

ESTTA Tracking number: **ESTTA1181261**

Filing date: **12/27/2021**

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	Mark Groves Consulting, Inc.
Granted to date of previous extension	12/29/2021
Address	1917 WEST 4TH AVENUE, SUITE 269 VANCOUVER, BC V6J 1M7 CANADA

Attorney information	KATHARYN BOND KAT BOND LAW 21C ORINDA WAY, #172 ORINDA, CA 94563 UNITED STATES Primary email: katharyn@katbondlaw.com 646-450-4522
Docket no.	

Applicant information

Application no.	90466772	Publication date	08/31/2021
Opposition filing date	12/27/2021	Opposition period ends	12/29/2021
Applicant	Create the love of your life LLC 180 HEARTHSTONE ROAD PINEHURST, NC 28374 UNITED STATES		

Goods/services affected by opposition


Class 041. First Use: 2020/07/31 First Use In Commerce: 2020/07/31 All goods and services in the class are opposed, namely: Educational services, namely, providing on-line instruction in the field of dating, relationship; Personal coaching services in the field of dating, relationship
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Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark cited by opposer as basis for opposition

U.S. registration no.	6222899	Application date	07/11/2019
Register	Principal		

Registration date	12/15/2020	Foreign priority date	NONE
Word mark	CREATE THE LOVE		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 041. First use: First Use: 2020/08/09 First Use In Commerce: 2020/08/09 Educational Services, namely, providing non-downloadable on-line training, namely, coaching, courses, conferences, lectures, presentations, seminars, webinars, webcasts, and videos in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Entertainment services in the of nature of development, production, and distribution services of on-going audio, video and audiovisual programs, and non-downloadable digital media content, namely, podcasts, webcasts and videos in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork via the Internet, global communications network, wireless communications network, or other electronic or digital communications network; Online journals, namely, non-downloadable blogs and articles in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Online life coaching and personal online coaching services in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Online professional coaching and group coaching online services to business in the fields of executive and leadership development, executive and employee coaching, and team development; Life coaching and personal coaching services in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Professional coaching and group coaching services to business in the field of executive and leadership development, executive and employee coaching, and team development</p>		

Attachments	88510571#TMSN.png(bytes) Mark Groves Consulting Inc. _Notice of Opposition_ In re US Serial No. 90466772.pdf(141217 bytes) Mark Groves Consulting Inc. _Notice of Opposition_ In re US Serial No. 90466772_ Exhibit 1.pdf(21053 bytes)
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Signature	/Katharyn Bond/
Name	KATHARYN BOND
Date	12/27/2021

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

In the Matter of Application U.S. Serial No. 90466772
For the mark: CREATE THE LOVE OF YOUR LIFE
Published: August 31, 2021

MARK GROVES CONSULTING, INC.)	
)	
Opposer)	
)	
-v-)	Opposition No. _____
)	
CREATE THE LOVE OF YOUR LIFE,)	
LLC)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Mark Groves Consulting, Inc. (“Opposer”), a corporation organized and existing under the laws of British Columbia, Canada, with a principal place of business at #269 - 1917 4 Avenue, Vancouver, British Columbia, Canada, V6J 1M7, believes that it will be damaged by the registration of the mark, CREATE THE LOVE OF YOUR LIFE, shown in Application Serial No. 90466772 filed by Create The Love Of Your Life LLC and published in the Official Gazette of the United States Patent and Trademark Office on August 3, 2021, and hereby opposes the registration of such mark pursuant to Section 13(a) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063(a). The time to oppose was extended by a timely request for extension of time to file this opposition.

As grounds for this opposition, Opposer alleges as follows:

1. Opposer is an acclaimed provider of coaching services, training, and online courses on human relationships, inclusive of dating relationships and other relationships.
2. Opposer is the owner of valid and subsisting United States Trademark Registration No. 6,222,899 on the Principal Register in the United States Patent and Trademark Office for

the trademark CREATE THE LOVE (hereinafter "CREATE THE LOVE Mark") filed on July 11, 2019 and issued in December 15, 2020 in connection with Opposer's use in interstate commerce in the United States of its educational and entertainment services in International Class 41, including, but not limited to, the offering of online courses, online coaching (instruction), audio, audio-visual recordings, podcasts, videos, and personal coaching services, in the field of human relationships, inclusive of dating relationships and other relationships:

Educational Services, namely, providing non-downloadable on-line training, namely, coaching, courses, conferences, lectures, presentations, seminars, webinars, webcasts, and videos in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Entertainment services in the of nature of development, production, and distribution services of on-going audio, video and audiovisual programs, and non-downloadable digital media content, namely, podcasts, webcasts and videos in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork via the Internet, global communications network, wireless communications network, or other electronic or digital communications network; Online journals, namely, non-downloadable blogs and articles in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Online life coaching and personal online coaching services in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Online professional coaching and group coaching online services to business in the fields of executive and leadership development, executive and employee coaching, and team development; Life coaching and personal coaching services in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Professional coaching and group coaching services to business in the field of executive and leadership development, executive and employee coaching, and team development.

(collectively, "Opposer's Goods and Services"). "Attached as Exhibit 1 is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of Opposers registration, U.S. Registration 6,222,899, accessed of December 27, 2021.

3. Opposer has used the CREATE THE LOVE Mark in interstate commerce in the United States continuously with use as early as April 2020 in connection with the development, production, offering for sale, marketing, advertising, promotion, sale, distribution, delivery, and rendering of Opposer's online courses, online coaching (instruction), audio-visual recordings, videos, podcast, and personal coaching services in the field of human relationships, inclusive of dating relationships

and other relationships, via the Internet, including without limitation, Opposer's branded social media online accounts, e.g., the Create The Love Instagram account located at <https://instagram.com/createthelove>.

4. Opposer has used the CREATE THE LOVE Marks in interstate commerce in the United States continuously with first use date at least as early as August 9, 2020 in connection with the development, production, offering for sale, marketing, advertising, promotion, sale, distribution, delivery and rendering of Opposer's Goods and Services, including without limitation, Opposer's online courses, online coaching (instruction), audio-visual recordings, videos, and personal coaching services, in the field of human relationships, inclusive of dating relationships and other relationships, via the Internet, including without limitation Opposer's branded online platform located at <https://createthelove.com>, Opposer's branded social media online accounts, and offline.

5. As a result of its widespread, continuous, and exclusive use of the CREATE THE LOVE Mark to identify Opposer's Goods and Services, including without limitation, Opposer's online courses, online coaching (instruction), training, audio-visual recordings, videos, and personal coaching services in the field of human relationships, inclusive of dating relationships and other relationships, and Opposer as their source, Opposer owns valid and subsisting common law and federal statutory rights to the CREATE THE LOVE Mark.

6. Opposer's CREATE THE LOVE Mark is distinctive to both the consuming public and Opposer's trade.

7. Opposer has expended substantial time, money, and resources in marketing, advertising, and promoting Opposer's Goods and Services, including without limitation, Opposer's online courses, online coaching (instruction), audio-visual recordings, videos, and personal coaching services in the field of human relationships, inclusive of dating relationships and other relationships, sold under the CREATE THE LOVE Mark.

8. Opposer's Goods and Services, including without limitation, Opposer's online courses, online coaching (instruction), audio-visual recordings, videos, and personal coaching

services in the field of human relationships, inclusive of dating relationships and other relationships, that Opposer produces, offers, sells, distributes, and renders under the CREATE THE LOVE Mark are of high quality and uniquely branded to Opposer.

9. Opposer has extensively used, advertised, promoted, offered, sold and rendered Opposer's Goods and Services, including without limitation, Opposer's online courses, online coaching (instruction), audio-visual recordings, videos, and personal coaching services in the field of human relationships, inclusive of dating relationships and other relationships, to the public through various channels of trade in commerce, including the Internet. Opposer's customers, and the public in general, have come to know and recognize Opposer's CREATE THE LOVE Mark and associate the same with Opposer and/or Opposer's Goods and Services, Opposer has built extensive and valuable goodwill in connection with the offering of Opposer's Goods and Services under Opposer's CREATE THE LOVE Mark.

FIRST GROUND FOR OPPOSITION -- LIKELIHOOD OF CONFUSION

10. Opposer realleges Paragraphs 1 through 9 as Paragraph 10 of this Count I.

11. Upon information and belief, Applicant, Create the Love of Your Life LLC ("Applicant"), a North Carolina limited liability company with an address at 180 Hearthstone, Pinehurst, North Carolina 28374, filed on January 31, 2021 the Application U.S. Serial No. 90466772 (" '772 Application") to register the proposed mark CREATE THE LOVE OF YOUR LIFE ("CREATE THE LOVE OF YOUR LIFE Mark") for "Educational services, namely providing online instruction in the field of dating, relationship; Personal coaching services in the field of dating, relationship" (collectively, "Applicant's Goods and Services") in International Class 41.

12. Applicant allegedly began using the CREATE THE LOVE OF YOUR LIFE Mark via the Internet in connection with Applicant's Goods and Services on July 31, 2020, approximately three (3) after months Opposer's use of Opposer's CREATE THE LOVE Mark in April 2020 in connection with Opposer offering for sale, marketing, advertising, promoting, selling, distribution, delivery, and rendering of Opposer's online courses, online coaching (instruction), audio-visual

recordings, videos, and personal coaching services in the field of human relationships, inclusive of dating and relationships.

13. Applicant filed the '772 Application on January 21, 2021, approximately five (5) weeks after the issuance of the federal registration of Opposer's CREATE THE LOVE Mark on December 15, 2020.

14. Opposer's CREATE THE LOVE Mark has priority over Applicant's CREATE THE LOVE OF YOUR LIFE Mark because Opposer's use dates in April 2020 and federal registration date of December 15, 2020 predate Applicant's alleged date of first use of July 31, 2020, Applicant's filing date of January 21, 2021, or any other date on which the Applicant may rely for purposes of priority.

15. Applicant's filing of the '772 Application for the CREATE THE LOVE OF YOUR LIFE Mark is without license, authorization or permission from Opposer.

16. Applicant's CREATE THE LOVE OF YOUR LIFE Mark is legally identical to and confusingly similar in appearance, sound, connotation and commercial impression to Opposer's CREATE THE LOVE Mark in its entirety, thus, is likely, when used in connection with Applicant's Services, to cause confusion or mistake or to deceive purchasers that Opposer is the source of Applicant's Services.

17. Applicant's Services recited in the '772 Application for use in connection with Applicant's CREATE THE LOVE OF YOUR LIFE Mark are confusingly similar to, overlapping with, and/or closely related to Opposer's Goods and Services that Opposer produces, offers, sells, and/or renders under Opposer's CREATE THE LOVE Mark, and are offered or are likely to be offered through the same channels of trade of Opposer and purchased and used by the same class of Opposer's purchasers. Applicant's Services are not limited and are thus, presumed to travel in the same channels of trade, including those utilized by Opposer's CREATE THE LOVE Mark.

18. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation, endorsement and sponsorship of Applicant's Services

rendered, advertised, promoted, offered for sale, and marketed under Applicant's CREATE THE LOVE OF YOUR LIFE Mark and misled into believing that such services are advertised, promoted, produced, distributed, offered, rendered, sold, or are in some way associated with Opposer, to the damage and detriment of Opposer, its business, sales, reputation and valuable good will.

19. Opposer will be damaged by registration of the '772 Application because Applicant's CREATE THE LOVE OF YOUR LIFE Mark is legally identical to and confusingly similar in appearance, sound, connotation and commercial impression to Opposer's CREATE THE LOVE Mark in its entirety.

20. Opposer will be damaged by registration of the '772 Application in that Applicant's use of the CREATE THE LOVE OF YOUR LIFE Mark is in connection with Application's Services, as set forth in the '772 Application, are identical to, confusingly similar to, overlapping of, and/or are closely related to Opposer's Goods and Services produced, offered, sold and/or rendered under Opposer's CREATE THE LOVE Mark.

21. Applicant's CREATE THE LOVE OF YOUR LIFE Mark is barred from registration because it consists of or comprises a mark which so resembles Opposer's CREATE THE LOVE Mark as to be likely, when used in connection with the Applicant's Goods and Services, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d), and will violate and diminish the prior common law and superior federal statutory rights of Opposer to its CREATE THE LOVE Mark.

22. WHEREFORE, Opposer respectfully prays that this Notice of Opposition be sustained; that the '772 Application for Applicant's CREATE THE LOVE OF YOUR LIFE Mark be rejected; that no registration be issued thereon to Applicant, and for such other relief as may be deemed just and proper.

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Respectfully submitted,

Date: December 27, 2021

By: /s/Katharyn Bond/
Katharyn Bond, Esq.
KAT BOND LAW
21C Orinda Way, #172
Orinda, California 94563
Attorney for Opposer Mark Groves Consulting, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this correspondence is being submitted via email to the correspondent of record for the Applicant and is submitted via the United States Patent and Trademark Office's Electronic System for Trademark Trials and Appeals (ESTTA) on December 27, 2021, which shall provide service upon Applicant.

/s/ Katharyn Bond/
Signature

Katharyn Bond, Esq.
Name

December 27, 2021
Date of Signature

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Mark: CREATE THE LOVE

CREATE THE LOVE

US Serial Number: 88510571

Application Filing Date: Jul. 11, 2019

US Registration Number: 6222899

Registration Date: Dec. 15, 2020

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 15, 2020

Publication Date: Nov. 05, 2019 Notice of Allowance Date: Dec. 31, 2019

Mark Information

Mark Literal Elements: CREATE THE LOVE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Educational Services, namely, providing non-downloadable on-line training, namely, coaching, courses, conferences, lectures, presentations, seminars, webinars, webcasts, and videos in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Entertainment services in the nature of development, production, and distribution services of on-going audio, video and audiovisual programs, and non-downloadable digital media content, namely, podcasts, webcasts and videos in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork via the Internet, global communications network, wireless communications network, or other electronic or digital communications network; Online journals, namely, non-downloadable blogs and articles in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Online life coaching and personal online coaching services in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Online professional coaching and group coaching online services to business in the fields of executive and leadership development, executive and employee coaching, and team development; Life coaching and personal coaching services in the fields of human relationships, interpersonal communication, self-awareness, emotions, emotional intelligence, behavior, leadership, and teamwork; Professional coaching and group coaching services to business in the field of executive and leadership development, executive and employee coaching, and team development

International Class(es): 041 - Primary Class

U.S Class(es): 100, 101, 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 09, 2020

Use in Commerce: Aug. 09, 2020

Basis Information (Case Level)

Filed Use: No
Filed ITU: Yes
Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently Use: Yes
Currently ITU: No
Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Mark Groves Consulting, Inc.
Owner Address: #269 - 1917 4th Ave
Vancouver BC CANADA V6J1M7
Legal Entity Type: CORPORATION
State or Country Where Organized: CANADA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Katharyn "Kat" Bond
Attorney Primary Email Address: katharyn@katbondlaw.com
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Katharyn "Kat" Bond
KAT BOND LAW
21C ORINDA WAY, #172
ORINDA, CALIFORNIA UNITED STATES 94563
Phone: 646-450-4522

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 15, 2020	REGISTERED-PRINCIPAL REGISTER	
Nov. 07, 2020	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Nov. 06, 2020	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 20, 2020	STATEMENT OF USE PROCESSING COMPLETE	76538
Oct. 06, 2020	USE AMENDMENT FILED	76538
Oct. 20, 2020	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Oct. 06, 2020	TEAS STATEMENT OF USE RECEIVED	
Jul. 02, 2020	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 30, 2020	EXTENSION 1 GRANTED	98765
Jun. 30, 2020	EXTENSION 1 FILED	98765
Jun. 30, 2020	TEAS EXTENSION RECEIVED	
Dec. 31, 2019	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 05, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 05, 2019	PUBLISHED FOR OPPOSITION	
Oct. 16, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 27, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 26, 2019	ASSIGNED TO EXAMINER	92455
Jul. 18, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 15, 2019	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 06, 2020