

ESTTA Tracking number: **ESTTA957955**

Filing date: **03/04/2019**

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	Caldera International, Inc.
Granted to Date of previous extension	03/03/2019
Address	7236 SW Durham Rd.Suite 800 Portland, OR 97224 UNITED STATES

Correspondence information	Caldera International, Inc. 7236 SW Durham Rd.Suite 800 Portland, OR 97224 UNITED STATES dgodfrey@calderaintl.com no phone number provided
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Applicant Information

Application No	87842002	Publication date	09/04/2018
Opposition Filing Date	03/04/2019	Opposition Period Ends	03/03/2019
Applicant	CALDERA + LAB, LLC 3465 N PINES WAY, STE 104, #196 WILSON, WY 83014 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: Bath soaps; Body oils; Deodorants for body care; Hair oils; Hair shampoos and conditioners; Lip balm; Perfumes and colognes; Skin cleansers; Sunscreen preparations; Non-medicated serums for use on face and eyes; Non-medicated skin care preparations; hands, face and body moisturizers
Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Acne treatment preparations
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: On-line retail store services featuring face, body and hair products, dietary supplements, vitamins and protein bars


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d


1938 (Fed. Cir. 2009)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2548515	Application Date	08/15/2000
Registration Date	03/12/2002	Foreign Priority Date	NONE
Word Mark	CALDERA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2001/04/01 First Use In Commerce: 2001/04/01 Thermal hot and cold therapy wraps [and magnetic supportive bandages] for first aid, sports related injuries, home health care, * and * pain relief [and veterinary purposes]		

U.S. Registration No.	3590252	Application Date	04/11/2008
Registration Date	03/17/2009	Foreign Priority Date	NONE
Word Mark	CALDERA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2001/04/01 First Use In Commerce: 2001/04/01 Thermal hot and cold therapy wraps and magnetic supportive bandages; medical compression and support garments in the nature of surgical bras, bra supports, garters, girdles, abdominal binders, back binders, rib belts, shorts, stockings, tights, and leggings		

U.S. Registration No.	4310746	Application Date	11/10/2011
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Registration Date	03/26/2013	Foreign Priority Date	NONE
Word Mark	CALDERA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 010. First use: First Use: 2001/04/01 First Use In Commerce: 2001/04/01 Therapeutic hot and cold compression wraps; therapeutic hot compression wraps; therapeutic cold compression wraps; chemically activated hot and cold disposable gel packs and patches for medical purposes; viscous gel polymer sold as a component of finished custom cushioned medical and therapeutic devices and equipment, namely, therapeutic braces; viscous gel polymer sold as a component of finished custom cushioned wheel chair seats and back cushions; therapeutic and orthopedic neck warming support wraps; face masks for use by health care providers; medical apparatus, namely, non- or low-compression devices for holding thermal packs to the breasts; therapeutic apparatus, namely, body limb thermal compression undergarments for relief of muscular and joint pain through targeted thermal application and compression; custom designed therapeutic wraps fitted for use with a prosthesis; medical apparatus, namely, post-surgical non- or low-compression devices for holding thermal wraps to the pelvic area for purposes of comfort and support; therapeutic neck supports for reducing tension and relieving discomfort</p> <p>Class 025. First use: First Use: 2012/10/01 First Use In Commerce: 2012/10/01 Clothing, namely, knit face masks and neck warmers</p>		

Attachments	78021285#TMSN.png(bytes) 77446585#TMSN.png(bytes) 85978582#TMSN.png(bytes) Caldera - Opposition.pdf(332389 bytes)
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Signature	/Jesse L London/
Name	Caldera International, Inc.
Date	03/04/2019

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

In the Matter of Trademark Applicant:)	
)	
Caldera + Lab, LLC.)	
)	
Serial No.: 87/842002)	
)	
Mark: CALDERA LAB)	
)	
_____)	Opp. No. _____
)	
Caldera International Inc.,)	
)	
Opposer,)	
)	
v.))	
)	
Caldera + Lab, LLC.,)	
)	
Applicant.)	
_____)	

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Caldera International Inc. (“Caldera”), an Oregon corporation, believes that it will be damaged by registration of the mark CALDERA LAB (“Applicant’s Alleged Mark”) in International Class 003 for “Bath soaps; Body oils; Deodorants for body care; Hair oils; Hair shampoos and conditioners; Lip balm; Perfumes and colognes; Skin cleansers; Sunscreen preparations; Non-medicated serums for use on face and eyes; Non-medicated skin care preparations; hands, face and body moisturizers”; in International Class 005 for “Acne treatment preparations”; and in International Class 035 for “On-line retail store services featuring face,

body and hair products, dietary supplements, vitamins and protein bars” (the “Opposed Goods”) applied for by Caldera + Lab, LLC (“Applicant”) on March 20, 2018 (“Opposed Application Filing Date”) and assigned Serial No. 87/842002 (the “Opposed Application”). Caldera hereby opposes the registration of the Opposed Application.

As grounds of opposition, Caldera alleges:

1. Opposer Caldera is an Oregon corporation engaged in the business of providing a wide variety of products including wraps, gels, garments, bandages, and other devices with therapeutic and non-therapeutic properties including heating, cooling, and compression to its customers throughout the world.

2. Applicant is Caldera + Lab, LLC, a Wyoming limited liability company with an address of 3465 N Pines Way, Ste 104, #196, Wilson, Wyoming 83014.

On March 20, 2018, Applicant filed the Opposed Application on the Principal Register on an intent-to-use basis.

3. The Opposed Application was published for opposition on September 4, 2018. On October 4, 2018, Caldera timely filed and was granted extensions of time before the Trademark Trial and Appeal Board (“TTAB”). Caldera timely filed this Notice of Opposition.

4. For many years, and long before the Opposed Application Filing Date, and before Applicant’s intent to use Applicant’s Alleged Mark, Opposer has continuously used, and presently uses, its marks in commerce, at least, in connection with the various services and goods described in its applications for trademark registration (“Caldera Registrations”) and is the owner of the following marks with all right, title, and goodwill pertaining thereto (“Caldera Marks”):

A. Serial No. 78/021285 filed Aug. 15, 2000 and registered on March 12, 2002 with a first use anywhere and in commerce of April 1, 2001 in International Class 010 for the standard character mark CALDERA in connection with “thermal hot and cold therapy wraps [and

magnetic supportive bandages] for first aid, sports related injuries, home health care, * and * pain relief [and veterinary purposes]”

B. Serial No. 77/446585 in International Class 010 filed on April 11, 2008 and registered on March 17, 2009 with a first use anywhere and in commerce of April 1, 2001 for the mark CALDERA in connection with “thermal hot and cold therapy wraps and magnetic supportive bandages; medical compression and support garments in the nature of surgical bras, bra supports, garters, girdles, abdominal binders, back binders, rib belts, shorts, stockings, tights, and leggings.”

C. Serial Number 85/978582 in International Class 010 filed on November 10, 2011 and registered on March 26, 2013 with a first use anywhere and in commerce of April 1, 2001 for the mark CALDERA in connection with

“therapeutic hot and cold compression wraps; therapeutic hot compression wraps; therapeutic cold compression wraps; chemically activated hot and cold disposable gel packs and patches for medical purposes; viscous gel polymer sold as a component of finished custom cushioned medical and therapeutic devices and equipment, namely, therapeutic braces; viscous gel polymer sold as a component of finished custom cushioned wheel chair seats and back cushions; therapeutic and orthopedic neck warming support wraps; face masks for use by health care providers; medical apparatus, namely, non- or low-compression devices for holding thermal packs to the breasts; therapeutic apparatus, namely, body limb thermal compression undergarments for relief of muscular and joint pain through targeted thermal application and compression; custom designed therapeutic wraps fitted for use with a prosthesis; medical apparatus, namely, post-surgical non- or low-compression devices for holding thermal wraps to the pelvic area for purposes of comfort and support; therapeutic neck supports for reducing tension and relieving discomfort.”; and

in International Class 025 with a first use anywhere and in commerce of October 1,

2012 for “Clothing, namely, knit face masks and neck warmers.”

5. In Serial No. 87/832479, Opposer has applied for registration of the mark CALDERA under Section 1(a) on March 13, 2018 with a first use anywhere and in commerce of April 1, 2001 in International Class 005 for "Thermal hot and cold therapy for medical and veterinary purposes; topical analgesic creams, lotions, plant extracts, bath salts, mineral salts,

shower gels for medical and veterinary purposes, anti-inflammatory gels; herbal topical gels for the relief of aches and pain; topical gel for medical, veterinary, and therapeutic treatment for muscle and joint pain”; and in International Class 011 for “Heating units, namely, heating packs and heating wraps for heating animals and pets, not for veterinary purposes; Cooling units, namely, cold packs and cold wraps for cooling animals and pets, not for veterinary purposes; heating inserts and cooling inserts for pet beds; heating units and cooling units for pet beds.”

6. A copy of information from the USPTO’s Trademark Status and Document Retrieval (TSDR) system showing the current status and title of these registrations is attached as Exhibit A.

7. Opposer has priority over Applicant based on use of the Caldera Marks by Opposer previous to Applicant’s use of the Alleged Marks.

8. Opposer has priority rights in the Caldera Marks with respect to the type of goods and services claimed in the Caldera Registrations.

9. Opposer has used the common law word mark, CALDERA in intrastate and interstate commerce with respect to goods to the type of goods and services claimed in the Caldera Registrations at least as early as April 2001.

10. Opposer made trademark use of the common law word mark, CALDERA as to the type of goods and services claimed in the Caldera Registrations prior to Applicant’s constructive use date of March 20, 2018 for the Opposed Application.

11. Opposer made analogous use of CALDERA as to the type of goods and services claimed in the Caldera Registrations prior to Applicant’s constructive use date of March 20, 2018 for the Opposed Application.

12. Opposer has used the trade name, CALDERA as early as April 2001.

13. A copy of information from the USPTO's Trademark Status and Document Retrieval (TSDR) system showing the current status and title of the Opposed Application is attached as Exhibit B.

14. Opposer used CALDERA as trade name prior to Applicant's constructive use date of March 20, 2018 for the Opposed Application.

15. Opposer used CALDERA as trade name prior to Applicant's actual use date of March 20, 2018 for the Opposed Application.

16. The trade name usage, advertisements, and efforts of Opposer were reasonably expected to have a substantial impact on the purchasing public prior to Applicant's constructive use date, being the Opposed Application Filing Date.

17. The trade name usage, advertisements, and efforts of Opposer created an association in the minds of the purchasing public of Opposer's goods prior to Applicant's constructive use date, being the Opposed Application Filing Date.

18. Opposer has priority over Applicant through the prior use and analogous use by Opposer of the mark, CALDERA in intrastate and interstate commerce with respect to the type of goods and services claimed in the Caldera Registrations.

19. Opposer has prior and superior rights over Applicant by almost 17 years.

20. Opposer has continuously used the Caldera Marks, the common law word mark Caldera, and trade name Caldera, without abandonment, from, at least, the date of first use on April 1, 2001 in interstate and intrastate commerce to the present day.

21. On information and belief, Applicant was aware of Opposer's priority use in commerce of Applicant's Alleged Mark at the time it filed the Opposed Application because Opposer's mark is widely known mark in the same channels of trade in which Applicant's goods would be sold.

22. Prior to Applicant's filing date or any date of first use upon which Applicant can rely, and as a result of Opposer's longstanding use and promotion of the Caldera Marks for related goods and services, including expenditure of considerable amounts of time, energy and money, the public has come to recognize goods and services bearing the Caldera Marks as goods and services coming from a single source, namely, Opposer.

23. The Opposed Application for CALDERA LAB, if allowed, is likely to cause confusion with Opposer's registered Caldera Marks, Opposer's future registrations based on the natural expansion of the goods and services described in the Caldera Registrations, and Caldera's common law word mark, CALDERA all of those aforementioned marks used in intrastate and interstate commerce under 15 U.S.C. § 1052(d).

24. The Alleged Mark, CALDERA LAB, is identical in visual, spelling, and sound value appearance to the Caldera Marks for CALDERA.

25. The face, body, and hair products, including serums, moisturizers, creams, and other preparations as well as retail services regarding such products offered by Opposer under the CALDERA mark are overlapping with and/or related to Applicant's Goods.

26. The Opposed Goods do not include any limitations on the channels of trade or relevant purchasers. Upon information and belief, the Parties' services and goods would be promoted through the same channels of trade for sale to, and used by, the same category of purchasers.

27. If Applicant is permitted to register and use Applicant's Alleged Mark for the Opposed Goods, such registration and use by Applicant is likely to cause confusion, deception and mistake, and will seriously damage Opposer.

28. Opposer has a real and direct commercial interest in opposing the Opposed Application because Opposer has used its registered and applied for Caldera Marks; the common

law mark, CALDERA; made analogous use; and used the tradename CALDERA with respect to the type of goods and services claimed in the Caldera Registrations in intrastate and interstate commerce on identical, similar, related and/or overlapping goods prior to Applicant's constructive use date.

29. Opposer believes it will be damaged by the registration of the Opposed Application in that a substantial portion of the purchasing public and/or trade is likely to be confused, or mistakenly believe, that the Opposed Goods offered under Applicant's Alleged Mark originate from Caldera, or from the same source as the goods and services sold under the Caldera Marks, Opposer's common law marks, or that such services are sponsored by, endorsed by, or affiliated with the source of the goods and services sold under the CALDERA Marks or the trade name CALDERA. Such likelihood of confusion would result both in lost sales to Caldera and in damage to Caldera's goodwill among purchasers and the trade symbolized by the Caldera Marks. Furthermore, any defect, objection or fault found with the Opposed Goods marketed under Applicant's Alleged Mark would reflect upon and could seriously injure the reputation which has been established for the goods and services sold under the Caldera Marks.

30. Opposer will be damaged by the registration sought by Applicant insofar as Applicant will obtain statutory rights in Applicant's Alleged Mark in violation and derogation of Opposer's prior and superior rights in Opposer's registered and applied for Caldera Marks, its common law wordmark CALDERA, and its trade name CALDERA.

WHEREFORE, Opposer requests that this opposition be sustained and the registration sought by Applicant be refused.

Dated: March 4, 2019

Respectfully submitted, Caldera International Inc.

By: /Jesse L. London/

One of its Attorneys

Jesse L. London, USPTO #72185
London & Paris, LLP
888 W. Park St.
Eugene, OR. 97401
(503) 877-3107

EXHIBIT A

Int. Cl.: 10

Prior U.S. Cls.: 26, 39, and 44

United States Patent and Trademark Office

Reg. No. 2,548,515

Registered Mar. 12, 2002

TRADEMARK
PRINCIPAL REGISTER

CALDERA

SPORTAIDE, INC. (OREGON CORPORATION)
8178 SW DURHAM ROAD
TIGARD, OR 97224

FOR: THERMAL HOT AND COLD THERAPY
WRAPS AND MAGNETIC SUPPORTIVE BANDA-
GES FOR FIRST AID, SPORTS RELATED INJURIES,
HOME HEALTH CARE, PAIN RELIEF AND VETER-
INARY PURPOSES , IN CLASS 10 (U.S. CLS. 26, 39
AND 44).

FIRST USE 4-1-2001; IN COMMERCE 4-1-2001.

THE ENGLISH TRANSLATION OF "CALDERA"
IS "CAULDRON".

SN 78-021,285, FILED 8-15-2000.

SHARON ASAR, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 3,590,252

Registered Mar. 17, 2009

**TRADEMARK
PRINCIPAL REGISTER**

CALDERA

CALDERA INTERNATIONAL, INC. (OREGON
CORPORATION)
7980 SW CIRRUS DRIVE, BUILDING 13F
BEAVERTON, OR 97008

FOR: THERMAL HOT AND COLD THERAPY
WRAPS AND MAGNETIC SUPPORTIVE BANDA-
GES; MEDICAL COMPRESSION AND SUPPORT
GARMENTS IN THE NATURE OF SURGICAL
BRAS, BRA SUPPORTS, GARTERS, GIRDLES, AB-
DOMINAL BINDERS, BACK BINDERS, RIB BELTS,
SHORTS, STOCKINGS, TIGHTS, AND LEGGINGS,
IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 4-1-2001; IN COMMERCE 4-1-2001.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,548,515.

SER. NO. 77-446,585, FILED 4-11-2008.

BARBARA RUTLAND, EXAMINING ATTORNEY

United States of America
United States Patent and Trademark Office

CALDERA

Reg. No. 4,310,746

CALDERA INTERNATIONAL, INC. (OREGON CORPORATION)
7236 SW DURHAM ROAD, SUITE 800
TIGARD, OR 97224

Registered Mar. 26, 2013

Int. Cls.: 10 and 25

TRADEMARK

PRINCIPAL REGISTER

FOR: THERAPEUTIC HOT AND COLD COMPRESSION WRAPS; THERAPEUTIC HOT COMPRESSION WRAPS; THERAPEUTIC COLD COMPRESSION WRAPS; CHEMICALLY ACTIVATED HOT AND COLD DISPOSABLE GEL PACKS AND PATCHES FOR MEDICAL PURPOSES; VISCOUS GEL POLYMER SOLD AS A COMPONENT OF FINISHED CUSTOM CUSHIONED MEDICAL AND THERAPEUTIC DEVICES AND EQUIPMENT, NAMELY, THERAPEUTIC BRACES; VISCOUS GEL POLYMER SOLD AS A COMPONENT OF FINISHED CUSTOM CUSHIONED WHEEL CHAIR SEATS AND BACK CUSHIONS; THERAPEUTIC AND ORTHOPEDIC NECK WARMING SUPPORT WRAPS; FACE MASKS FOR USE BY HEALTH CARE PROVIDERS; MEDICAL APPARATUS, NAMELY, NON- OR LOW-COMPRESSION DEVICES FOR HOLDING THERMAL PACKS TO THE BREASTS; THERAPEUTIC APPARATUS, NAMELY, BODY LIMB THERMAL COMPRESSION UNDERGARMENTS FOR RELIEF OF MUSCULAR AND JOINT PAIN THROUGH TARGETED THERMAL APPLICATION AND COMPRESSION; CUSTOM DESIGNED THERAPEUTIC WRAPS FITTED FOR USE WITH A PROSTHESIS; MEDICAL APPARATUS, NAMELY, POST-SURGICAL NON- OR LOW-COMPRESSION DEVICES FOR HOLDING THERMAL WRAPS TO THE PELVIC AREA FOR PURPOSES OF COMFORT AND SUPPORT; THERAPEUTIC NECK SUPPORTS FOR REDUCING TENSION AND RELIEVING DISCOMFORT, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 4-1-2001; IN COMMERCE 4-1-2001.

FOR: CLOTHING, NAMELY, KNIT FACE MASKS AND NECK WARMERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-1-2012; IN COMMERCE 10-1-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.



Sean Street Lee

Acting Director of the United States Patent and Trademark Office

OWNER OF U.S. REG. NOS. 2,548,515 AND 3,590,252.

SN 85-978,582, FILED 11-10-2011.

Reg. No. 4,310,746 JUDITH HELFMAN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

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Mark: CALDERA

Caldera

US Serial Number: 87832479

Application Filing Date: Mar. 13, 2018

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Jun. 25, 2018

Mark Information

Mark Literal Elements: CALDERA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Thermal hot and cold therapy for medical and veterinary purposes; topical analgesic creams, lotions, plant extracts, bath salts, mineral salts, shower gels for medical and veterinary purposes, anti-inflammatory gels; herbal topical gels for the relief of aches and pain; topical gel for medical, veterinary, and therapeutic treatment for muscle and joint pain

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 2001

Use in Commerce: Apr. 01, 2001

For: Heating units, namely, heating packs and heating wraps for heating animals and pets, not for veterinary purposes; Cooling units, namely, cold packs and cold wraps for cooling animals and pets, not for veterinary purposes; heating inserts and cooling inserts for pet beds; heating units and cooling units for pet beds

International Class(es): 011 - Primary Class

U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 01, 2001

Use in Commerce: Apr. 01, 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Caldera International, Inc.

Owner Address: 7236 SW Durham Rd, Suite 800
Portland, OREGON 97224
UNITED STATES

Legal Entity Type: CORPORATION

State or Country OREGON
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Devin Miller

Docket Number: Caldera.416

Attorney Primary docketing@mohriplaw.com
Email Address:

Attorney Email Yes
Authorized:

Correspondent

Correspondent DEVIN MILLER
Name/Address: MOHR INTELLECTUAL PROPERTY LAW SOLUTIONS, PC
522 SW 5TH AVENUE, SUITE 1390
PORTLAND, OREGON 97204
UNITED STATES

Correspondent e-mail: docketing@mohriplaw.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 25, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 25, 2018	NON-FINAL ACTION E-MAILED	6325
Jun. 25, 2018	NON-FINAL ACTION WRITTEN	72518
Jun. 23, 2018	ASSIGNED TO EXAMINER	72518
Mar. 20, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 16, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: SINGLETON, RUDY RENWIC

Law Office LAW OFFICE 102
Assigned:

File Location

Current Location: TMEG LAW OFFICE 102 - EXAMINING
ATTORNEY ASSIGNED

Date in Location: Jun. 25, 2018

EXHIBIT B

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Mark: CALDERA

CALDERA

US Serial Number: 87841997

Application Filing Date: Mar. 20, 2018

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark, Service Mark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.

Status Date: Aug. 28, 2018

Publication Date: Aug. 07, 2018

Mark Information

Mark Literal Elements: CALDERA

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Bath soaps; Body oils; Deodorants for body care; Hair oils; Hair shampoos and conditioners; Lip balm; Perfumes and colognes; Skin cleansers; Sunscreen preparations; Non-medicated serums for use on face and eyes; Non-medicated skin care preparations; hands, face and body moisturizers

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: Acne treatment preparations

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(b)

For: On-line retail store services featuring face, body and hair products, dietary supplements, vitamins and protein bars

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Amended 44E: No

Current Owner(s) Information

Owner Name: Teton Organic, LLC
Owner Address: 3465 N Pines Way, Ste 104, #196
Wilson, WYOMING 83014
UNITED STATES
Legal Entity Type: LIMITED LIABILITY COMPANY
State or Country Where Organized: WYOMING

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joseph A. Mandour
Attorney Primary Email Address: jmandour@mandourlaw.com
Docket Number: 8153.02-005
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: JOSEPH A. MANDOUR
MANDOUR & ASSOCIATES, APC
8605 SANTA MONICA BLVD., SUITE 1500
LOS ANGELES, CALIFORNIA 90069
UNITED STATES
Correspondent e-mail: jmandour@mandourlaw.com lolson@mandourlaw.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 28, 2018	EXTENSION OF TIME TO OPPOSE RECEIVED	
Aug. 07, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 07, 2018	PUBLISHED FOR OPPOSITION	
Aug. 01, 2018	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 18, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 29, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 29, 2018	ASSIGNED TO EXAMINER	93414
Mar. 27, 2018	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 23, 2018	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: LINDEMYER, ANKHI MUKHE
Law Office Assigned: LAW OFFICE 123

File Location

Current Location: PUBLICATION AND ISSUE SECTION
Date in Location: Jul. 02, 2018

Assignment Abstract Of Title Information

Summary

Total Assignments: 1
Applicant: Teton Organic, LLC

Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST
Reel/Frame: [6389/0106](#)
Date Recorded: Jul. 24, 2018
Pages: 2

Supporting Documents: [assignment-tm-6389-0106.pdf](#)

Assignor

Name: [TETON ORGANIC, LLC](#) **Execution Date:** Jul. 20, 2018
Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** WYOMING

Assignee

Name: [CALDERA + LAB, LLC](#) **State or Country Where Organized:** WYOMING
Legal Entity Type: LIMITED LIABILITY COMPANY
Address: 3465 N PINES WAY, STE 104, #196 WILSON, WYOMING 83014

Correspondent

Correspondent Name: JOSEPH A. MANDOUR
Correspondent Address: 8605 SANTA MONICA BLVD., SUITE 1500 LOS ANGELES, CA 90069

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: [87841997](#) **Filing Date:** Aug 28, 2018
Status: Extension of Time to Oppose Filed **Status Date:** Aug 28, 2018
Interlocutory Attorney:

Defendant

Name: Teton Organic, LLC
Correspondent Address: JOSEPH A. MANDOUR MANDOUR & ASSOCIATES, APC 8605 SANTA MONICA BLVD., SUITE 1500 LOS ANGELES CA , 90069
Correspondent e-mail: jmandour@mandourlaw.com , lolson@mandourlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
CALDERA	Request For Extension of Time to File Opposition	87841997	

Potential Opposer(s)

Name: S. C. Johnson & Son, Inc.
Correspondent Address: Melinda Mitchell S. C. Johnson & Son, Inc. 1525 Howe Street Racine WI , 53403 UNITED STATES
Correspondent e-mail: B050994@scj.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	FIRST 90-DAY REQUEST TO EXT TIME TO OPPOSE	Aug 28, 2018	
2	EXT GRANTED	Aug 28, 2018	