ESTTA Tracking number: **ESTTA915394**

Filing date: **08/13/2018**

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	True Botanicals, Inc.
Granted to Date of previous extension	08/12/2018
Address	29 Miller Avenue Mill Valley, CA 94941 UNITED STATES
Party who filed Extension of time to oppose	True Botanicals, LLC
Relationship to party who filed Extension of time to oppose	Opposer recorded Entity Conversion with the USPTO Assignment Division on March 5, 2018, which was after Opposer filed the first request for an extension of time to oppose.

Attorney information	Michael A. Parks Thompson Coburn LLP 55 East Monroe Street, 37th Floor Chicago, IL 60603 UNITED STATES ipdocket@thompsoncoburn.com, mparks@thompsoncoburn.com, snaruo@thompsoncoburn.com, urogers@thompsoncoburn.com 312-346-7500

Applicant Information

Application No	87470554	Publication date	02/13/2018
Opposition Filing Date	08/13/2018	Opposition Period Ends	08/12/2018
Applicant	Bulk Natural, LLC 6226 N. Villard Avenue Portland, OR 97217 UNITED STATES		

Goods/Services Affected by Opposition

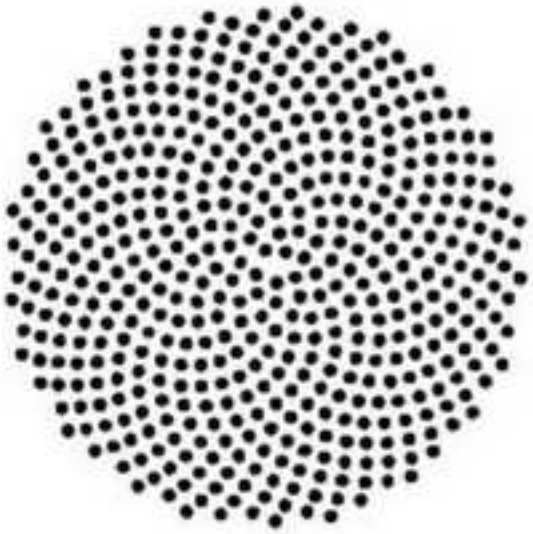
Class 003. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: essential oils; aromatic essential oils; natural essential oils; food flavoring, being essential oils; essential oils for flavoring beverages; essential oils for food flavorings; essential oils for use in the manufacture of scented products; essential oils for use in manufacturing of food and beverage products; essential oils for use in manufacturing of electronic cigarette and vape pen liquid; essential oils for use in aromatherapy; aromatic oils; scented oils; terpenes, being essential oils; isolated terpenes; isolated terpenes of essential oils

Class 040. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: custom blending of essential oils; custom blending of terpenes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Prior common-law use of TRUE BOTANICALS and TRUE BOTANICALS and Design for Body lotion; Body wash; Cosmetic masks; Face oils; Facial cleansers; Foundation; Hair shampoos and conditioners; Non-medicated serums for use on body, face, eyes and lips; Non-medicated skin care preparations, namely, face and body mist; Sunscreen

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5309571	Application Date	12/19/2016
Registration Date	10/17/2017	Foreign Priority Date	NONE
Word Mark	TRUE BOTANICALS		
Design Mark			
Description of Mark	The mark consists of dots forming a circle with the phrase "TRUE BOTANICALS".		
Goods/Services	Class 003. First use: First Use: 2016/03/15 First Use In Commerce: 2016/03/15 Body lotion; Body wash; Cosmetic masks;Face oils; Facial cleansers; Foundation; Hair shampoos and conditioners; Non-medicated serums for use on body, face, eyes and lips; Non-medicated skin care preparations, namely, face and body mist; Sunscreen preparations		

U.S. Registration No.	5254552	Application Date	09/09/2016
Registration Date	08/01/2017	Foreign Priority	NONE

		Date	
Word Mark	TRUE BOTANICALS		
Design Mark	TRUE BOTANICALS		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2016/03/15 First Use In Commerce: 2016/03/15 Body lotion; Body wash; Cosmetic masks;Face oils; Facial cleansers; Foundation; Hair shampoos and conditioners; Non-medicated serums for use on body, face, eyes and lips; Non-medicated skin care preparations, namely, face and body mist; Sunscreen preparations		

Attachments	87273421#TMSN.png(bytes) 87166347#TMSN.png(bytes) TRUE Notice of Opposition.pdf(133137 bytes)

Signature	/michael parks/
Name	Michael A. Parks
Date	08/13/2018

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

True Botanicals, Inc.,	)	
	)	
Opposer,	)	Opp. No. _____
	)	
v.	)	Directed to U.S. Ser. No. 87470554
	)	
Bulk Natural, LLC,	)	Mark: TRUE
	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

True Botanicals, Inc. ("**True Botanicals**" or "**Opposer**") will be damaged by registration of the mark TRUE for *custom blending of essential oils; custom blending of terpenes* in International Class 040 and *essential oils; aromatic essential oils; natural essential oils; food flavoring, being essential oils; essential oils for flavoring beverages; essential oils for food flavorings; essential oils for use in the manufacture of scented products; essential oils for use in manufacturing of food and beverage products; essential oils for use in manufacturing of electronic cigarette and vape pen liquid; essential oils for use in aromatherapy; aromatic oils; scented oils; terpenes, being essential oils; isolated terpenes; isolated terpenes of essential oils* in Class 003 ("**Applicant's Goods and Services**") as shown in U.S. Ser. No. 87470554 filed by Bulk Natural, LLC ("**Applicant**"). True Botanicals, therefore, opposes registration of the mark TRUE.

As grounds for its opposition, Opposer hereby alleges as follows:

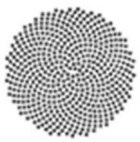
1. True Botanicals is a corporation organized and existing under the laws of Delaware, with a principal place of business at 29 Miller Avenue, Mill Valley, California 94941.

2. On information and belief, Applicant is an Oregon limited liability company with offices at 6226 N. Villard Avenue, Portland, Oregon 97217.

3. On information and belief, Applicant is the owner of U.S. Ser. No. 87470554 for the mark TRUE for Applicant's Goods and Services.

4. Prior to the filing date of U.S. Ser. No. 87470554 and any use by Applicant of the mark TRUE, True Botanicals and its predecessors began using, and have continuously used in interstate commerce, trademarks including the designation TRUE BOTANICALS and TRUE BOTANICALS and Design in connection with the goods in U.S. Ser. Nos. 87166347 and 87273421 identified below. True Botanicals and its predecessors have been continuously using TRUE BOTANICALS and TRUE BOTANICALS and Design as trademarks for several years, with substantial sales and marketing expenditures under the marks. As a result of such use, True Botanicals has developed substantial goodwill and common law rights in the terms TRUE and TRUE BOTANICALS.

5. In addition to its common law rights in the TRUE BOTANICALS marks, True Botanicals owns the following U.S. trademark registrations for the marks TRUE BOTANICAL and TRUE BOTANICALS and Design:

Mark	**Goods**
TRUE BOTANICALS RN: 5254552 Disclaimer: "BOTANICALS"	(Int'l Class: 03) body lotion; body wash; cosmetic masks; face oils; facial cleansers; foundation; hair shampoos and conditioners; non-medicated serums for use on body, face, eyes and lips; non-medicated skin care preparations, namely, face and body mist; sunscreen preparations
 TRUE BOTANICALS	(Int'l Class: 03) body lotion; body wash; cosmetic masks; face oils; facial cleansers; foundation; hair shampoos and conditioners; non-medicated serums for use on body, face, eyes and lips; non-medicated skin care preparations, namely, face and body mist; sunscreen preparations

Mark	Goods
RN: 5309571 Disclaimer: "BOTANICALS"	

6. Applicant's mark TRUE so resembles True Botanicals' TRUE BOTANICALS and TRUE BOTANICALS and Design marks as to be likely, when used in connection with Applicant's Goods and Services, to cause confusion or to cause mistake or to deceive in the minds of the trade and public that Applicant's Goods and Services emanate from or are licensed, sponsored or otherwise authorized by Opposer, when Opposer is not in fact the source of Applicant's Goods and Services or otherwise affiliated with them in any way, thus causing damage to True Botanicals.

ACCORDINGLY, based upon the above grounds, True Botanicals respectfully requests that the Board refuse registration of U.S. Ser. No. 87470554 for the mark TRUE.

Respectfully submitted,

Date: August 13, 2018

THOMPSON COBURN LLP

By / Michael A. Parks /

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