

ESTTA Tracking number: **ESTTA1013148**

Filing date: **11/04/2019**

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	Michael Fong Gage Specialties LLC
Granted to Date of previous extension	11/06/2019
Address	3541 EAGLESON RD GLADWIN, MI 48624 UNITED STATES
Party who filed Extension of time to oppose	GAGE SPECIALTIES LLC
Relationship to party who filed Extension of time to oppose	Gage Specialties LLC is the name of our Company. My name is Michael Fong and I am one of two owners of Gage Specialties / Gage Green Group. I am representing myself without an attorney.
Correspondence information	MICHAEL FONG GAGE SPECIALTIES LLC 3541 EAGLESON RD GLADWIN, MI 48624 UNITED STATES michael@gagegreengroup.com, jeff@gagegreengroup.com 510-730-9554

Applicant Information

Application No	87695693	Publication date	07/09/2019
Opposition Filing Date	11/04/2019	Opposition Period Ends	11/06/2019
International Registration No.	NONE	International Registration Date	NONE
Applicant	Radicle Cannabis Holdings Inc. 90 Beach Road Hamilton, Ontario, L8P2J7 CANADA		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Electronic publications, namely, downloadable newsletters, brochures, reports and guides in the field of medical marijuana, cannabis and cannabis oils

<p>Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Printed publications, namely, newsletters, brochures, reports and guides in the field of medical marijuana, cannabis and cannabis oils</p>
<p>Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Providing physician referral services in the field of medical marijuana; operation of a website providing information featuring the ratings, reviews and recommendations on medical marijuana and cannabis products for commercial purposes posted by users</p>
<p>Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Operation of an online bulletin board for publishing of information about benefits of medical cannabis and marijuana, research related to medical and cannabis and for users to provide commentary about the content or about subjects relating thereto; Operation of an online bulletin board for registered users to participate in discussions, provide and obtain feedback from other registered users, form virtual communities, and engage in social networking in the field of medical marijuana</p>
<p>Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Educational services and patient educational services, namely, providing non-downloadable audio-visual materials in the field of medical marijuana and cannabis; Educational services and patient educational services, namely, seminars, workshops, classes and training sessions all in the field of medical marijuana and cannabis and distribution of printed course materials in connection therewith; Electronic publications, namely, non-downloadable newsletters, brochures, reports and guides in the field of medical marijuana, cannabis and cannabis oils; Non-downloadable audio-visual recordings in the field of medical marijuana and cannabis</p>
<p>Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Operation of a website providing information about medical and scientific research related to medical cannabis and marijuana</p>
<p>Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Medical counselling in the field of medical marijuana; providing medical information in the field of medical marijuana; operation of a wellness center for medical marijuana patients providing medical marijuana counselling services in the field of medical marijuana; Consulting services in the field of medical use of cannabis; Operation of a website providing information about the health benefits of medical cannabis and marijuana; Operation of a website providing medical information in the field of marijuana and regarding indications and effects of particular cannabis strains</p>

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
Deceptiveness	Trademark Act Section 2(a)
Other	Gage Green Group is an established mark used in commerce in the United States and internationally prior to 2009. The applicant is acting in bad faith by taking a famous name and mark in the industry. They are diluting the distinctive quality of a famous mark.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Company name: GAGE GREEN GROUP Associated marks: GAGE GREEN GARDENS, GAGE GREEN GENETICS, GAGE GREEN		

	GOURMET, GAGE GREEN GALLERY, GAGE SPECIALTIES, GAGE ORIGINALS, GEMS OF GAGE, GGG, GAGE, GGGNATURAL, GGG-PROTOCOL, GGG777, GGGGGGG
Goods/Services	Electronic publications related to medical cannabis and marijuana education, lifestyle, research, and use. Printed publications and marketing related to medical cannabis and marijuana education, lifestyle, research, and use. Offering services through herbs, natural healing, and natural farming to spread education, awareness, and research. Operation of an online bulletin board for medical cannabis and marijuana education, lifestyle, research, and use. Licensing of brand, marketing, and boutique products ranging from cannabis and hemp to apparel and healing products. Educational services via print or digital networks to offer knowledge and information related to medical cannabis and marijuana education, lifestyle, research, and use. Operating a website and social networks for medical cannabis and marijuana education, lifestyle, research, and use. Medical cannabis and marijuana related consultation and services for natural healing and medical use of cannabis. All goods and services related to medical cannabis, hemp, natural healing and natural farming.

Attachments	OPPOSITIONPLEADING.pdf(39347 bytes)
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Signature	/Michael Fong/
Name	MICHAEL FONG
Date	11/04/2019

OPPOSITION PLEADING - 87695693

1. The opposition opposes the registration because the opposition has priority rights and the mark has already been used in commerce in the United States and abroad since 2009. We have been using the name “GAGE GREEN GROUP” and the mark is famous in our niche. We have been referred to as “GAGE” since we started. We have priority to the mark.
2. We may have grounds to believe that our competitors are acting on bad faith. Canopy Growth, the company which owns Radicle Cannabis Holdings, represents a conglomerate of companies which include at least two of our direct competitors – Cookies and DNA Genetics. These competitors and their owners are well aware of our brand and reputation.
3. We may have grounds to believe that our competitors are acting on bad faith. We refused a multi-million buyout of our company and brand around the same time the new “Gage” was founded. Further investigation is required to connect the filers with the source of the buyout offer. The applicants, however, met us at a trade show and offered to buy carry our products in their new stores. They know who we are yet are unscrupulously using our brand as their own.
4. The opposition opposes the registration because of dilution. We recognize that brands become diluted with overuse. When our mark and name, “GAGE”, is no longer associated with a boutique company then we lose our distinctiveness. Especially if a name once associated with craft and is being used by a multi-billion-dollar conglomerate.
5. The opposition opposes the registration because the filing is too similar to our name “GAGE” and “GAGE GREEN GROUP.” We find that “Gage Cannabis Co” uses the exact same key word “Gage” and uses synonyms for “Green” and “Group” in their name. The opposition would like to point out that the applicants are in the same industry and have the similar goals within medical cannabis and marijuana. This is a major cause for confusion.
6. The opposition opposes the registration because of likelihood of confusion. We oppose the filing of “Gage” by “Gage Cannabis Co” because the likelihood of confusion is measurable and real. We are being confused for each other daily since they established their new company in Michigan. The distinctiveness of our original “GAGE” and “GAGE GREEN GROUP” name is being tarnished daily.
7. The opposition opposes the registration because it is currently creating confusion. Consumers and patients have reportedly tried the products of “Gage Cannabis Co” under the impression it was our operation. They reported negative reviews, and this affects our position as leaders in the craft and boutique niche.

8. The opposition opposes the registration because of damages to our reputation and profitability. Many situations have arisen that have affected our profitability and reputation. We were confused for the filers at a Michigan trade show by the organizers of the trade show. Because the filers of this trademark had booked their booth last minute, we were mistakenly given their booth at the outskirts of the event with no amenities. This type of confusion costs us both time and money as well as our reputation.
9. The opposition opposes the registration because the years of dedication and investment in building a reputable company, brand name, and associated mark could be lost. The opposition (GAGE GREEN GROUP) is one of the most recognized and celebrated brands in cannabis. The new company and filers (Gage Cannabis Co) will be able to affectively tarnish our reputation by using a well-established name in the same industry.
10. The opposition opposes the registration because the filer is being deceptive. The filing of "Gage Cannabis Co" is based on deception as to an unregistered, yet well-known mark also known as "GAGE GREEN GROUP" which has loyal followers and customers in every major market domestically and internationally.