

ESTTA Tracking number: **ESTTA1245225**

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	Ansell Limited
Granted to date of previous extension	11/02/2022
Address	678 VICTORIA ST LEVEL 3, VICTORIA GARDENS RICHMOND, 3121 AUSTRALIA
Attorney information	CHARLES P. GUARINO MOSER TABOADA 1040 BROAD STREET SUITE 103 SHREWSBURY, NJ 07702 UNITED STATES Primary email: cguarino@mtiplaw.com Secondary email(s): docket@mtiplaw.com 732-945-9498
Docket no.	A_TM1215OP1

Applicant information

Application no.	79325276	Publication date	07/05/2022
Opposition filing date	11/01/2022	Opposition period ends	11/02/2022
International registration no.	1625149	International registration date	05/14/2021
Applicant	Pikdare-Societ� per Azioni VIA SALDARINI CATELLI 10 I-22070 CASNATE CON BERNATE (CO) ITALY		

Goods/services affected by opposition


Class 010. First Use: None First Use In Commerce: None
Opposed goods and services in the class: disposable medical gloves; medical and surgical gloves

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	6319986	Application date	08/20/2020
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no.			
Register	Principal		
Registration date	04/13/2021	Foreign priority date	NONE
Word mark	PI-KARE		
Design mark			
Description of mark	NONE		
Goods/services	Class 010. First use: First Use: Apr 15, 2018 First Use In Commerce: Apr 15, 2018 Medical and Surgical Gloves		

Attachments	90126202#TMSN.png(bytes) PIKDARE - Notice of Opposition.pdf(89772 bytes)
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Signature	/Charles P. Guarino/
Name	CHARLES P. GUARINO
Date	11/01/2022

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

Serial No.: 79325276
Mark: PIKDARE
Filing Date: May 14, 2021

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ANSELL LIMITED,

Opposer,

Opposition No.: _____

v.

PIKDARE-SOCIETÀ PER AZIONI,

Applicant.

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**NOTICE OF OPPOSITION
PURSUANT TO 15 U.S.C. § 1063**

Opposer, Ansell Limited (“Ansell” or “Opposer”), with an address at Victoria Gardens, Level 3, 678 Victoria Street, Richmond, Victoria, 3121, AU, believes it will be damaged by registration of the mark shown in U.S. Trademark Application Serial No. 79325276 (“the Opposed Application”) owned by Pkdare-Società per Azioni (“Applicant”). The Opposed Application published for opposition on July 5, 2022. Ansell, a corporation organized and existing under the laws of Australia, opposes the registration of this mark pursuant to 15 U.S.C. §1063 (Lanham Act § 13).

As grounds of opposition, Opposer alleges that:

1. By way of the Opposed Application, Applicant seeks to register the mark PIKDARE (the “Opposed Mark”) for, *inter alia*, “disposable medical gloves” and “medical and surgical gloves” in International Class 10 (the “Opposed Goods”).

2. The filing date of the Opposed Application is April 6, 2018.

3. Ansell markets and sells medical and surgical gloves under its PI-KARE mark.

4. Ansell is the owner of the PI-KARE trademark for medical and surgical gloves, and all goodwill of the business associated therewith.

5. Ansell has registered and owns U.S. Trademark Registration No. 6,319,986 for the mark PI-KARE in connection with “medical and surgical gloves” in Class 10.

6. Since at least as early as April 15, 2018, well prior to any date upon which Applicant can rely, Ansell has continuously and exclusively used the mark PI-KARE in interstate commerce in connection with protective gloves for medical and surgical use.

7. By virtue of the registration listed above, and Ansell’s extensive and continuous use and promotion of its PI-KARE mark, Ansell’s mark has become distinctive of and closely associated in the public mind with Opposer’s products.

8. As set forth above, Ansell’s PI-KARE mark and registration has priority over the Opposed Application.

9. The Opposed Mark is highly similar in appearance, sound, and commercial impression to Opposer’s PI-KARE mark.

10. The Opposed Goods are highly similar to the goods in connection with which Ansell has used and continues to use its PI-KARE mark, and the goods specified in Opposer’s registration for this mark.

11. Sales of Ansell's products bearing the PI-KARE mark in the United States have totaled in the millions of dollars. Opposer has spent and continues to spend substantial sums of money in advertising and promoting its products bearing the PI-KARE mark.

12. By reason of Ansell's extensive sales, promotion, and advertising of products bearing Opposer's PI-KARE mark, and the high quality of such products, valuable goodwill has been established in Opposer's PI-KARE mark, and an enviable reputation has been established for products sold under and distinguished by Opposer's PI-KARE trademark. Members of both the trade and the public recognize and understand that products bearing the PI-KARE mark originate with the Opposer.

13. By incorporating elements of Ansell's PI-KARE mark into the Opposed Mark, the Opposed Mark creates confusion with Opposer's PI-KARE mark.

14. Based on the similarities of the marks, and the respective goods and services covered by each, consumers are likely to confuse or associate the Opposed Goods sold by Applicant under the Opposed Mark with Ansell and Ansell's PI-KARE products, or to believe that the Opposed Goods are offered, sponsored, endorsed, or licensed by Ansell, or that there is some relationship between the Applicant and Opposer.

15. For the above reasons, any use or registration of the Opposed Mark is likely to cause confusion or mistake, or to deceive the purchasing public into mistakenly believing that the goods described in the Opposed Application originate from, come from, or otherwise are associated with Opposer's goods, in violation of Section 2(d) of the Lanham Act.

16. If Applicant were permitted to use or register the Opposed Mark for the Opposed Goods, it would cause damage and injury to Ansell's business reputation and would injure and impair Opposer's rights in its PI-KARE mark and registration, because said use or registration is likely to cause confusion or mistake, or to deceive by creating the erroneous impression that the

Applicant's goods originate with Opposer or from the same source as Opposer's products, or that Applicant's goods are authorized, licensed, endorsed by, or connected in some way with Opposer or its products.

17. If Applicant were granted the registration applied for, it would thereby obtain, at least, the *prima facie* exclusive right to use the Opposed Mark on the Opposed Goods. Such registration would thus be a source of damage and injury to Opposer, and would be inconsistent with Opposer's rights in its PI-KARE mark and registration.

WHEREFORE, Opposer prays that this Opposition be sustained, that the Opposed Application be rejected, and that registration of the Opposed Mark be refused and denied in all respects.

Dated: November 1, 2022

Respectfully submitted,

/Charles P. Guarino/
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