

ESTTA Tracking number: **ESTTA744320**

Filing date: **05/04/2016**

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	Karma Culture, LLC
Granted to Date of previous extension	05/04/2016
Address	30-A Grove Street Pittsford, NY 14534 UNITED STATES
Attorney information	Katherine H. McGuire, Esq. Woods Oviatt Gilman LLP 2 State Street, 700 Crossroads Building Rochester, NY 14614 UNITED STATES trademarks@woodsoviatt.com, kmcguire@woodsoviatt.com Phone: 585-987-2800

**Applicant Information**

Application No	86554964	Publication date	01/05/2016
Opposition Filing Date	05/04/2016	Opposition Period Ends	05/04/2016
Applicant	Karma Juice LLC 914 E. Osborn Rd. Unit 409 Phoenix, AZ 850145285 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 032. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Fruit juices; Vegetable juices

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4063528	Application Date	10/19/2006
Registration Date	11/29/2011	Foreign Priority Date	NONE
Word Mark	KARMA		

Design Mark	<h1>KARMA</h1>
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2011/09/02 First Use In Commerce: 2011/09/02 Dietary supplements in the nature of stimulants in liquid form made from botanicals, algae, spices, and herbs for use in restoring mental alertness, all for non-medicinal purposes

Attachments	77024533#TMSN.png( bytes ) noticeofopposition.pdf(116785 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 Overnight Courier on this date.

Signature	/Katherine H. McGuire/
Name	Katherine H. McGuire, Esq.
Date	05/04/2016

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

In the matter of Application Serial No. 86/554,964  
Published in the Official Gazette on March 15, 2016

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Karma Culture, LLC

Opposer,

Opposition No.:

v.

Karma Juice LLC

Applicant.

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Attn.: Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

1) On February 4, 2016 Karma Culture, LLC, a limited liability company duly organized under the laws of the State of New York ("Opposer"), was granted an extension of time to oppose thereby extending the deadline to file an Opposition to March 5, 2016. A second request for an extension of time to oppose was submitted and granted on March 3, 2016 extending the deadline to file an Opposition to May 4, 2016.

2) Opposer believes that it will be damaged by issuance of a registration for KARMA JUICE (the "Mark") as applied for in Application Serial No. 86/554,964 (the "Application"), and hereby opposes the same.

3) Upon information and belief, Karma Juice LLC ("Applicant"), is a Limited Liability Company organized and existing under the laws of the State of Arizona and has a business address at 914 E. Osborn Rd, Unit 409, Phoenix, Arizona 85014.

4) On June 19, 2015, Applicant filed the Application in the Patent and Trademark Office ("USPTO") based on an intent to use the Mark in commerce under Section 1(b).

5) The Application was filed for goods in International Class 032 for: "Fruit juices; Vegetable juices."

6) Opposer has long used trademarks similar to the Mark in connection with the same or similar goods.

7) Opposer is the owner of U.S. Federally Registered Trademark KARMA having a U.S. Trademark Registration No. 4,063,528 registered on Nov. 29, 2011 ("Opposer's Mark" or "the '528 Registration").

8) The '528 Registration is valid, subsisting and in full force and effect.

9) The '528 Registration is based on a Lanham Act Section 1(b) Intent-to-Use filing date of October 19, 2006.

10) The constructive use date of Opposer's Mark pre-dates Applicant's application filing date by more than eight years.

**CLAIM FOR RELIEF UNDER 15 U.S.C. § 1052(d)**  
**LIKELIHOOD OF CONFUSION**

11) Opposer incorporates by reference Paragraphs 1-10 as if fully set forth herein.

12) If Applicant is allowed to use the Mark for the same or related goods as provided by Opposer, the public is likely to associate goods offered by Applicant with the goods provided by Opposer under the same or similar Mark, or to believe that Applicant's goods are licensed,

endorsed or sponsored by Opposer, or that there is some relationship between Applicant and Opposer.

13) Moreover, the Mark included in the Application is confusingly similar to Opposer's Mark, and is intended for use in connection with substantially related goods.

14) For at least these reasons, the registration and/or use of the Mark as applied for, is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that Applicant's goods emanate from or are otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

15) Applicant's Application and the presumption of exclusivity that would flow from a registration to Applicant of the Mark sought to be registered are inconsistent with the rights of Opposer, which has made prior and continuous use of Opposer's Mark in commerce.

By reason of the foregoing, Opposer would be damaged by the registration of KARMA JUICE to Applicant.

WHEREFORE, it is respectfully requested that this Opposition be sustained and that the registration sought by Application Serial No. 86/554,964 be denied.

Dated: May 4, 2016  
Rochester, New York

Respectfully submitted,

/Katherine H. McGuire/  
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**Certificate of Service**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition in regard to Application Serial No. 86/554,964 has been served on the Applicant, Karma Juice LLC, by mailing said copy on May 4, 2016 via Federal Express, postage prepaid, to:

Karma Juice LLC  
914 E. Osborn Rd, Unit 409  
Phoenix, Arizona 85014

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