

ESTTA Tracking number: **ESTTA1270551**

Filing date: **03/08/2023**

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	BUMP HEALTH, INC
Granted to date of previous extension	04/12/2023
Address	7719 N. PIONEER LANE PEORIA, IL 61615 UNITED STATES
Attorney information	JONATHAN LA PHILLIPS PHILLIPS & BATHKE, P.C., 4541 NORTH PROSPECT ROAD SUITE 300A PEORIA HEIGHTS, IL 61616 UNITED STATES Primary email: jlap@pb-iplaw.com Secondary email(s): jtdb@pb-iplaw.com, ip@pb-iplaw.com 309-643-6518 x701
Docket no.	

Applicant information

Application no.	97149677	Publication date	12/13/2022
Opposition filing date	03/08/2023	Opposition period ends	04/12/2023
Applicant	Glow & Dream LLC SUITE 300 15720 BRIXHAM HILLS AVE CHARLOTTE, NC 28277 UNITED STATES		

Goods/services affected by opposition

Class 035. First Use: Jul 26, 2021 First Use In Commerce: Jul 26, 2021 All goods and services in the class are opposed, namely: On-line retail store services featuring bath bombs; On-line retail store services featuring soap; On-line retail store services featuring bags; On-line retail store services featuring apparel
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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	5257987	Application date	09/21/2016
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no.			
Register	Principal		
Registration date	08/01/2017	Foreign priority date	NONE
Word mark	GLOW ORGANICS		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Dec 31, 2016 First Use In Commerce: Dec 31, 2016 Organic cosmetics; non-medicated, organic skin care preparations		

Attachments	GLOW DREAM 97149677 - Opposition.pdf(215402 bytes)
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Signature	/jlap/
Name	JONATHAN LA PHILLIPS
Date	03/08/2023

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

In re Application of Glow & Dream LLC
Serial No. 97149677
For the mark: GLOW & DREAM
Filed: November 30, 2021
Published in the *Official Gazette*: December 13, 2022

Bump Health, Inc,)	
Opposer,)	
)	
v.)	
)	
Glow & Dream LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, Bump Health, Inc., a corporation organized and existing under the laws of Illinois, with a principal place of business in Peoria, Illinois, believes that it will be damaged by the issuance of a registration for the applied for mark GLOW & DREAM, U.S. Application Serial No. 97149677. Opposer hereby opposes the registration of Applicant's mark pursuant to Section 13(a) of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1063(a). As grounds for opposition, Opposer alleges as follows:

1. Opposer sells a variety of skin care products in the U.S. under its GLOW ORGANICS trademark.

2. Opposer is the owner of U.S. Trademark Registration 5257987 for GLOW ORGANICS in connection with organic cosmetics, non-medicated, organic skin care preparations in International Class 03.

3. Attached as Exhibit 1 is a true and correct printout from the United States Patent and Trademark Office electronic database showing the status and title of U.S. Trademark Registration 5257987 as of March 6, 2023.

4. Opposer has used the registered GLOW ORGANICS trademark in interstate commerce in the United States continuously since at least as early as December 31, 2016, in connection with the offering for sale, sale, marketing, advertising, and promotion of its skin care products.

5. As a result of its widespread, continuous, and exclusive use of the GLOW ORGANICS trademark in connection with the sale of its goods, Opposer owns valid and subsisting federal statutory and common law rights to the GLOW ORGANICS trademark in the U.S.

6. Opposer's GLOW ORGANICS trademark is distinctive, and Opposer's goods are high-quality.

7. Opposer has expended substantial time, money, and resources marketing, advertising, and promoting the goods sold under the GLOW ORGANICS trademark including through Opposer's online retail store (gloworganics.co), social media, and online advertising.

8. Applicant seeks to register the trademark GLOW & DREAM in connection with On-line retail store services featuring bath bombs; On-line retail store services featuring soap; On-line retail store services featuring bags; On-line retail store services featuring apparel in International Class 003 with the U.S. Trademark Office.

9. Opposer's GLOW ORGANICS trademark has priority over Applicant's applied for mark; Opposer's use and registration of the GLOW ORGANICS mark predate Applicant's filing date and Applicant's claimed date of first use.

10. Applicant's applied for mark: GLOW & DREAM is similar to Opposer's GLOW ORGANICS trademark. Like Opposer's GLOW ORGANICS mark, the applied for mark contains the important element GLOW. Additionally, use of the mark appears to only be on internal, non-public WIX sites (see Exhibit 2).

11. The goods identified by Applicant in its application are highly similar to the goods identified in Opposer's trademark registration, which Opposer offers under its registered GLOW ORGANICS trademark.

12. Neither Opposer nor Applicant limits the channels of trade in their respective trademark filings, and therefore, it is presumed that their goods move in all channels of trade that are normal for such goods. Here those channels would be the same.

13. Upon information and belief, both consumers of Applicant's and Opposer's goods are impulse purchasers.

Likelihood of Consumer Confusion

14. The applied for mark is barred from registration because it consists of or comprises a mark which so closely resembles Opposer's GLOW ORGANICS trademark as to be likely, when used in connection with the alleged goods of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

15. For the reasons set forth above, Opposer believes and asserts that it will be damaged by the registration of Applicant's applied for mark: GLOW & DREAM.

WHEREFORE, Opposer respectfully prays that its opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,
Bump Health, Inc., by,

/jtdb/

John T.D. Bathke
Phillips & Bathke, P.C.
53 West Jackson Boulevard
Suite 805
Chicago, Illinois 60604
Tel: (312) 260-9160
Email: jtdb@pb-iplaw.com

EXHIBIT 1

Generated on: This page was generated by TSDR on 2023-03-06 11:18:05 EST

Mark: GLOW ORGANICS

GLOW ORGANICS

US Serial Number: 87975474

Application Filing Date: Sep. 21, 2016

US Registration Number: 5257987

Registration Date: Aug. 01, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

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: Aug. 01, 2017

Publication Date: Mar. 07, 2017 **Notice of Allowance Date:** May 02, 2017

Mark Information

Mark Literal Elements: GLOW ORGANICS

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

Disclaimer: "ORGANICS"

Related Properties Information

Child Of: 87178836

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: Organic cosmetics; non-medicated, organic skin care preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 2016

Use in Commerce: Dec. 31, 2016

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: BUMP HEALTH, INC.

Owner Address: 7719 N. PIONEER LANE
PEORIA, ILLINOIS UNITED STATES 61615

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan LA Phillips

Attorney Primary Email Address: jlap@pb-iplaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jonathan LA Phillips
Phillips & Bathke
4541 North Prospect Road, Suite 300A
Peoria Heights, ILLINOIS UNITED STATES 61616

Phone: (309) 598-2028

Correspondent e-mail: jlap@pb-iplaw.com firm@pb-iplaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Aug. 25, 2022	TEAS SECTION 8 & 15 RECEIVED	
Aug. 01, 2022	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 23, 2022	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 29, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 29, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 29, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 26, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 26, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 27, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 01, 2017	REGISTERED-PRINCIPAL REGISTER	
Jun. 30, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 29, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 28, 2017	STATEMENT OF USE PROCESSING COMPLETE	66530
May 08, 2017	USE AMENDMENT FILED	66530
Jun. 28, 2017	DIVISIONAL PROCESSING COMPLETE	
May 08, 2017	DIVISIONAL REQUEST RECEIVED	
May 08, 2017	TEAS REQUEST TO DIVIDE RECEIVED	
Jun. 07, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 31, 2017	ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST	66530
May 30, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
May 08, 2017	TEAS STATEMENT OF USE RECEIVED	
May 02, 2017	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 07, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2017	PUBLISHED FOR OPPOSITION	
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Jan. 23, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 20, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 19, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 19, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 02, 2017	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 02, 2017	NON-FINAL ACTION E-MAILED	6325
Jan. 02, 2017	NON-FINAL ACTION WRITTEN	83189
Dec. 28, 2016	ASSIGNED TO EXAMINER	83189
Sep. 26, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Sep. 24, 2016	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 29, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Bump Boxes, Inc.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [7561/0300](#)

Pages: 3

Date Recorded: Jan. 18, 2022

Supporting Documents: [assignment-tm-7561-0300.pdf](#)

Assignor

Name: [BUMP BOXES, INC.](#)

Execution Date: Nov. 13, 2021

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Assignee

Name: [BUMP HEALTH, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Address: 7719 N. PIONEER LANE
PEORIA, ILLINOIS 61615

Correspondent

Correspondent Name: JOHN T.D. BATHKE

Correspondent Address: 4541 N. PROSPECT RD.
STE. 300A
PEORIA HEIGHTS, IL 61616

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office

GLOW ORGANICS

Reg. No. 5,257,987

Bump Boxes, Inc. (ILLINOIS CORPORATION)
5945 W. Ridgecrest Dr.
Peoria, IL 61615

Registered Aug. 01, 2017

Int. Cl.: 3

CLASS 3: Organic cosmetics; non-medicated, organic skin care preparations

Trademark

FIRST USE 12-31-2016; IN COMMERCE 12-31-2016

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"ORGANICS"

SER. NO. 87-975,474, FILED 09-21-2016
JAY K FLOWERS, EXAMINING ATTORNEY



Joseph Matal

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.