

ESTTA Tracking number: **ESTTA964281**

Filing date: **04/02/2019**

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	ADG, LLC
Granted to Date of previous extension	04/03/2019
Address	29777 Telegraph Road, Ste 3000 Southfield, MI 48304 UNITED STATES

Attorney information	LINDA MONGE CALLAGHAN FISHMAN STEWART PLLC 39533 Woodward Ave Ste 140 BLOOMFIELD HILLS, MI 48304 UNITED STATES tmdocketing@fishstewip.com, lcallaghan@fishstewip.com, mfeaather@fishstewip.com 2485940641
----------------------	---

**Applicant Information**

Application No	87959864	Publication date	12/04/2018
Opposition Filing Date	04/02/2019	Opposition Period Ends	04/03/2019
Applicant	LL Barnett Dental Solutions PC 7185 HIGHWAY 72 WEST SUITE C MADISON, AL Madison, AL 35758 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 044. First Use: 2014/05/31 First Use In Commerce: 2014/05/31 All goods and services in the class are opposed, namely: Dental services, namely, performing restorative and cosmetic procedures
--

**Grounds for Opposition**


Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2412950	Application Date	11/02/1998
Registration Date	12/12/2000	Foreign Priority Date	NONE

Word Mark	GREAT EXPRESSIONS
Design Mark	<b>GREAT EXPRESSIONS</b>
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2000/01/00 First Use In Commerce: 2000/02/00 oral hygiene products, namely, non-medicated mouthwashes and dentifrices Class 010. First use: First Use: 2000/01/00 First Use In Commerce: 2000/02/00 oral hygiene products, namely, flossing instruments and tongue scrapers Class 021. First use: First Use: 2000/01/00 First Use In Commerce: 2000/02/00 oral hygiene products, namely, toothbrushes Class 042. First use: First Use: 2000/01/00 First Use In Commerce: 2000/02/00 dentistry services

U.S. Registration No.	2407182	Application Date	02/12/1999
Registration Date	11/21/2000	Foreign Priority Date	NONE

Word Mark	GREAT EXPRESSIONS DENTAL CENTERS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 2000/01/00 First Use In Commerce: 2000/01/00 DENTISTRY SERVICES

U.S. Registration	4256157	Application Date	09/22/2011
-------------------	---------	------------------	------------

No.			
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	GREAT EXPRESSIONS DENTAL CENTERS		
Design Mark			
Description of Mark	The mark consists of the terms "GREAT EXPRESSIONS DENTAL CENTERS" set forth to the right of a stylized face design all in the color of blue.		
Goods/Services	Class 044. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 Dentistry services		

Attachments	75580820#TMSN.png( bytes ) 75639907#TMSN.png( bytes ) 85429621#TMSN.png( bytes ) R1658498.PDF(154367 bytes )
-------------	---

Signature	/Linda Monge Callaghan/
Name	LINDA MONGE CALLAGHAN
Date	04/02/2019

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

ADG, LLC,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
v.	)	Application Serial No. 87/959,864
	)	Mark: DIVINE EXPRESSIONS
LL Barnett Dental Solutions d/b/a,	)	FAMILY DENTISTRY
Divine Expressions Family Dentistry,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

ADG, LLC, a Michigan limited liability company, at 29777 Telegraph Road, Ste. 3000, Southfield, Michigan 48304 (“Opposer”), believes that it will be damaged by registration of the mark DIVINE EXPRESSIONS FAMILY DENTISTRY of Application Serial No. 87/959,864 (“Application”) by LL Barnett Dental Solutions d/b/a Divine Expressions Family Dentistry (“Applicant”) for the services recited therein, and hereby opposes the Application on the grounds that (1) the mark is likely to cause confusion, or to cause mistake or to deceive with respect to (a) Opposer’s prior adoption and use of marks formed by or incorporating “EXPRESSIONS,” including but not limited to the marks GREAT EXPRESSIONS and GREAT EXPRESSIONS DENTAL CENTERS & DESIGN (collectively, “Opposer’s GREAT EXPRESSIONS Marks”), and (b) Opposer’s prior registrations for Opposer’s GREAT EXPRESSIONS Marks, as identified below (collectively, “Opposer’s GREAT EXPRESSIONS Registrations”).

As grounds for the opposition, Opposer states as follows:

1. Opposer, through over 200 professional dental offices located in multiple states, is extensively engaged in providing goods and services in the dental field, including providing dentistry services (“Opposer’s Goods and Services”).

2. In connection with Opposer's Goods and Services, Opposer has used Opposer's GREAT EXPRESSIONS Marks. Opposer has continuously used one or more of these marks in commerce since at least as early as January 2000.

3. As a result of the quality of Opposer's Goods and Services and the widespread promotion thereof under Opposer's GREAT EXPRESSIONS Marks, Opposer's Goods and Services have met with substantial commercial success and customer recognition. As a further result, Opposer's GREAT EXPRESSIONS Marks have become symbols of Opposer, its quality goods and services and its goodwill.

4. In recognition of the valuable rights in and to Opposer's GREAT EXPRESSIONS Marks, the U.S. Patent and Trademark Office (the "Office") granted Opposer's GREAT EXPRESSIONS Registrations:

- a. Registration No. 2412950 dated December 12, 2000 for the mark GREAT EXPRESSIONS for "*oral hygiene products, namely, non-medicated mouthwashes and dentifrices,*" in Class 3, "*oral hygiene products, namely, flossing instruments and tongue scrapers,*" in Class 10, "*oral hygiene products, namely, toothbrushes,*" in Class 21 and "*dentistry services,*" in Class 42;
- b. Registration No. 2407182 dated November 21, 2000 for the mark GREAT EXPRESSIONS DENTAL CENTERS & DESIGN for "*dentistry services,*" in Class 42; and
- c. Registration No. 4256157 dated December 11, 2012 for GREAT EXPRESSIONS DENTAL CERNTERS & DESIGN for "*dentistry services,*" in Class 42.

5. All of Opposer's GREAT EXPRESSIONS Registrations have achieved incontestable status, and therefore constitute conclusive evidence of the validity of the marks, the registrations therefor, Opposer's ownership of the marks, and its exclusive right to use the marks in commerce.

6. Notwithstanding Opposer's prior use of Opposer's GREAT EXPRESSIONS Marks and Opposer's GREAT EXPRESSIONS Registrations, on June 13, 2018, Applicant filed the Application seeking registration of the mark DIVINE EXPRESSIONS FAMILY DENTISTRY on the Principal Register for "*dental services, namely, performing restorative and cosmetic procedures,*" in Class 44 (collectively, "Applicant's Services"), claiming a date of first use and a date of first use in commerce of May 31, 2014.

7. Prior to the filing date and claimed dates of first use and first use in commerce recited in the Application, Opposer used Opposer's GREAT EXPRESSIONS Marks in commerce and Opposer's Registration Nos. 2412950 and 2407182 issued and achieved incontestable status.


8. The mark of the Application is at least similar to Opposer's GREAT EXPRESSIONS Marks. Further, Applicant's Services are identical and/or similar and related to Opposer's Goods and Services. In view thereof, purchasers and others are likely to mistakenly assume that Applicant's Services originate from, are sponsored by or are in some way associated with Opposer. The mark of the Application so resembles Opposer's GREAT EXPRESSIONS Marks and Opposer's GREAT EXPRESSIONS Registrations as to be likely to cause confusion, or to cause mistake or to deceive. Accordingly, Opposer is likely to be damaged by registration of the mark of the Application for the services recited therein.

WHEREFORE, Opposer prays that the Application be refused registration, that no registration be issued thereon to Applicant and that this Opposition be sustained in favor of Opposer.

A filing fee for the Notice of Opposition in the amount of \$300 should be charged to Deposit Account No. 18-0013. Any additional fees required should be charged to the same account.

Respectfully submitted,

Dated: April 2, 2019

By:   
Linda Monge Callaghan  
Michael D. Fishman  
FISHMAN STEWART PLLC

*Attorneys for Opposer*  
39533 Woodward Avenue, Suite 140  
Bloomfield Hills, Michigan 48304  
Telephone: (248) 594-0644  
Facsimile: (248) 594-0610