

ESTTA Tracking number: **ESTTA832275**

Filing date: **07/10/2017**

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	Green Nation, Inc.
Granted to Date of previous extension	07/09/2017
Address	149 South Barrington Ave., Ste. 170 Los Angeles, CA 90049 UNITED STATES
Attorney information	Zachary T. Page Conkle, Kremer & Engel, PLC 3130 Wilshire Blvd., Suite 500 Santa Monica, CA 90403 UNITED STATES Email: lp@conklelaw.com Phone: 3109989100

Applicant Information

Application No	86753846	Publication date	01/10/2017
Opposition Filing Date	07/10/2017	Opposition Period Ends	07/09/2017
International Registration No.	NONE	International Registration Date	NONE
Applicant	Miles-Bramwell Executive Services Limited Clover Nook Road Somercotes, Alfreton Derbyshire, DE554RF UNITED KINGDOM		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on 44(d) Priority Application) (Based on 44(e)) (Based on Intent to Use)Electrical, electronic and computer devices for use in relation to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being, namely, food scales, PDAs (personal digital assistants), tablets, hand-held personal computers, laptop computers, digital personal assistants, digital organisers, devices for monitoring and tracking calories andfood and beverage consumption, digital personal planners, day planners, digitalhealth monitors; computer software for tracking calorie intake, organising foodrecipes and data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; computer hardware and firmware; downloadable software for organising foodrecipes, monitoring calorie intake and data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; downloadable electronic publications, namely, magazines, newsletters, recipes, cook-books, books, booklets, directories, diaries, pamphlets, postcards, calendars, notebooks featuring</p>

food recipes, eating plans, diet plans, nutritional information, recipes, information and advice relating to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; weighing apparatus, namely, weighing scales, weight balances and weighing platforms; digital recording media, namely, blank recordable CD-Rs and DVD-Rs, flash cards, SD cards, MP3s, digital memory cards; pre-recorded digital recording media featuring food recipes, eating plans, diet plans, nutritional information, recipes, information and advice relating to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; electrical weighing apparatus, appliances, instruments and devices, namely, weighing scales, weighing balances, weighing platforms, all for weighing the human body; electrical and computer apparatus and devices, namely, digital weighing scales, digital balances, digital weighing platforms for use in relation to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; computer software for controlling weighing apparatus, appliances, instruments and devices, for use in database management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; computer programs for controlling weighing apparatus, appliances, instruments and devices, for use in data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; downloadable computer software and computer programs for controlling weighing apparatus, appliances, instruments and devices, for use in data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; software and programs for managing, assisting, monitoring and weighing, in particular for weight loss, diet, dieting, exercise, health, fitness and well-being of humans; calculators; data processing equipment; information technology and audio visual equipment and accessories, namely, headphones, mobile telephones, tablet computers, PDAs (personal digital assistants), laptop computers, palmtop computers, personal planners, digital organisers; data processing equipment and accessories, namely, laptops, palm top computers, tablet computers, PDAs, mobile telephones; measuring, detecting and monitoring apparatus and instruments, namely, devices for measuring and monitoring body weight, body fat, body mass index, calorie intake, exercise levels, fitness levels; electronic downloadable publications, namely, magazines, newsletters, recipes, cookbooks, books, booklets, directories, diaries, pamphlets, postcards, calendars, notebooks all relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on 44(e)) (Based on Intent to Use) Printed matter and publications in the nature of magazines, newsletters, recipes, cookbooks, booklets, books, directories, diaries, pamphlets, postcards, calendars, notebooks, written educational and teaching materials relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; photographs; stationery; books relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; booklets relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; directories of nutritional foods for use in relation to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; newsletters featuring healthy food recipes relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; diaries; recipe books; cookbooks; pamphlets relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; printed charts; greetings cards; postcards; calendars; notebooks; magazines relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; printed periodicals relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; printed instructional and teaching materials relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; writing materials, namely, paper, pens, pencils; writing instruments; paper signboards

Class 041. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on 44(e)) (Based on Intent to Use) Education, namely, conducting classes, workshops, tutorials, symposia, group meetings, group discussions, providing of training, arranging and conducting of educational seminars, lectures, symposia and workshops; on-line education services, namely, moderating group discussions on-line; all the aforesaid services in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well being, fitness, weight training and aerobics; provision of on-line training, on-line educational seminars, lectures, symposia and workshops, all in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well being, fitness, weight training, aerobics; services for the provision of exercise equipment, namely, rental of exercise equipment; health and fitness club services, namely, physical fitness instruction; exercise services, namely, providing of exercise classes, body sculpting classes, and group fitness classes; provision of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being, fitness, weight training, aerobics classes; provision of educational facilities for slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being, fitness, weight training, aerobics; provision of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being, fitness, weight training, aerobics instruction; advisory and counselling services relating to exercise and physical fitness; educational classes and advice relating to physical fitness, exercise; physical fitness centres in the nature of gymnasiums; fitness and exercise instruction; fitness and exercise training services; exercise and fitness classes; providing on-line non downloadable electronic publications, namely, magazines, newsletters, recipes, cookbooks, books, booklets, directories, diaries, pamphlets, postcards, calendars, notebooks featuring fitness and exercise and healthy foods, relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; publication of electronic magazines, journals, books and other written materials; advisory and counselling services, namely, providing advice and counselling services in the fields of slimming, weight control, diet, dieting, exercise, eating habits, fitness, weightlifting, aerobics; on-line advisory and counselling services relating to physical fitness and recreation, namely, exercise, fitness and body toning; provision of educational courses, workshops and tutorials, training and coaching services in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being and fitness using the media of printed matter, publications, books, booklets, directories, recipes, recipe books, pamphlets, instructional and teaching materials, magazines, periodical publications, handbooks, manuals, cards, note books, signboards, advertisement boards, display boards, mobile display boards, banners, exhibition boards, noticeboards, bulletin boards, card holders in the nature of display boards, counter displays, boards for the display of graphic materials, display stands, display screens, signboards, furniture for display purposes, and display units; training, educational seminars, lectures, symposia, colloquiums, conferences, workshops and coaching in the fields of services in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being and fitness using the media of downloadable software, electronic publications, electronic photographs, stationery, books, magazine books, booklets, directories, recipes, recipe books, pamphlets, diaries, charts, greetings cards, magazines, periodical publications, instructional and teaching materials, posters, plans, pads, postcards, catalogues, newsletters, forms, flyers, handbooks, manuals, advertisement boards, cards, calendars, note books, calculating tables, signboards, cookbooks, downloadable electronic publications, downloadable electronic photographs, digital photographs, downloadable digital publications, downloadable digital photographs, downloadable image files, downloadable text files, downloadable music files, digital book readers, compact discs, DVDs and other digital recording media, podcasts, vodcasts in the nature of video podcasts, webinars, streaming of videos, videos, videos on demand, pre-recorded compact discs, pre-recorded DVDs and other pre-recorded recording media, data processing equipment, computers, computer hardware, computer firmware, computer peripheral devices, downloadable publications, pre-recorded digital recording media, on-line printed matter, on-line publications, on-line books, on-line booklets, on-line directories, on-line recipes, on-line recipe books, on-line pamphlets, on-line instructional and teaching materials, on-line magazines, on-line periodical publications, on-line handbooks, on-line manuals, on-line cards, on-line note books, on-line signboards, on-line advertisement boards, on-line display boards, on-line banners, on-line exhibition boards, on-line notice boards, on-line bulletin boards, on-line signboards; provision of educational classes, workshops, tutorials, symposia, group meetings, group discussions and training and coaching, all relating to slimming, weight control, diet, dieting, exercise, health, lifestyle, foods, beverages, nutrition, eating habits and well-being using the media of printed matter, publications, books, booklets, directories, recipes, recipe books, pamphlets, instructional and teaching materials, magazines, periodical publications, hand-

books, manuals, cards, note books, signboards, advertisement boards, display boards, mobile display boards, banners, exhibition boards, noticeboards, bulletin boards, card holders in the nature of display boards, counter displays, boards for the display of graphic materials, display stands, display screens, signboards, furniture for display purposes, display units

Class 044. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: (Based on 44(e)) (Based on Intent to Use) Wellness and health-related advisory and counselling services relating to slimming, weight control, diet, dieting, exercise, health, eating habits; wellness and health-related on-line advisory and counselling services relating to slimming, weight control, diet, dieting, exercise, health, eating habits, gymnasium, fitness, weight training, aerobics and recreation; on-line wellness and health-related advisory and counselling services relating to slimming, weight control, diet, dieting, health, eating habits; hygiene and beauty services, namely, beauty consultation services relating to slimming, weight control, diet, dieting, exercise, eating habits, health, lifestyle for medical and healthcare purposes, and well-being for healthcare purposes; provision of wellness and health-related advisory, counselling and information services relating in particular to the fields of slimming, weight control, diet, dieting, exercise, foods, beverages, nutrition, health, lifestyle, eating habits and well-being using the media of printed matter, publications, books, magazine books, booklets, directories, recipes, recipe books, pamphlets, instructional and teaching materials, magazines, periodical publications, handbooks, manuals, cards, note books, signboards, advertisement boards, display boards, mobile display boards, banners, exhibition boards, notice boards, bulletin boards, card holders in the nature of display boards, counter displays, boards for the display of graphic materials, display stands, display screens, furniture for display purposes, display units, downloadable software, electronic publications, electronic photographs, electronic stationery, electronic books, electronic magazine books, electronic booklets, electronic directories, electronic recipes, electronic recipe books, electronic pamphlets, electronic diaries, electronic charts, electronic greetings cards, electronic magazines, electronic periodical publications, electronic instructional and teaching materials, electronic posters, electronic plans, electronic pads, electronic postcards, electronic catalogues, electronic newsletters, electronic forms, electronic flyers, electronic handbooks, electronic manuals, electronic advertisement boards, electronic cards, electronic calendars, electronic note books, electronic calculating tables, electronic signboards, electronic cookbooks, downloadable electronic publications, downloadable electronic photographs, stationery, diaries, charts, greetings cards, posters, plans, pads, postcards, catalogues, newsletters, forms, flyers, calendars, calculating tables, cookbooks, digital photographs, downloadable digital publications, downloadable digital photographs, downloadable image files, downloadable text files, downloadable music files, digital book readers, compact discs, DVDs and other digital recording media, podcasts, vodcasts in the nature of video podcasts, webinars, streaming of videos, videos, videos-on-demand, pre-recorded compact discs, pre-recorded DVDs and other pre-recorded recording media, data processing equipment, computers, computer hardware, computer firmware, computer peripheral devices, downloadable publications, pre-recorded digital recording media, on-line printed matter, on-line publications, on-line books, on-line magazine books, on-line booklets, on-line directories, on-line recipes, on-line recipe books, on-line pamphlets, on-line instructional and teaching materials, on-line magazines, on-line periodical publications, on-line handbooks, on-line manuals, on-line cards, on-line note books, on-line signboards, on-line advertisement boards, on-line display boards, on-line banners, on-line exhibition boards, on-line notice boards, on-line bulletin boards

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. Registration No.	4807174	Application Date	12/11/2014
Registration Date	09/08/2015	Foreign Priority Date	NONE
Word Mark	SYN SUPERFOOD ELEMENTS		

Design Mark	SYN SUPERFOOD ELEMENTS
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2014/12/10 First Use In Commerce: 2014/12/10 Dietary and nutritional supplements; Dietary food supplements

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SYN		
Goods/Services	Dietary and nutritional supplements; Dietary food supplements		

Related Proceedings	91235030
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Attachments	86477992#TMSN.png(bytes) 9997 Notice of Opposition - SYN Second Application.pdf(62317 bytes)
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Signature	/Zachary T. Page/
Name	Zachary T. Page
Date	07/10/2017

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

GREEN NATION, INC.,

Opposer,

v.

MILES-BRAMWELL EXECUTIVE
SERVICES LIMITED,

Applicant.

Opposition No. _____

Serial No. : 86753846

Mark: SYN

NOTICE OF OPPOSITION

Opposer Green Nation, Inc. (“Opposer” or “Green Nation”) believes that it will be damaged by registration of the trademarks mark shown in Application Serial No. 86753846, filed by Miles-Bramwell Executive Services Limited (“Applicant”) on September 11, 2015 and published for opposition on January 10, 2017, and therefore opposes the registration.

The grounds for this opposition are as follows:

1. Opposer is a corporation duly organized and existing under the laws of the state of California with a principal place of business at 149 South Barrington Ave., Ste. 170, Los Angeles, CA 90049.

2. Applicant, upon information and belief, is a Limited Company duly organized and existing under the laws of the United Kingdom with a principal place of business at Clover Nook Road, Somercotes, Alfreton, Derbyshire, DE55 4FR.

3. Opposer distributes and sells various food and supplement products in the United States under the SYN, SYN SUPERFOOD ELEMENTS, and other SYN related trademarks (collectively, the “SYN Marks”). Opposer has used the SYN Marks in connection with its food and supplement products since approximately March of 2012.

4. Opposer is the owner of U.S. Trademark Registration No. 4,807,174 for the standard character mark SYN SUPERFOOD ELEMENTS for use with “Dietary and nutritional supplements; Dietary food supplements” in International Class 5 (the “Registered Mark”). Opposer’s date of first use for its Registered Mark is December 10, 2014, and its application date is December 11, 2014.

5. Opposer sells its products in connection with the SYN Marks through retail locations in California and through direct marketing channels, including its website. The SYN Marks are also widely featured in Opposer’s advertising, marketing and promotional materials.

6. Opposer has made substantial investment in advertising and promoting its goods under Opposer’s SYN Marks since their initial use. Opposer has used,

advertised, promoted and offered Opposer's goods bearing Opposer's SYN Marks to the public through various channels of trade in commerce, with the result that Opposer's customers and the public in general have come to associate Opposer's SYN Marks with Opposer and/or the goods sold by Opposer.

7. Applicant seeks to register, on an intent-to-use basis, the standard character mark SYN, Serial No. 86753846, for use with the following goods and services:

- “Electrical, electronic and computer devices for use in relation to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being, namely, food scales, PDAs (personal digital assistants), tablets, hand-held personal computers, laptop computers, digital personal assistants, digital organisers, devices for monitoring and tracking calories and food and beverage consumption, digital personal planners, day planners, digital health monitors; computer software for tracking calorie intake, organising food recipes and data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; computer hardware and firmware; downloadable software for organising food recipes, monitoring calorie intake and data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; downloadable electronic publications, namely, magazines, newsletters, recipes, cookbooks, books, booklets, directories, diaries, pamphlets, postcards, calendars, notebooks featuring food recipes, eating plans, diet plans, nutritional information, recipes, information and advice relating to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; weighing apparatus, namely, weighing scales, weight balances and weighing platforms; digital recording media, namely, blank recordable CD-Rs and DVD-Rs, flash cards, SD cards, MP3s, digital memory cards; pre-recorded digital recording media featuring food recipes, eating plans, diet plans, nutritional information, recipes, information and advice relating to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits

and well-being; electrical weighing apparatus, appliances, instruments and devices, namely, weighing scales, weighing balances, weighing platforms, all for weighing the human body; electrical and computer apparatus and devices, namely, digital weighing scales, digital balances, digital weighing platforms for use in relation to slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; computer software for controlling weighing apparatus, appliances, instruments and devices, for use in database management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; computer programs for controlling weighing apparatus, appliances, instruments and devices, for use in data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; downloadable computer software and computer programs for controlling weighing apparatus, appliances, instruments and devices, for use in data management in the fields of slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; software and programs for managing, assisting, monitoring and weighing, in particular for weight loss, diet, dieting, exercise, health, fitness and well-being of humans; calculators; data processing equipment; information technology and audio visual equipment and accessories, namely, headphones, mobile telephones, tablet computers, PDAs (personal digital assistants), laptop computers, palm top computers, personal planners, digital organisers; data processing equipment and accessories, namely, laptops, palm top computers, tablet computers, PDAs, mobile telephones; measuring, detecting and monitoring apparatus and instruments, namely, devices for measuring and monitoring body weight, body fat, body mass index, calorie intake, exercise levels, fitness levels; electronic downloadable publications, namely, magazines, newsletters, recipes, cookbooks, books, booklets, directories, diaries, pamphlets, postcards, calendars, notebooks all relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being” in International Class 009;

- “Printed matter and publications in the nature of magazines, newsletters, recipes, cookbooks, booklets, books, directories, diaries, pamphlets, postcards, calendars, notebooks, written educational and teaching materials relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; photographs; stationery; books relating to fitness, exercise, healthy foods, eating plans, diet

plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; booklets relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; directories of nutritional foods for use in relation to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; newsletters featuring healthy food recipes relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; diaries; recipe books; cookbooks; pamphlets relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; printed charts; greetings cards; postcards; calendars; notebooks; magazines relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; printed periodicals relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; printed instructional and teaching materials relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; writing materials, namely, paper, pens, pencils; writing instruments; paper signboards” in International Class 016;

- “Education, namely, conducting classes, workshops, tutorials, symposia, group meetings, group discussions, providing of training, arranging and conducting of educational seminars, lectures, symposia and workshops; on-line education services, namely, moderating group discussions on-line; all the aforesaid services in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well being, fitness, weight training and aerobics; provision of on-line training, on-line educational seminars, lectures, symposia and workshops, all in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well being, fitness, weight training, aerobics; services for the provision of exercise equipment, namely, rental of exercise equipment; health and fitness club services, namely,

physical fitness instruction; exercise services, namely, providing of exercise classes, body sculpting classes, and group fitness classes; provision of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being, fitness, weight training, aerobics classes; provision of educational facilities for slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being, fitness, weight training, aerobics; provision of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being, fitness, weight training, aerobics instruction; advisory and counselling services relating to exercise and physical fitness; educational classes and advice relating to physical fitness, exercise; physical fitness centres in the nature of gymnasiums; fitness and exercise instruction; fitness and exercise training services; exercise and fitness classes; providing on-line non downloadable electronic publications, namely, magazines, newsletters, recipes, cookbooks, books, booklets, directories, diaries, pamphlets, postcards, calendars, notebooks featuring fitness and exercise and healthy foods, relating to fitness, exercise, healthy foods, eating plans, diet plans, nutritional information, recipes, slimming, weight control, diet, nutrition, dieting, exercise, health, fitness, recreation, lifestyle, eating habits and well-being; publication of electronic magazines, journals, books and other written materials; advisory and counselling services, namely, providing advice and counselling services in the fields of slimming, weight control, diet, dieting, exercise, eating habits, fitness, weightlifting, aerobics; on-line advisory and counselling services relating to physical fitness and recreation, namely, exercise, fitness and body toning; provision of educational courses, workshops and tutorials, training and coaching services in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being and fitness using the media of printed matter, publications, books, booklets, directories, recipes, recipe books, pamphlets, instructional and teaching materials, magazines, periodical publications, handbooks, manuals, cards, note books, signboards, advertisement boards, display boards, mobile display boards, banners, exhibition boards, noticeboards, bulletin boards, card holders in the nature of display boards, counter displays, boards for the display of graphic materials, display stands, display screens, signboards, furniture for display purposes, and display units; training, educational seminars, lectures, symposia, colloquiums, conferences, workshops and coaching in the fields of services in the fields of slimming, weight control, diet, nutrition, dieting, exercise, health, lifestyle, eating habits, well-being and fitness using the media of downloadable software, electronic publications, electronic photographs, stationery, books, magazine books, booklets, directories, recipes, recipe books, pamphlets, diaries, charts, greetings cards, magazines, periodical publications,

instructional and teaching materials, posters, plans, pads, postcards, catalogues, newsletters, forms, flyers, handbooks, manuals, advertisement boards, cards, calendars, note books, calculating tables, signboards, cookbooks, downloadable electronic publications, downloadable electronic photographs, digital photographs, downloadable digital publications, downloadable digital photographs, downloadable image files, downloadable text files, downloadable music files, digital book readers, compact discs, DVDs and other digital recording media, podcasts, vodcasts in the nature of video podcasts, webinars, streaming of videos, videos, videos on demand, pre-recorded compact discs, pre-recorded DVDs and other pre-recorded recording media, data processing equipment, computers, computer hardware, computer firmware, computer peripheral devices, downloadable publications, pre-recorded digital recording media, on-line printed matter, on-line publications, on-line books, on line booklets, on-line directories, on-line recipes, on-line recipe books, on-line pamphlets, on-line instructional and teaching materials, on-line magazines, on-line periodical publications, on-line handbooks, on-line manuals, on-line cards, on-line note books, on-line signboards, on-line advertisement boards, on-line display boards, on-line banners, on-line exhibition boards, on-line notice boards, on-line bulletin boards, on-line signboards; provision of educational classes, workshops, tutorials, symposia, group meetings, group discussions and training and coaching, all relating to slimming, weight control, diet, dieting, exercise, health, lifestyle, foods, beverages, nutrition, eating habits and well-being using the media of printed matter, publications, books, booklets, directories, recipes, recipe books, pamphlets, instructional and teaching materials, magazines, periodical publications, handbooks, manuals, cards, note books, signboards, advertisement boards, display boards, mobile display boards, banners, exhibition boards, noticeboards, bulletin boards, card holders in the nature of display boards, counter displays, boards for the display of graphic materials, display stands, display screens, signboards, furniture for display purposes, display units” in International Class 041; and

- “Wellness and health-related advisory and counselling services relating to slimming, weight control, diet, dieting, exercise, health, eating habits; wellness and health-related on-line advisory and counselling services relating to slimming, weight control, diet, dieting, exercise, health, eating habits, gymnasium, fitness, weight training, aerobics and recreation; on-line wellness and health-related advisory and counselling services relating to slimming, weight control, diet, dieting, health, eating habits; hygiene and beauty services, namely, beauty consultation services relating to slimming, weight control, diet, dieting, exercise, eating habits, health, lifestyle for medical and healthcare

purposes, and well being for healthcare purposes; provision of wellness and health-related advisory, counselling and information services relating in particular to the fields of slimming, weight control, diet, dieting, exercise, foods, beverages, nutrition, health, lifestyle, eating habits and well-being using the media of printed matter, publications, books, magazine books, booklets, directories, recipes, recipe books, pamphlets, instructional and teaching materials, magazines, periodical publications, handbooks, manuals, cards, note books, signboards, advertisement boards, display boards, mobile display boards, banners, exhibition boards, notice boards, bulletin boards, card holders in the nature of display boards, counter displays, boards for the display of graphic materials, display stands, display screens, furniture for display purposes, display units, downloadable software, electronic publications, electronic photographs, electronic stationery, electronic books, electronic magazine books, electronic booklets, electronic directories, electronic recipes, electronic recipe books, electronic pamphlets, electronic diaries, electronic charts, electronic greetings cards, electronic magazines, electronic periodical publications, electronic instructional and teaching materials, electronic posters, electronic plans, electronic pads, electronic postcards, electronic catalogues, electronic newsletters, electronic forms, electronic flyers, electronic handbooks, electronic manuals, electronic advertisement boards, electronic cards, electronic calendars, electronic note books, electronic calculating tables, electronic signboards, electronic cookbooks, downloadable electronic publications, downloadable electronic photographs, stationery, diaries, charts, greetings cards, posters, plans, pads, postcards, catalogues, newsletters, forms, flyers, calendars, calculating tables, cookbooks, digital photographs, downloadable digital publications, downloadable digital photographs, downloadable image files, downloadable text files, downloadable music files, digital book readers, compact discs, DVDs and other digital recording media, podcasts, vodcasts in the nature of video podcasts, webinars, streaming of videos, videos, videos-on-demand, pre-recorded compact discs, pre-recorded DVDs and other pre-recorded recording media, data processing equipment, computers, computer hardware, computer firmware, computer peripheral devices, downloadable publications, pre-recorded digital recording media, on-line printed matter, on-line publications, on-line books, on line magazine books, on-line booklets, on-line directories, on-line recipes, on-line recipe books, on-line pamphlets, on-line instructional and teaching materials, on-line magazines, on-line periodical publications, on-line handbooks, on-line manuals, on-line cards, on-line note books, on-line signboards, on-line advertisement boards, online display boards, on-line banners, on-line exhibition boards, on-line notice boards, on-line bulletin boards” in International Class 044.

8. Upon information and belief, neither Applicant nor any predecessor of Applicant has used SYN as a trademark in any way in the United States prior to Applicant's filing of its intent-to-use application on September 11, 2015.

9. Applicant's filing date is after Opposer's date of first use and application date of its Registered Mark. Applicant's filing date is also after Opposer's first use of its common law SYN Marks.

10. Opposer has standing to oppose the mark in the Application because registration of that mark could limit or harm Opposer's exclusive right to use and register its marks, could be cited by a future Examiner against Opposer, or could be used by Applicant against Opposer. Opposer would be greatly damaged by the registration of Applicant's SYN mark for the goods described in Applicant's application.

11. Applicant's proposed SYN mark is confusingly and deceptively similar to Opposer's Registered Mark and SYN Marks, such that ordinary consumers are likely to be confused and deceived and falsely led to believe that Applicant's goods and services bearing the SYN mark are sponsored by, authorized by, licensed by or associated with Opposer.

12. Applicant's SYN mark is confusingly similar in appearance, sound, connotation, and commercial impression to Opposer's Registered Mark and SYN Marks. Given the similarities of the parties' respective marks and the similarities of the parties' respective goods and services, Applicant's proposed SYN mark so resembles the SYN Marks as to be likely to cause confusion, to cause mistake, and/or to deceive.

13. The goods and services for which Applicant seeks registration are identical or closely related to the goods and services offered by Opposer under its SYN Marks. Opposer sells "Dietary and nutritional supplements; Dietary food supplements" under its marks. The goods and services identified in Applicant's Application are closely related. Applicant's goods and services could easily be encountered by the same purchasers as Opposer's under circumstances that could give rise to the mistaken belief that Applicant's goods and services come from a common source, given the close similarity of the marks.

14. Applicant's application is unrestricted as to consumers or channels of trade. As a result, it is presumed that Applicant's goods and services will be offered to all consumers, including consumers of Opposer's goods and services, and through all channels of trade, including channels of trade that are the same as or similar to Opposer's.

15. Applicant's goods and services are identical or similar to Opposer's goods and services, and Applicant's goods and services will undoubtedly be marketed and sold in the same or similar channels of trade as Opposer's goods and services.

16. The registration of Applicant's alleged mark is inconsistent with Opposer's prior rights in its Registered Mark and inconsistent with Opposer's statutory grant of exclusivity of use of its registered mark, and would harm, damage or destroy Opposer's investment and goodwill in its mark.

17. The registration of Applicant's alleged mark is inconsistent with Opposer's prior common-law rights in its SYN Marks, and would harm, damage or destroy Opposer's investment and goodwill in its SYN Marks.

18. By virtue of Opposer's prior use of its marks, the goodwill associated with the marks, and Opposer's registrations and common law rights therefore, the registration by Applicant of its alleged mark for goods and services identical or related to the goods sold by Opposer is likely to cause confusion or mistake or to deceive the purchasing public into believing that Applicant's goods and services offered under Applicant's alleged mark originate with, come from or are otherwise associated with Opposer, or that Applicant's goods and services are endorsed, licensed, or sponsored by or in some way connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

WHEREFORE, Opposer prays that this Opposition be sustained, Applicant's application denied and Applicant's SYN mark refused registration.

Dated: July 10, 2017

By: */Zachary Page/*

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