

ESTTA Tracking number: **ESTTA1245139**

Filing date: **11/01/2022**

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	Ark Naturals Company
Granted to date of previous extension	11/02/2022
Address	C/O WHITELAW LEGAL GROUP 3838 TAMIAMI TRL. N., SUITE 310 NAPLES, FL 34103 UNITED STATES
Attorney information	JENNIFER L. WHITELAW WHITELAW LEGAL GROUP 3838 TAMIAMI TRL. N., SUITE 310 NAPLES, FL 34103 UNITED STATES Primary email: ttabmail@whitelawfirm.com No phone number provided
Docket no.	

Applicant information

Application no.	90657816	Publication date	07/05/2022
Opposition filing date	11/01/2022	Opposition period ends	11/02/2022
Applicant	Lanbri Shops LLC 1101 HOLLAND DR., UNIT 11-12 BOCA RATON, FL 33487 UNITED STATES		

Goods/services affected by opposition

Class 005. First Use: Feb 1, 2021 First Use In Commerce: Feb 1, 2021
All goods and services in the class are opposed, namely: Dietary and nutritional supplements

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Grounds as more fully set forth in the Notice of Opposition filed herein

Marks cited by opposer as basis for opposition

U.S. registration no.	4120005	Application date	02/26/2010
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Register	Principal		
Registration date	04/03/2012	Foreign priority date	NONE
Word mark	ARK NATURALS		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: Jan 2, 1998 First Use In Commerce: Jan 2, 1998 Toothpaste; pet products, namely, dental bleaching gel, bath gels, liquid soaps, medicated soaps, soap powder, shampoos, conditioners, mists and lotions; pet products, namely, non-medicated skin care preparations, namely, creams, lotions, and cleaners; pet products, namely, tooth gel, tooth whitening gel</p> <p>Class 005. First use: First Use: Jan 2, 1998 First Use In Commerce: Jan 2, 1998 Pet products, namely, pet food supplements, nutritional supplements, vitamin and mineral supplements; pet products, namely, medicated pre-moistened wipes, sanitizing wipes, flea powders, flea collars; pet dental products, namely, medicated teeth cleaning pet treats and pet chews and medicated snacks for exercising jaw muscles and teeth cleaning and medicated brush-on oral care gels; medicated pet dental products, namely, dental treats, chews and rinses and pharmaceutical products for animal dental care; topical pet dental products, namely, topical anesthetics; ingestible pet dental products, namely, ingestible multi-vitamins and liquids for dental care; pet products, namely, topical first aid gel and medicated skin care preparations, namely, creams, lotions and cleansers; pet products, namely, herbal topical creams, gels, sprays, salves, powders, balms, and ointments for the relief of aches and pains; pet products, namely, vitamin supplement in tablet form for use in making an effervescent beverage when added to water; pet products, namely, veterinary preparations, namely, antioxidants</p> <p>Class 031. First use: First Use: Jan 2, 1998 First Use In Commerce: Jan 2, 1998 Pet products, namely, edible pet treats, pet food, and pet beverages; edible, non-medicated pet dental products, namely, teeth cleaning pet treats and pet chews and snacks for exercising jaw muscles and teeth cleaning</p>		

U.S. registration no.	2324098	Application date	02/23/1999
Register	Principal		
Registration date	02/29/2000	Foreign priority date	NONE
Word mark	ARK NATURALS		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Jan 2, 1998 First Use In Commerce: Jan 2, 1998 pet food supplement		

U.S. registration no.	6228681	Application date	01/11/2019
Register	Principal		
Registration date	12/22/2020	Foreign priority date	NONE
Word mark	ARK NATURALS		
Design mark			


Description of mark	The mark consists of the stylized wording "ARK NATURALS", with a freeform design of a stem-like shape connecting three leaf-like shapes, the largest of which contains the term "ARK".
Goods/services	<p>Class 003. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Toothpaste; cosmetics; pet cosmetics; pet products, namely, dental bleaching gel, bath gels, non-medicated liquid soaps, non-medicated soaps, bath soaps, cosmetic soaps, soap powder, shampoos, conditioners, non-medicated body mists and lotions for conditioning pet skin and hair; pet products, namely, non-medicated skin care preparations, namely, creams, lotions, and cleaners; pet products, namely, tooth gel, tooth whitening gel, pet stain removers, deodorants for pets, pet fragrances, pet care kits comprising shampoo, conditioner and body spray; non-medicated topical liquids and spray for conditioning pet skin and hair; non-medicated skin cream and skin lotion for pets; and non-medicated skin and hair care preparations for pets, all at least containing in significant part natural ingredients</p> <p>Class 005. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Pet products, namely, pet food supplements, nutritional supplements for pets, vitamin and mineral supplements; nutritional supplements for pets in the nature of pet treats; dietary and nutritional supplements in the nature of pet treats used for weight control for pets; dietary supplements for pets in the nature of pet treats; pet products, namely, medicated pre-moistened wipes, sanitizing wipes, flea powders, flea collars; pet dental products, namely, medicated teeth cleaning pet treats and pet chews and medicated snacks for exercising jaw muscles and teeth cleaning and medicated brush-on oral care gels; medicated soaps; medicated pet dental products, namely, dental treats, chews and rinses; and pharmaceutical products for animal dental care, namely, chewable pet treats and pet food; topical pet dental products, namely, topical anesthetics; ingestible pet dental products, namely, ingestible multi-vitamins and liquid vitamins for dental care; pet products, namely, topical first aid gel and medicated skin care preparations, namely, creams, lotions and cleansers; pet products, namely, herbal topical creams, gels, sprays, salves, powders, balms, and ointments for the relief of aches and pains; pet products, namely, vitamin supplement in tablet form for use in making an effervescent beverage when added to water; pet products, namely, veterinary preparations, namely, antioxidants, all at least containing in significant part natural ingredients</p> <p>Class 031. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Pet products, namely, edible pet treats, pet snacks, pet food, pet beverages, edible pet treats in the nature of pet snacks; edible, non-medicated pet dental products, namely, teeth cleaning pet treats and pet chews and snacks for exercising jaw muscles and teeth cleaning, all at least containing in significant part natural ingredients</p> <p>Class 035. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Providing consumer information in the field of animals and pets relating to pet-products that contain in significant part natural ingredients; providing consumer information in the field of pet products that contain in significant part natural ingredients via a global computer information network; on-line retail store services featuring pet products that contain in significant part natural ingredients</p>

U.S. registration no.	6228682	Application date	01/11/2019
Register	Principal		
Registration date	12/22/2020	Foreign priority date	NONE
Word mark	ARK NATURALS		
Design mark			

Description of mark	The mark consists of the stylized wording "ARK NATURALS", with a freeform design of a stem-like shape connecting three leaf-like shapes, the largest of which contains the term "ARK". The mark is in green, with the white shown being background color and not part of the mark.
Goods/services	<p>Class 003. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Toothpaste; cosmetics; pet cosmetics; pet products, namely, dental bleaching gel, bath gels, non-medicated liquid soaps, non-medicated soaps, bath soaps, cosmetic soaps, soap powder, shampoos, conditioners, non-medicated body mists and lotions for conditioning pet skin and hair; pet products, namely, non-medicated skin care preparations, namely, creams, lotions, and cleaners; pet products, namely, tooth gel, tooth whitening gel, pet stain removers, deodorants for pets, pet fragrances, pet care kits comprising shampoo, conditioner and body spray; non-medicated topical liquids and spray for conditioning pet skin and hair; non-medicated skin cream and skin lotion for pets; and non-medicated skin and hair care preparations for pets, all at least containing in significant part natural ingredients</p> <p>Class 005. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Pet products, namely, pet food supplements, nutritional supplements for pets, vitamin and mineral supplements; nutritional supplements for pets in the nature of pet treats; dietary and nutritional supplements in the nature of pet treats used for weight control for pets; dietary supplements for pets in the nature of pet treats; pet products, namely, medicated pre-moistened wipes, sanitizing wipes, flea powders, flea collars; pet dental products, namely, medicated teeth cleaning pet treats and pet chews and medicated snacks for exercising jaw muscles and teeth cleaning and medicated brush-on oral care gels; medicated soaps; medicated pet dental products, namely, dental treats, chews and rinses; and pharmaceutical products for animal dental care, namely, chewable pet treats and pet food; topical pet dental products, namely, topical anesthetics; ingestible pet dental products, namely, ingestible multi-vitamins and liquid vitamins for dental care; pet products, namely, topical first aid gel and medicated skin care preparations, namely, creams, lotions and cleansers; pet products, namely, herbal topical creams, gels, sprays, salves, powders, balms, and ointments for the relief of aches and pains; pet products, namely, vitamin supplement in tablet form for use in making an effervescent beverage when added to water; pet products, namely, veterinary preparations, namely, antioxidants, all at least containing in significant part natural ingredients</p> <p>Class 031. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Pet products, namely, edible pet treats, pet snacks, pet food, pet beverages, edible pet treats in the nature of pet snacks; edible, non-medicated pet dental products, namely, teeth cleaning pet treats and pet chews and snacks for exercising jaw muscles and teeth cleaning, all at least containing in significant part natural ingredients</p> <p>Class 035. First use: First Use: Feb 2019 First Use In Commerce: Feb 2019 Providing consumer information in the field of animals and pets relating to pet-products that contain in significant part natural ingredients; providing consumer information in the field of pet products that contain in significant part natural ingredients via a global computer information network; on-line retail store services featuring pet products that contain in significant part natural ingredients</p>

U.S. registration no.	6873457	Application date	11/13/2020
Register	Principal		
Registration date	10/11/2022	Foreign priority date	NONE
Word mark	ARK NATURALS PROTECTION +		
Design mark			

Description of mark	NONE
Goods/services	<p>Class 005. First use: First Use: Feb 3, 2020 First Use In Commerce: Feb 3, 2020</p> <p>Pet products, namely, pet food supplements, nutritional supplements for pets, vitamin and mineral supplements; nutritional supplements for pets in the nature of pet treats; dietary and nutritional supplements in the nature of pet treats used for weight control for pets; dietary supplements for pets in the nature of pet treats; pet products, namely, medicated pre-moistened wipes, sanitizing wipes, flea powders, flea collars; medicated pet treats; medicated edible pet chews; medicated pet snacks for exercising jaw muscles; medicated soaps; chewable pet treats and pet food for pharmaceutical purposes; ingestible pet products, namely, ingestible multi-vitamins and liquid vitamins; pet products, namely, topical first aid gel and medicated skin care preparations, namely, creams, lotions and cleansers; medicated pet products, namely, herbal topical creams, gels, sprays, salves, powders, balms, and ointments for the relief of aches and pains; pet products, namely, vitamin supplement in tabletform for use in making an effervescent beverage when added to water; pet products, namely, veterinary preparations, namely, antioxidants; all of the foregoing consisting primarily of all natural ingredients</p> <p>Class 031. First use: First Use: Feb 3, 2020 First Use In Commerce: Feb 3, 2020</p> <p>Pet food; edible pet treats; pet beverages; pet products, namely, edible pet treats, pet snacks, pet food, pet beverages, edible pet treats in the nature of pet snacks; edible, non-medicated pet products, namely, pet treats and pet chews and snacks; all of the foregoing consisting primarily of all natural ingredients</p>

U.S. registration no.	4951799	Application date	12/17/2013
Register	Principal		
Registration date	05/03/2016	Foreign priority date	NONE
Word mark	ARK RESCUE PACK		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: Jul 1, 2014 First Use In Commerce: Jul 1, 2014</p> <p>Toothpaste; pet products, namely, dental bleaching gel, bath gels, liquid soaps, medicated soaps, soap powder, shampoos, conditioners, and non-medicated mists and lotions for conditioning pet skin and hair; pet products, namely, non-medicated skin care preparations, namely, creams, lotions, and cleaners; pet products, namely, tooth gel, tooth whitening gel; non-medicated topical liquids and spray for conditioning pet skin and hair; non-medicated skin cream and skin lotion for pets; and non-medicated skin and hair care preparations for pets</p> <p>Class 005. First use: First Use: Jul 1, 2014 First Use In Commerce: Jul 1, 2014</p>		

	<p>Pet products, namely, pet food supplements, nutritional supplements for pets, vitamin and mineral supplements; pet products, namely, medicated pre-moistened wipes, sanitizing wipes, flea powders, flea collars; pet dental products, namely, medicated teeth cleaning pet treats and pet chews and medicated snacks for exercising jaw muscles and teeth cleaning and medicated brush-on oral care gels; medicated pet dental products, namely, dental treats, chews and rinses; and pharmaceutical products for animal dental care, namely, chewable pet treats and pet food; topical pet dental products, namely, topical anesthetics; ingestible pet dental products, namely, ingestible multi-vitamins and liquid vitamins for dental care; pet products, namely, topical first aid gel and medicated skin care preparations, namely, creams, lotions and cleansers; pet products, namely, herbal topical creams, gels, sprays, salves, powders, balms, and ointments for the relief of aches and pains; pet products, namely, vitamin supplement in tablet form for use in making an effervescent beverage when added to water; pet products, namely, veterinary preparations, namely, antioxidants</p> <p>Class 031. First use: First Use: Jul 1, 2014 First Use In Commerce: Jul 1, 2014</p> <p>Pet products, namely, edible pet treats, pet snacks, pet food, pet beverages; edible, non-medicated pet dental products, namely, teeth cleaning pet treats and pet chews and snacks for exercising jaw muscles and teeth cleaning</p>
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Attachments	86145853#TMSN.png(bytes) Notice of Opposition 90657816.pdf(118175 bytes)
Signature	/Jennifer L. Whitelaw/
Name	JENNIFER L. WHITELAW
Date	11/01/2022

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

To the Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

In the matter of Application Serial No. 90657816 Published in the Official Gazette
on July 5, 2022

ARK NATURALS COMPANY, a Delaware
corporation,

Opposer,

Opposition No. _____

v.

LANBRI SHOPS LLC, a limited liability
company,

Applicant.

NOTICE OF OPPOSITION

Opposer ARK NATURALS COMPANY, (hereinafter “ARK” or “Opposer”), a Delaware corporation, believes it will be damaged by registration of the mark as shown in Serial No. 90657816, filed April 20, 2021 (hereinafter the “Subject Mark”), by LANBRI SHOPS LLC, a limited liability company (hereinafter “Applicant”), and published for opposition in the Official Gazette of July 5, 2022 (hereinafter the “Subject Application”). ARK NATURALS COMPANY, hereby opposes registration of the Subject Mark in International Class 5 on the following grounds:

1. Opposer ARK is a highly successful and respected company in the pet products field providing various high quality products throughout the United States and worldwide.

Notice of Opposition to Serial No. 90657816

Mark: ARK LABS

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2. Opposer has provided its products under its longstanding and well known leading ARK brands for many years.
3. Opposer ARK has invested considerable time and resources in the development of its trademarks, reputation, and goodwill.
4. Opposer ARK is the owner of all right, title and interest in numerous marks, trademark registrations and applications containing the term “ARK”, and various iterations of same, all of which are fully valid, legally subsisting and exclusively owned by Opposer, including without limitation:
 - **ARK NATURALS**, U.S. Trademark Registration No. 4120005 (a mark which also has achieved the status of incontestable pursuant to the Federal Trademark Act);
 - **ARK NATURALS and design**, U.S. Trademark Registration 2324098 (a mark which has achieved the status of incontestable pursuant to the Federal Trademark Act);
 - **ARK NATURALS and design**, U.S. Trademark Registration No. 6228681;
 - **ARK NATURALS and design**, U.S. Trademark Registration No. 6228682;
 - **ARK NATURALS PROTECTION +**, U.S. Trademark Registration No. 6873457; and
 - **ARK RESCUE PACK**, U.S. Trademark Registration No. 4951799;among others (hereinafter the “ARK Family of Marks”).

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Mark: ARK LABS

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5. Opposer ARK has used its ARK Family of Marks in the United States long prior to Applicant's application filing date and prior to any first use date which has been or could be claimed by Applicant.
6. During the time in which Opposer has used its ARK Family of Marks in the United States, the same have come to possess a widely recognizable and favorable brand recognition. By virtue of Opposer's widely successful efforts and the expenditure of considerable sums for advertising and promotional activities, and by virtue of the excellence of the goods associated with Opposer's ARK Family of Marks, the same have achieved a well known and an extremely valuable reputation, as well as the trust of its consumers.
7. Applicant seeks to register a mark which is identical to Opposer's ARK Family of Marks as a trademark as evidenced by the publication of the mark in the July 5, 2022 Official Gazette. The application was filed on April 20, 2021.
8. The Subject Application should be denied registration pursuant to Section 2(d) of the Trademark Act on the basis of Opposer's long standing rights and prior registrations for Opposer's ARK Family of Marks.
9. Opposer's use of its ARK Family of Marks has been continuous and long prior to Applicant's application and Opposer's ARK Family of Marks is and has attained its well known trademark status prior to any first use date which could be claimed by Applicant.
10. The Subject Mark so resembles Opposer's ARK Family of Marks as to be likely, when applied to the goods of Applicant, to cause confusion or mistake or to deceive consumers

Notice of Opposition to Serial No. 90657816

Mark: ARK LABS

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as to the source, sponsorship, or approval of Applicant's goods and services, thereby resulting in detriment to Opposer and its reputation.

11. Registration of the Subject Mark would be a source of injury, damage, and a source of possible confusion to Opposer's many customers who rely upon the reputation of the Opposer, the high quality of Opposer's goods and services, as distinguished by Opposer's valuable ARK Family of Marks, and consumers may be caused to mistakenly attribute the source or sponsorship of Applicant's goods and services to Opposer.

WHEREFORE, Opposer ARK NATURALS COMPANY, believes that it will be harmed by said registration of the Subject Mark and requests that this Opposition be sustained and registration be refused to Applicant, and Opposer further seeks such other and further relief in the premises as may be deemed just and proper.

The required filing fee is submitted herewith.

Opposer hereby appoints the undersigned in connection herewith.

Respectfully submitted,

/JENNIFER L. WHITELAW/
JENNIFER L. WHITELAW
WHITELAW LEGAL GROUP
Attorney for Opposer
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