

ESTTA Tracking number: **ESTTA1250569**

Filing date: **11/28/2022**

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	Wilbur-Ellis Company LLC		
Entity	limited liability company	Citizenship	California
Address	345 CALIFORNIA ST., 27TH FLOOR SAN FRANCISCO, CA 94104 UNITED STATES		

Correspondence information	RANDY TROXEL TRADEMARK COUNSEL TRADEMARK-ASSOCIATES 1990 N. CALIFORNIA BLVD., 8TH FLOOR WALNUT CREEK, CA 94596 UNITED STATES Primary email: rtroxel@tmassoc.com 6506921700		
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Applicant information

Application no.	97091419	Publication date	11/15/2022
Opposition filing date	11/28/2022	Opposition period ends	12/15/2022
Applicant	AgXplore International LLC 7035 STATE HWY D PARMA, MO 63870 UNITED STATES		

Goods/services affected by opposition


Class 001. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Fertilizers; Fertilizing preparations
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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.	3437325	Application date	05/08/2007
Register	Principal		
Registration date	05/27/2008	Foreign priority date	NONE
Word mark	INTEGRA		

Design mark	
Description of mark	NONE
Goods/services	Class 031. First use: First Use: Nov 12, 2007 First Use In Commerce: Nov 12, 2007 Agricultural seeds, crop seeds, seeds for agricultural use; sowing seeds

U.S. registration no.	5103547	Application date	03/10/2016
Register	Principal		
Registration date	12/20/2016	Foreign priority date	NONE
Word mark	I INTEGRA FORTIFIED SEED		
Design mark			
Description of mark	The mark consists of a capital "I" located in the center of a globe; the "I" and globe appear centered above the word "INTEGRA" in large font, all caps; centered below the word "INTEGRA" are the words "FORTIFIED SEED" in smaller font, all caps.		
Goods/services	Class 031. First use: First Use: Aug 31, 2014 First Use In Commerce: Aug 31, 2014 Seeds for agricultural use; Crop seeds;Sowing seeds Class 044. First use: First Use: Aug 31, 2014 First Use In Commerce: Aug 31, 2014 Advisory services in the fields of agronomy, horticulture, and agriculture		

Attachments	77175724#TMSN.png(bytes) NTEGRA 97091419 Notice of Opposition.pdf(104598 bytes)
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Signature	//randytroxel//
Name	Randy Troxel
Date	11/28/2022

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

In the matter of:

Opposition No. _____

U.S. Application Ser. No.: 97091419

Mark: NTEGRA
Filed: Oct. 25, 2021

Opposer
Wilbur-Ellis Company LLC
v.
Applicant
AgXplore International LLC

NOTICE OF OPPOSITION

Opposer Wilbur-Ellis Company LLC (“Opposer”), believing that it will be damaged by registration of the above referenced mark, hereby submits this Notice of Opposition.

1. Wilbur-Ellis Company LLC is a California limited liability company having its principal place of business at 345 California Street, 27th Floor, San Francisco, CA 94104.
2. On information and belief, Applicant AgXplore International LLC (“Applicant”) is a Missouri Limited

Liability Company having its principal place of business at 7035 State Hwy D, Parma MO 63870.

3. On information and belief, Applicant provides or intends to provide “Fertilizers; Fertilizing preparations” (Int’l Class 1).
4. Application to register the mark “NTEGRA” was filed on the basis of Section 1(b), intent to use.
5. Opposer owns the following U.S. trademark registrations (among others):

Mark	Reg. No.	Class(es)	Date of First Use
INTEGRA	3437325	31	Nov. 12, 2007
“INTEGRA FORTIFIED SEED and design”	5103547	31, 44	Aug. 31, 2014

6. Opposer’s business activities include an online presence (<https://www.wilburellisagribusiness.com/>) which features a variety of goods and services for the agricultural markets (including fertilizers and plant nutrition preparations), and also traditional retail and wholesale distributorships.
7. Opposer has extensively advertised, promoted, and marketed their goods and services such that consumers have come to know and recognize Opposer’s trademarks as identifying products and services which originate with or are authorized by Opposer.

8. Opposer has a significant investment in creating, building, and maintaining rights in their trademarks, as well as in advertising, promoting, and marketing their goods and services internationally and in the U.S.

9. In light of the respective marks, goods and services, and likely consumer and market overlap (among other factors), if Applicant's mark is allowed for registration, consumers would be likely confused as to the source of Applicant's goods and services.

10. Opposer believes it will be injured by registration of Applicant's proposed "NTEGRA" mark.

WHEREFORE, Opposer prays that the mark "NTEGRA" in Application Ser. No. 97091419 be refused registration.

Dated: Nov. 28, 2022

Respectfully submitted,

By: //randytroxel//

Randy Troxel

Counsel for Opposer

Wilbur-Ellis Company LLC

Trademark-Associates

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Please refer to Our File: 834-800-103