

ESTTA Tracking number: **ESTTA1053225**

Filing date: **05/05/2020**

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	Pinnacle Ingredients Pty Ltd		
Entity	Proprietary Limited Com- pany	Citizenship	Australia
Address	546 Jesmond Rd Fig Tree Pocket, 4069 AUSTRALIA		

Correspondence information	Marcus Eeson Director Pinnacle Ingredients 546 Jesmond Rd Fig Tree Pocket, QLD 4069 AUSTRALIA marcus@pinnacleingredients.com.au +61410418518		
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**Applicant Information**

Application No	88770583	Publication date	04/07/2020
Opposition Filing Date	05/05/2020	Opposition Period Ends	05/07/2020
Applicant	Nanjing Nutrabuilding Bio-tech Co., Ltd. Room 2009, Building 2 No. 268 Jiqingmen Street, Gulou District Nanjing, Jiangsu, 210017 CHINA		


**Goods/Services Affected by Opposition**


Class 001. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Glycerol, mixtures containing Glycerol used as raw materials in food, nutrition and/or dietary supplement industries; Derivatives of Glycerol including salts, polymers, esters, acids, mixtures containing derivatives of Glycerol used as raw materials in food, nutrition and/or dietary supplement industries; Glycerol isomers, mixtures containing Glycerol isomers used as raw materials in food, nutrition and/or dietary supplement industries; Derivatives of Glycerol isomers including salts, polymers, esters, acids, and mixtures containing derivatives of Glycerol isomers used as raw materials in food, nutrition and/or dietary supplement industries
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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.	5911431	Application Date	05/08/2019
Registration Date	11/19/2019	Foreign Priority Date	04/03/2019
Word Mark	GLYCERSIZE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 0 First Use In Commerce: 0 Specialty ingredient containing glycerol for use as an ingredient in the manufacturing of dietary and nutritional supplements Class 005. First use: First Use: 0 First Use In Commerce: 0 Dietary and nutritional supplements containing glycerol		

U.S. Registration No.	5553287	Application Date	08/23/2017
Registration Date	09/04/2018	Foreign Priority Date	NONE
Word Mark	GLYCERPUMP		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 001. First use: First Use: 2017/08/16 First Use In Commerce: 2017/08/16 Specialty ingredient containing glycerol for use as an ingredient in the manufacturing of dietary and nutritional supplements Class 005. First use: First Use: 2017/08/16 First Use In Commerce: 2017/08/16 Dietary and nutritional supplements containing glycerol		

Attachments	79261299#TMSN.png( bytes ) 87581408#TMSN.png( bytes ) Short and plain statement of grounds.pdf(67558 bytes )
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Signature	/Marcus Eeson/
Name	Marcus Eeson
Date	05/05/2020

Short and plain statement of grounds:

1. We believe we will be damaged by the registration of mark 88770583 "GlycerDrive" as the mark is very close in sight, sound, meaning, and product to our 79261299 "GlycerSize".
2. "GlycerDrive" is visually similar and confusing to "GlycerSize"
3. "GlycerDrive" is audibly similar and confusing with "GlycerSize"
4. "GlycerDrive" has the same meaning and connotation as "GlycerSize" within our same market and product category. That is, a glycerol based product used in sports supplements for enhanced workouts.
5. We believe the intended usage of "GlycerDrive" is for a product that is a replication of our "GlycerSize" product and will be sold in the same market, to the same customers, and promoted in the same manner. We believe there is intention to leverage the reputation of our name and product that is well established in the marketplace in the USA.

End.