

ESTTA Tracking number: **ESTTA1027440**

Filing date: **01/08/2020**

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	BI-O-KLEEN INDUSTRIES, INC.
Granted to Date of previous extension	01/08/2020
Address	P.O. BOX 820689 VANCOUVER, WA 98682 UNITED STATES

Attorney information	JAMES E. SHLESINGER SHLESINGER, ARKWRIGHT & GARVEY LLP 5845 RICHMOND HIGHWAY, SUITE 415 ALEXANDRIA, VA 22303 UNITED STATES jim@sagllp.com, danearle@sagllp.com, nitasantiago@sagllp.com 703-684-5600
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**Applicant Information**

Application No	88388273	Publication date	09/10/2019
Opposition Filing Date	01/08/2020	Opposition Period Ends	01/08/2020
Applicant	Armida Lopez 4101 Power Inn Road Sacramento, CA 95826 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 003. First Use: 2014/12/31 First Use In Commerce: 2014/12/31 All goods and services in the class are opposed, namely: cleaning preparations for removing hardwater stains and soap residue from glass, shower doors, bathtubs, and kitchen counters; cleaning preparations for removing organic accumulation on vinyl surfaces and boat hulls
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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.	3903989	Application Date	05/26/2010
Registration Date	01/11/2011	Foreign Priority Date	NONE

Word Mark	BIOKLEEN
Design Mark	
Description of Mark	The mark consists of the word "BIOKLEEN" with the dot of the "i" in a vegetation form of display, and also with the word "BIOKLEEN" positioned on top of a curved line.
Goods/Services	Class 003. First use: First Use: 2006/01/27 First Use In Commerce: 2006/01/27 ALL PURPOSE AND HOUSEHOLD CLEANING PRODUCTS, NAMELY, SOAPS, CLEANING PREPARATIONS WITH DEODORIZING PROPERTIES, CLEANINGPREPARATIONS WITH DEGREASING PROPERTIES, GLASS CLEANING PREPARATIONS, AND CLEANING PREPARATIONS WITH LUBRICATING PROPERTIES; LAUNDRY AND DISHWASHING SOAPS AND DETERGENTS; BLEACH; PRODUCE WASH PREPARATIONS; CARPET, UPHOLSTERY AND FABRIC CLEANING PREPARATIONS AND SPOT REMOVERS

U.S. Registration No.	4916977	Application Date	12/11/2014
Registration Date	03/15/2016	Foreign Priority Date	NONE

Word Mark	BIOKLEEN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2006/01/27 First Use In Commerce: 2006/01/27 ALL PURPOSE AND HOUSEHOLD CLEANING PRODUCTS, NAMELY, SOAPS, CLEANING PREPARATIONS WITH DEODORIZING PROPERTIES, CLEANINGPREPARATIONS WITH DEGREASING PROPERTIES, GLASS CLEANING PREPARATIONS, AND CLEANING PREPARATIONS WITH LUBRICATING PROPERTIES; LAUNDRY AND DISHWASHING SOAPS AND DETERGENTS; BLEACH; PRODUCE WASH PREPARATIONS; CARPET, UPHOLSTERY AND FABRIC CLEANING PREPARATIONS; CLEANING PREPARATIONS FOR CLEANING SURFACES; AND SPOT REMOVERS

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Signature	/jes/
Name	JAMES E. SHLESINGER
Date	01/08/2020

**IN THE U.S. PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 88388273  
published in the Official Gazette of September 10, 2019.

BI-O-KLEEN INDUSTRIES, INC., :  
                                  Opposer, :  
                                  v. :       Opposition No.  
Armida Lopez :  
                                  Applicant. :

**NOTICE OF OPPOSITION**

Opposer, BI-O-KLEEN INDUSTRIES, INC., a Washington  
state corporation, located and doing business at P.O. Box  
820689, Vancouver, Washington 98682, believes that it will be  
damaged by the registration of the mark shown in application  
Serial No. 88388273, and hereby opposes the same.

The grounds for the opposition are as follows:

1. BI-O-KLEEN INDUSTRIES, INC., (hereinafter "Opposer")  
is a corporation organized under the laws of the State of  
Washington, and located and doing business at P.O. Box 820689,  
Vancouver, Washington 98682.

2. Opposer owns, among other things, the trademark,  
BIOKLEEN, and the registrations thereof, and the good will  
represented thereby, and produces and delivers a complete line

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of cleaners throughout the United States and abroad. Further information regarding Opposer's mark and the use of its mark on its line of cleaners may be found at Opposer's website, [www.biokleenhome.com](http://www.biokleenhome.com).

3. Opposer was organized in 1989, and since its organization has manufactured, produced and developed a line of cleaners for all purpose, commercial and household use. Opposer has continued to expand its line of cleaners which include, but are not limited to laundry, kitchen, degreasing and stain and odor removing products and related goods for all purpose, commercial and household use. Opposer continues to produce, market, distribute and sell its cleaners and related goods in the United States. Opposer's cleaners and related goods have been marketed and sold under the mark, BIODOLEN. The use of said mark by Opposer is long prior to the filing date of the Applicant's mark, the application for registration and any use date claimed therein.

4. Opposer is the owner of the following U.S. trademark registrations:

<u>Reg. No.</u>	<u>Trademark</u>	<u>Goods</u>
3,903,989	BIODOLEN & DESIGN	ALL PURPOSE AND HOUSEHOLD CLEANING PRODUCTS, NAMELY, SOAPS, CLEANING PREPARATIONS WITH DEODORIZING PROPERTIES, CLEANING PREPARATIONS WITH DEGREASING PROPERTIES, GLASS CLEANING PREPARATIONS, AND

CLEANING PREPARATIONS WITH  
LUBRICATING PROPERTIES;  
LAUNDRY AND DISHWASHING SOAPS  
AND DETERGENTS; BLEACH;  
PRODUCE WASH PREPARATIONS;  
CARPET, UPHOLSTERY AND FABRIC  
CLEANING PREPARATIONS AND  
SPOT REMOVERS

4,916,977 BLOKLEEN

ALL PURPOSE AND HOUSEHOLD  
CLEANING PRODUCTS, NAMELY,  
SOAPS, CLEANING PREPARATIONS  
WITH DEODORIZING PROPERTIES,  
CLEANING PREPARATIONS WITH  
DEGREASING PROPERTIES, GLASS  
CLEANING PREPARATIONS, AND  
CLEANING PREPARATIONS WITH  
LUBRICATING PROPERTIES;  
LAUNDRY AND DISHWASHING SOAPS  
AND DETERGENTS; BLEACH;  
PRODUCE WASH PREPARATIONS;  
CARPET, UPHOLSTERY AND FABRIC  
CLEANING PREPARATIONS;  
CLEANING PREPARATIONS FOR  
CLEANING SURFACES; AND  
SPOT REMOVERS

Each of the above-identified trademark registrations are in full force and effect on the Principal Register of the United States and Patent and Trademark Office, and operate as prima facie evidence of Opposer's ownership of said marks and its exclusive right to use the same in commerce throughout the United States. Registration No. 3,903,989 is incontestable, and thereby acts as conclusive evidence of Opposer's ownership in its mark, and its exclusive right to use said mark in commerce throughout the United States.

5. By virtue of extensive sales and use in commerce under the BIODLEEN mark in the United States, the relevant trade and public have come to associate goods provided under the mark, BIODLEEN, with Opposer, thereby creating a valuable reputation for such goods.

6. The Applicant, Armida Lopez, filed on March 9, 2018, an application for a mark, bio-clean, including stylized letters b and c, other design features and the word products for cleaning preparations for removing hard water stains and soap residue from glass, shower doors, bathtubs, and kitchen counters; and cleaning preparations for removing organic accumulation on vinyl surfaces and boat hulls in Class 3 (hereinafter the "bio-clean mark"), which is similar to Opposer's BIODLEEN mark. Upon information and belief, Applicant has not used its mark prior to the filing date of the application, or any use date claimed in the application.

7. In view of the similarities between the respective marks, and their actual and intended uses, and the related nature of the goods of the respective marks and parties, Applicant's bio-clean mark so resembles Opposer's BIODLEEN trademark and trademark registrations, previously used in the United States and not abandoned, as to be likely to cause

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confusion or to cause mistake, or to deceive to the irreparable damage of Opposer.

8. If Applicant is granted a registration for the mark herein opposed, it would obtain thereby, at least a prima facie exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer, and Opposer's business.

WHEREFORE, Opposer prays that Application Serial No. 87388273 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

BI-O-KLEEN INDUSTRIES, INC.

Date: January 8, 2020

By: James E. Shlesinger  
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