, and the Extension request was granted. An opposition to the Application must be filed by July 30, 2014. Therefore, this Notice of Opposition is being timely filed.

14. Opposer has rights in and to the POM WONDERFUL® Marks long prior to the first actual or constructive use of the NATURALLY WONDERFUL Mark.

COUNT I – LIKELIHOOD OF CONFUSION

15. Opposer incorporates the allegations of Paragraphs 1 through 14.

16. The NATURALLY WONDERFUL Mark so resembles the POM WONDERFUL® Marks as to be likely, when used on or in connection with Applicant’s Goods, to cause confusion, to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), as amended. The NATURALLY WONDERFUL Mark also conveys the same commercial impression

as the POM WONDERFUL® Marks.

17. Applicant's Goods are similar and/or related to the goods used in connection with the POM WONDERFUL® Marks. Applicant's proposed use and registration of the NATURALLY WONDERFUL Mark in connection with the Applicant's Goods is likely to cause confusion, deception and/or mistake among the relevant public.

18. The purchasing public is likely to be led to believe that goods bearing the NATURALLY WONDERFUL Mark emanate from or are approved, licensed, sponsored by, or in some other way legitimately connected with or affiliated with, Opposer or that Applicant and its business are owned by or are affiliated with Opposer and its business.

19. If Applicant is permitted to use the NATURALLY WONDERFUL Mark as specified in the Application, confusion in trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the NATURALLY WONDERFUL Mark and the POM WONDERFUL® Marks. Consumers familiar with the POM WONDERFUL® Marks would be likely to believe Applicant's goods are provided by Opposer or provided with Opposer's authorization or approval. Furthermore, any defect, objection or fault found with Applicant's goods sold under the NATURALLY WONDERFUL Mark would necessarily injure Opposer's reputation and the goodwill Opposer has established in the POM WONDERFUL® Marks.

COUNT II - FRAUD

20. Opposer incorporates the allegations of Paragraphs 1-19.

21. On information and belief, Applicant is not using the NATURALLY WONDERFUL Mark in connection with Applicant's Goods.

22. On information and belief, Applicant was not using the NATURALLY WONDERFUL Mark in connection with Applicant's goods as of the date the Amendment to Allege

Use was filed.

23. Upon information and belief, Applicant knew or should have known that the statements in the Amendment to Allege Use were false and misleading.

24. Upon information and belief, Applicant's sworn statement that the NATURALLY WONDERFUL Mark was in use in commerce with Applicant's Goods constituted a knowingly false representation of a material fact.

25. Upon information and belief, the United States Patent and Trademark Office relied on Applicant's false and misleading statements when allowing the Amendment to Allege Use.

26. Upon information and belief, but for Applicant's false statement within the Amendment to Allege Use, the United States Patent and Trademark Office would not have allowed the Amendment to Allege Use.

27. Upon information and belief, Applicant intended to deceive the United States Patent and Trademark Office by filing a false Amendment to Allege Use.

28. Due to Applicant's filing of a knowingly false and misleading Amendment to Allege Use, made with the intent to deceive, Applicant committed fraud on the United States Patent and Trademark Office.

29. Opposer would be damaged by registration of the Application on the grounds that the fraud on the United States Patent and Trademark Office would directly result in issuance of a registration that is likely to cause confusion with Opposer's rights.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application Serial No. 86/091,141 be denied registration and that such other and further relief as is deemed just and proper be granted.

Please debit our Deposit Account No. 502934 for the \$300 filing fee and for any additional

necessary fees.

Please address all correspondence to Danielle M. Criona, Esq. at Roll Law Group P.C.,
11444 West Olympic Boulevard, Los Angeles, CA 90064.

Respectfully Submitted,

Date: July 30, 2014

POM Wonderful LLC

By: /s/ Danielle M Criona /s/
Danielle M. Criona, Esq.
ROLL LAW GROUP P.C.
11444 West Olympic Blvd.
Los Angeles, California 90064
Tel. (310) 966-8771
Fax (310) 966-8810
Email dcriona@roll.com
Attorney for Opposer

CERTIFICATE OF SERVICE

I, Mark Rivera, hereby certify that a copy of this **NOTICE OF OPPOSITION** has been served upon Applicant at the correspondence address of record:

Robert Ted Parker
Parker Law Firm
7 Mira Loma Road
Orinda, California 94563-2312

by first class mail, postage prepaid, on July 30, 2014 and a courtesy copy has been sent by electronic mail to the email address on file with the USPTO, tedparkerlaw@gmail.com.

By: /s/ Mark Rivera /s/
Mark Rivera
Roll Law Group P.C.
11444 West Olympic Blvd.
Los Angeles, CA 90064
Tel. (310) 966-8400
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