

ESTTA Tracking number: **ESTTA1017079**

Filing date: **11/20/2019**

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	Primal Elements, Inc.
Granted to Date of previous extension	11/20/2019
Address	18062 REDONDO CIRCLE HUNTINGTON BEACH, CA 92648 UNITED STATES

Attorney information	KIT M. STETINA STETINA BRUNDA GARRED & BRUCKER 75 ENTERPRISE, SUITE 250 ALISO VIEJO, CA 92656 UNITED STATES kstetina@stetinalaw.com, opposition@stetinalaw.com 949-855-1246
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**Applicant Information**

Application No	88087166	Publication date	07/23/2019
Opposition Filing Date	11/20/2019	Opposition Period Ends	11/20/2019
Applicant	Lucas Vicente Perez de Corcho Suite 108 2200 NW 129th Ave Miami, FL 33182 UNITED STATES		

**Goods/Services Affected by Opposition**


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 personal care and personal hygiene products; On-line retail store services featuring custom made personal care and personal hygiene combination products
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**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.	2022796	Application Date	06/20/1994
Registration Date	12/17/1996	Foreign Priority	NONE

		Date	
Word Mark	PRIMAL ELEMENTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/12/15 First Use In Commerce: 1994/04/30 non-medicated skin lotions and creams, aromatic therapy lotions and creams, bath salts and bath soaps		

U.S. Registration No.	2293272	Application Date	07/28/1997
Registration Date	11/16/1999	Foreign Priority Date	NONE
Word Mark	PRIMAL ELEMENTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 [ potpourri ] Class 004. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 candles Class 021. First use: First Use: 1993/11/00 First Use In Commerce: 1993/11/00 [ incense and domestic incense burners ]		

U.S. Registration No.	2541605	Application Date	05/10/2000
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Registration Date	02/19/2002	Foreign Priority Date	NONE
Word Mark	PRIMAL SPA		
Design Mark	PRIMAL SPA		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2001/07/02 First Use In Commerce: 2001/07/02 NON-MEDICATED BATH SOAPS AND TOILET SOAPS Class 004. First use: First Use: 2001/09/10 First Use In Commerce: 2001/09/10 CANDLES		

U.S. Registration No.	2764997	Application Date	05/29/2001
Registration Date	09/16/2003	Foreign Priority Date	NONE
Word Mark	PRIMAL DEFENSE		
Design Mark	PRIMAL DEFENSE		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1996/09/00 First Use In Commerce: 1996/09/00 Non-medicated bath soaps and toilet soaps; non-medicated skin cremes and lo- tions; perfume and perfume oils Class 004. First use: First Use: 2001/11/29 First Use In Commerce: 2001/11/29 [ candles ]		

Attachments	74540272#TMSN.png( bytes ) 75331404#TMSN.png( bytes ) 76045248#TMSN.png( bytes ) 76263881#TMSN.png( bytes ) NoticeOfOpposition_Final.pdf(289961 bytes )
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Signature	/kms/
Name	KIT M. STETINA
Date	11/20/2019

Case: FREEM-421M

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Trademark Application Serial No. 88/087,166**

Primal Elements, Inc.,	)	Opposition No.:
	)	
Opposer	)	
	)	
vs.	)	
	)	
Lucas Vicente Perez de Corcho,	)	
	)	
Applicant	)	

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**NOTICE OF OPPOSITION**

In the matter of the application of Lucas Vicente Perez de Corcho, a Guatemala citizen having a mailing address of 2200 NW 129<sup>th</sup> Avenue, Miami, Florida 33182 (hereinafter “Applicant”), for registration of the mark PRIMAL BODY MIND, Application Serial No. 88/087,166 published in the Official Gazette on July 23, 2019 at TM 2534, Primal Elements, Inc., a California corporation, with offices at 18062 Redondo Circle, Huntington Beach, California 92648 (hereinafter “Opposer”), believes that it will be damaged by registration of the mark shown in Serial No. 88/087,166, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, and marketing of a variety of products and services in the field of skin lotions and creams, bath salts and soaps, potpourri, candles, incense, and publications relating thereto. In connection therewith, Opposer has used, or filed federal

applications with an intent to use, in interstate commerce, the marks PRIMAL ELEMENTS, PRIMAL SPA, and PRIMAL DEFENSE, (hereinafter collectively referred to as the “PRIMAL MARKS”) for the aforementioned goods since long prior to Applicant’s filing date of the application of Serial No. 88/087,166 for the mark PRIMAL BODY MIND.

2. Since at least as early as 1993, Opposer has made use of its PRIMAL MARKS throughout the United States in interstate commerce. Since adoption of its PRIMAL MARKS, Opposer has continuously used those marks throughout the United States in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products and has created valuable goodwill among the purchasing public under its PRIMAL MARKS.

4. As a result of the continuous and extensive use of the PRIMAL MARKS by Opposer, those marks have become and continue to function as a valuable business and marketing asset of Opposer and serve to indicate to the trade and consuming public the products originating from Opposer and its authorized representative.

5. Opposer has obtained United States Trademark Registration No. 2,022,796, registered December 17, 1996, for the mark PRIMAL ELEMENTS (stylized) for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 1**.

6. Opposer has obtained United States Trademark Registration No. 2,293,272, registered November 16, 1999, for the mark PRIMAL ELEMENTS for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 2**.

7. Opposer has obtained United States Trademark Registration No. 2,541,605, registered February 19, 2002, for the mark PRIMAL SPA for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 3**.

8. Opposer has obtained United States Trademark Registration No. 2,764,997, registered September 16, 2003, for the mark PRIMAL DEFENSE for the goods set forth in that registration. A copy of that registration is attached hereto as **Exhibit 4**.

9. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a First 90 Day Request for Extension of Time to Oppose for Good Cause against Application Serial No. 88/087,166 on August 15, 2019. A copy of said Request for Extension of Time is attached hereto as **Exhibit 5**.

10. Notwithstanding Opposer's rights in and to said PRIMAL MARKS, on August 21, 2018 Applicant, on information and belief, filed an application for registration of the mark PRIMAL BODY MIND in International Class 035 for on-line retail store services featuring personal care and personal hygiene products; on-line retail store services featuring custom made personal care and personal hygiene combination products. Said application was published for opposition in the Official Gazette on July 23, 2019 at TM 2534.

11. Applicant's PRIMAL BODY MIND mark is confusingly similar to Opposer's PRIMAL MARKS, and its registration and use by Applicant on the goods claimed in the subject application are likely to cause confusion, deception and mistake.

12. Applicant's use of its PRIMAL BODY MIND mark interferes with Opposer's use of its PRIMAL MARKS and dilutes the strength of Opposer's trademarks. Use of or registration of Applicant's mark by Applicant will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of Application Serial No. 88/087,166 to Applicant be denied.

Opposer authorizes the filing fee for this Opposition in the amount of \$400 (one international class) to be charged to Opposer's Deposit Account.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: November 20, 2019

By: Kit M. Stetina/

Kit M. Stetina, Reg. No. 29,445  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656  
(949) 855-1246

Counsel for Opposer  
Primal Elements, Inc.

# Exhibit 1



Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

Reg. No. 2,022,796

**United States Patent and Trademark Office**

Registered Dec. 17, 1996

**TRADEMARK  
PRINCIPAL REGISTER**



FREEMAN, SCOTT (UNITED STATES CITIZEN)  
5228 EAST SECOND STREET  
LONG BEACH, CA 90803

BATH SOAPS, IN CLASS 3 (U.S. CLS. 51 AND 52).

FIRST USE 12-15-1993; IN COMMERCE 4-30-1994.

SER. NO. 74-540,272, FILED 6-20-1994.

FOR: NON-MEDICATED SKIN LOTIONS AND CREAMS, AROMATIC THERAPY LOTIONS AND CREAMS, BATH SALTS AND

PATRICIA HORRALL, EXAMINING ATTORNEY

# Exhibit 2

**Int. Cls.: 3, 4, and 21**

**Prior U.S. Cls.: 1, 2, 4, 6, 13, 15, 23, 29, 30, 33,  
40, 50, 51, and 52**

**Reg. No. 2,293,272**

**United States Patent and Trademark Office**

**Registered Nov. 16, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**PRIMAL ELEMENTS**

**FREEMAN, SCOTT (UNITED STATES CITIZEN)  
5662 BUCKINGHAM DRIVE  
HUNTINGTON BEACH, CA 92645**

**FOR: POTPOURRI, IN CLASS 3 (U.S. CLS. 1,  
4, 6, 50, 51 AND 52).**

**FIRST USE 11-0-1993; IN COMMERCE  
11-0-1993.**

**FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6  
AND 15).**

**FIRST USE 11-0-1993; IN COMMERCE  
11-0-1993.**

**FOR: INCENSE AND DOMESTIC INCENSE  
BURNERS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29,  
30, 33, 40 AND 50).**

**FIRST USE 11-0-1993; IN COMMERCE  
11-0-1993.**

**OWNER OF U.S. REG. NO. 2,022,796.**

**SN 75-331,404, FILED 7-28-1997.**

**AMOS T. MATTHEWS, JR., EXAMINING AT-  
TORNEY**

# Exhibit 3

**Int. Cls.: 3 and 4**

**Prior U.S. Cls.: 1, 4, 6, 15, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,541,605**

**Registered Feb. 19, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**PRIMAL SPA**

IN A LATHER, INC. (CALIFORNIA CORPORATION)  
12472 EDISON WAY  
GARDEN GROVE, CA 92841

FIRST USE 9-10-2001; IN COMMERCE 9-10-2001.

FOR: NON-MEDICATED BATH SOAPS AND TOILET SOAPS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SPA", APART FROM THE MARK AS SHOWN.

FIRST USE 7-2-2001; IN COMMERCE 7-2-2001.

SN 76-045,248, FILED 5-10-2000.

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

SUSAN HAYASHI, EXAMINING ATTORNEY

# Exhibit 4

**Int. Cls.: 3 and 4**

**Prior U.S. Cls.: 1, 4, 6, 15, 50, 51, and 52**

**United States Patent and Trademark Office**

**Reg. No. 2,764,997**

**Registered Sep. 16, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**PRIMAL DEFENSE**

PRIMAL ELEMENTS, INC. (CALIFORNIA CORPORATION)  
12472 EDISON WAY  
GARDEN GROVE, CA 92841

FOR: NON-MEDICATED BATH SOAPS AND TOILET SOAPS; NON-MEDICATED SKIN CREAMS AND LOTIONS; PERFUME AND PERFUME OILS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 9-0-1996; IN COMMERCE 9-0-1996.

FOR: CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 11-29-2001; IN COMMERCE 11-29-2001.

SN 76-263,881, FILED 5-29-2001.

MICHAEL KEATING, EXAMINING ATTORNEY

# Exhibit 5



UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451  
General Contact Number: 571-272-8500  
General Email: [TTABInfo@uspto.gov](mailto:TTABInfo@uspto.gov)

Kit M. Stetina  
Stetina Brunda Garred & Brucker  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656

August 15, 2019

Serial No.: **88087166**

**ESTTA TRACKING NO: ESTTA995363**

The request to extend time to oppose is granted until **11/20/2019** on behalf of potential opposer **Primal Elements, Inc.**

Please do not hesitate to contact the Trademark Trial and Appeal Board at (571)272-8500 if you have any questions relating to this extension.

ESTTA Tracking number: **ESTTA995363**

Filing date: **08/15/2019**

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

Applicants	Lucas Vicente Perez de Corcho
Application Serial Number	88087166
Application Filing Date	08/21/2018
Mark	PRIMAL BODY MIND
Date of Publication	07/23/2019
Potential Opposer's Correspondence Information	Kit M. Stetina Stetina Brunda Garred & Brucker 75 Enterprise, Suite 250 Aliso Viejo, CA 92656 UNITED STATES kstetina@stetinalaw.com, opposi- tion@stetinalaw.com 949-855-1246

**First 90 Day Request for Extension of Time to Oppose for Good  
Cause**

Pursuant to 37 C.F.R. Section 2.102, Primal Elements, Inc., 18062 Redondo Circle, Huntington Beach, CA 92648, UNITED STATES, a corporation organized under the laws of California, respectfully requests that it be granted a 90-day extension of time to file a notice of opposition against the above-identified mark for cause shown.

Potential opposer believes that good cause is established for this request by:

- The potential opposer needs additional time to investigate the claim

The time within which to file a notice of opposition is set to expire on 08/22/2019. Primal Elements, Inc. respectfully requests that the time period within which to file an opposition be extended until 11/20/2019.

Respectfully submitted,

/kms/

Kit M. Stetina

kstetina@stetinalaw.com, opposition@stetinalaw.com

08/15/2019