

ESTTA Tracking number: **ESTTA1291399**

Filing date: **06/14/2023**

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	Olaplex, Inc.
Granted to date of previous extension	06/14/2023
Address	1187 COAST VILLAGE ROAD #1-520 SANTA BARABARA, CA 93108 UNITED STATES

Attorney information	HANS L. MAYER KNOBBE, MARTENS, OLSON, & BEAR, LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary email: efiling@knobbe.com 949-760-0404
Docket no.	OLAP.016M

Applicant information

Application no.	90139163	Publication date	02/14/2023
Opposition filing date	06/14/2023	Opposition period ends	06/14/2023
Applicant	Bahr Almontajat Trading Company PRINCEABDULAZIZ IBN MUSAID JALAWI ST. 23 OLAYA, RIYADH, 51422 SAUDI ARABIA		

Goods/services affected by opposition

Class 008. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Electrical hair crimper; hair cutting scissors; hair removing tweezers; electrical hair cutters; electrical hair clippers; electrical hair trimmers; electrical hair straighteners; electrical irons for hair styling
Class 011. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Hair dryers; electrical hair dryers
Class 021. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Hairbrushes; hair combs; electrical rotating hairbrushes

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Other	Common Law rights as asserted in the Notice of Opposition
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Marks cited by opposer as basis for opposition

U.S. registration no.	4553436	Application date	10/30/2013
Register	Principal		
Registration date	06/17/2014	Foreign priority date	NONE
Word mark	OLAPLEX		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Jan 10, 2014 First Use In Commerce: Jan 10, 2014 Hair care preparations; Hair coloring preparations; Hair relaxing preparations; Hair styling preparations; Preparations for permanent hair waves		

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	OLAPLEX		
Goods/services	hair care products, hair instruments and accessories, including, but not limited to, brushes, combs, and hair ties, and providing the same to consumers and the public, and/or providing retail services for and including the same, as well as educational services related to the same		

Attachments	Notice of Opposition - OLAP.016TIS.pdf(165819 bytes) EXHIBIT 1.pdf(529897 bytes)
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Signature	/Hans L. Mayer/
Name	Hans L. Mayer
Date	06/14/2023

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


Olaplex, Inc.,

Opposer,

v.

Bahr Almontajat Trading Company,

Applicant.

)
) Opposition No.: _____
)
) Serial No.: 90/139163
)
)
)
) 
) Mark:
)
)
)
)
)

NOTICE OF OPPOSITION

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

Dear Sir or Madam:

Olaplex, Inc., a Delaware corporation, located and doing business at 1187 Coast Village Road #1-520, Santa Barbara, CA 93108 (“Opposer”) believes that it will be damaged by the registration of U.S. Trademark Application Serial No. 90/139163 (“Application”) for the mark



(“Applicant’s Mark”), filed by Bahr Almontajat Trading Company (“Applicant”), a limited liability company of Saudi Arabia with an address of Prince Abdulaziz Ibn Musaid Jalawi St. 23, Olaya, Riyadh Saudi Arabia 51422, and therefore opposes the same.

As grounds for opposition, it is alleged:

1. By the Application filed on August 26, 2020, Applicant seeks to obtain registration on the Principal Register of Applicant's Mark for "Electrical hair crimper; hair cutting scissors; hair removing tweezers; electrical hair cutters; electrical hair clippers; electrical hair trimmers; electrical hair straighteners; electrical irons for hair styling" in Class 8; "Hair dryers; electrical hair dryers" in Class 11; and "Hairbrushes; hair combs; electrical rotating hairbrushes" in Class 21 (collectively, "Applicant's Goods") based on Applicant's alleged intent to use the mark in interstate commerce.

2. Opposer is one of the largest independent hair care brands in the world with millions of customers worldwide and hundreds of millions of dollars in annual sales. Indeed, Opposer is the top-selling haircare brand in Sephora. Opposer's humble beginnings started in a California garage, and since 2014 it has grown exponentially to include millions of fans worldwide. Through a grassroots approach, the brand quickly became a global sensation and the darling of the hair care industry and consumers. Opposer offers its goods and services under the OLAPLEX® brand.

3. Among the marks owned and used by Opposer is its well known OLAPLEX® house mark (the "OLAPLEX Mark"). Since long before the filing date of the Application, Opposer has extensively used its OLAPLEX Mark in the United States and worldwide, including, but not limited to, on hair care products, hair instruments and accessories, including, but not limited to, brushes, combs, and hair ties, and providing the same to consumers and the public, and/or providing retail services for and including the same, as well as educational services related to the same ("Opposer's Goods and Services").

4. Moreover, since prior to the filing date of the Application, Opposer has spent considerable time, effort, and money in developing its reputation under the OLAPLEX Mark. As a

result of this investment in the OLAPLEX Mark, and the widespread commercial success of Opposer's Goods and Services, Opposer has developed a tremendous amount of goodwill and recognition in its famous OLAPLEX Mark and has also developed strong common law rights in Opposer's OLAPLEX Mark for Opposer's Goods and Services.

5. By virtue of continuous and substantial use, recognition, and promotion, Opposer's OLAPLEX Mark has acquired great value as an indicator of Opposer's Goods and Services and distinguishes Opposer's Goods and Services from the goods and services of others.

6. To protect its valuable intellectual property rights, Opposer owns incontestable U.S. Trademark Registration No. 4,553,436 (the "'436 Registration") for the mark OLAPLEX[®] for "Hair care preparations; Hair coloring preparations; Hair relaxing preparations; Hair styling preparations; Preparations for permanent hair waves" in International Class 3. The '436 Registration issued on the Principal Register on June 17, 2014. The '436 Registration is based on an application filed in the United States Patent and Trademark Office ("PTO") on October 30, 2013 and claims a date of first use of at least as early as January 10, 2014. Thus, the dates of first use, application, and registration of the mark shown in the '436 Registration are all prior to the filing date of the Application. True and correct copies of the specifics of the '436 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

7. The registration relied upon herein by Opposer is valid, subsisting, unrevoked, and uncanceled. Opposer's registration constitutes prima facie evidence of the validity of the registered mark, the registration thereof, and of Opposer's ownership of the mark shown therein as provided in Section 33(a) of the Trademark Act. Pursuant to Section 7(c) of the Trademark Act, Opposer's registration relied on herein constitute constructive use of the OLAPLEX Mark,


conferring nationwide priority to Opposer as of the filing date of its application. The filing date of Opposer's registration and the date of actual first use of Opposer's mark relied on herein are all prior to the filing date for Application.

8. Opposer's Registration No. 4,553,436 is incontestable. As such, it constitutes conclusive evidence of the validity of the registered mark and of the registration of the mark, of Opposer's ownership of its mark, and of Opposer's exclusive right to use the registered mark in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

9. In addition to the protection afforded to Opposer by the federal trademark registration, Opposer has extensive non-registered statutory and common law rights in the OLAPLEX Mark in connection with Opposer's Goods and Services throughout the United States. Opposer's common law rights in the OLAPLEX Mark predate the filing date of the Application.


10. Since at least before the filing date of the Application, Opposer's OLAPLEX Mark has been used and advertised in such a manner so that the public associates the OLAPLEX Mark as an indicator of source of Opposer's goods and services. Applicant's Mark incorporates a confusingly similar distinctive element – OLA – and also uses it in the same manner as the dominant portion of Applicant's Mark. The remaining element in Applicant's Mark is the generic word "HAIR".

11. Opposer's OLAPLEX[®] mark was well established and famous long before Applicant filed an application for the registration of Applicant's Mark.

12. Applicant did not use the  mark in interstate commerce as defined in Section 45 of the Trademark Act, 15 U.S.C. §1127, prior to August 26, 2020.

13. Applicant did not use the OLA HAIR mark in interstate commerce as defined in Section 45 of the Trademark Act, 15 U.S.C. §1127, prior to August 26, 2020.



14. Applicant did not use the  mark in interstate commerce as defined in Section 45 of the Trademark Act, 15 U.S.C. §1127, prior to January 10, 2014.


15. Applicant did not use the OLA HAIR mark in interstate commerce as defined in Section 45 of the Trademark Act, 15 U.S.C. §1127, prior to January 10, 2014.

16. Consumers are accustomed to seeing the same mark used on both “hair care preparations” and “hair dryers.”

17. Consumers are accustomed to seeing the same mark used on both “hair brushes” and “hair dryers.”

18. Consumers are accustomed to seeing the same mark used on both “hair care preparations” and “hair brushes.”



19. Applicant seeks an unrestricted federal registration for the mark , covering goods in International Classes 8, 11, and 21 as set forth in the Application. As such, if a registration issues for Applicant’s Mark, such registration will constitute *prima facie* evidence of Applicant’s exclusive right to use the registered mark in commerce on or in connection with the listed goods throughout the United States with no limitation thereon.

20. Applicant’s Goods and the goods and services offered in connection with Opposer’s OLAPLEX Mark travel, or are capable of traveling, through the same channels of trade. Indeed, the Application contains no restrictions on the channels of trade for Applicant’s Goods. Applicant’s Goods are highly related to goods and services offered for sale in connection

with Opposer's OLAPLEX Mark.

21. As such, Opposer will be damaged by registration of Applicant's Mark in the Application in that Applicant's Mark so resembles Opposer's OLAPLEX Mark as to be likely, when used on or in connection with identical or related goods or services, to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

22. In view of Opposer's prior statutory and prior common law trademark rights in its OLAPLEX Mark, Applicant is not entitled to federal registration of Applicant's Mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

23. Opposer also will be damaged by registration of Applicant's Mark in that it will dilute the distinctive qualities of Opposer's OLAPLEX Mark within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c), and will lessen the ability of Opposer's mark to distinguish Opposer's Goods and Services.

24. In view of Opposer's prior rights in its OLAPLEX Mark, Applicant is not entitled to federal registration of Applicant's Mark pursuant to Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 90/139163 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 14, 2023

By: /Hans L. Mayer/

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EXHIBIT 1



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Olaplex

Word Mark OLAPLEX

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Hair care preparations; Hair coloring preparations; Hair relaxing preparations; Hair styling preparations; Preparations for permanent hair waves. FIRST USE: 20140110. FIRST USE IN COMMERCE: 20140110

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86105774

Filing Date October 30, 2013

Current Basis 1A

Original Filing Basis 1B

Published for Opposition December 31, 2013

Registration Number **4553436**

International Registration Number 1187399; 1219309; 1251730; 1275006

Registration Date June 17, 2014

Owner (REGISTRANT) Christal, Dean V. INDIVIDUAL UNITED STATES 1482 East Valley Road, 701 Santa Barbara CALIFORNIA 93108

(LAST LISTED OWNER) OLAPLEX, INC. CORPORATION DELAWARE 1187 Coast Village Road #1-520 Santa Barbara CALIFORNIA 93108

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Susan M. Natland

Prior Registrations 3604429

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Trademark Assignment Abstract of Title

Total Assignments: 6

Serial #: [86105774](#)

Filing Dt: 10/30/2013

Reg #: [4553436](#)

Reg. Dt: 06/17/2014

Registrant: Christal, Dean V.

Mark: OLAPLEX

Assignment: 1

Reel/Frame: [5904/0494](#)

Recorded: 10/19/2016

Pages: 3

Conveyance: NUNC PRO TUNC ASSIGNMENT EFFECTIVE 05/20/2014

Assignor: [CHRISTAL, DEAN V.](#)

Exec Dt: 04/25/2016

Entity Type: INDIVIDUAL

Citizenship: NONE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Assignee: [OLAPLEX LLC](#)

1482 EAST VALLEY RD #701

SANTA BARBARA, CALIFORNIA 93108

Correspondent: ANESSA OWEN KRAMER

39400 WOODWARD AVENUE, SUITE 101

BLOOMFIELD HILLS, MI 48304-5151

Assignment: 2

Reel/Frame: [5904/0637](#)

Recorded: 10/19/2016

Pages: 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [OLAPLEX LLC](#)

Exec Dt: 04/25/2016

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: CALIFORNIA

Entity Type: CORPORATION

Citizenship: CALIFORNIA

Assignee: [LIQWD, INC.](#)

1482 EAST VALLEY RD #701

SANTA BARBARA, CALIFORNIA 93108

Correspondent: ANESSA OWEN KRAMER

39400 WOODWARD AVENUE, SUITE 101

BLOOMFIELD HILLS, MI 48304-5151

Assignment: 3

Reel/Frame: [6833/0386](#)

Recorded: 01/08/2020

Pages: 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignors: [OLAPLEX LLC](#)

Exec Dt: 01/08/2020

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Exec Dt: 01/08/2020

Entity Type: CORPORATION

Citizenship: CALIFORNIA

[LIQWD, INC.](#)[CHRISTAL, DEAN V](#)

Exec Dt: 01/08/2020

Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [OLAPLEX, INC.](#)

800 BOYLSTON STREET

C/O ADVENT INTERNATIONAL CORPORATION

BOSTON, MASSACHUSETTS 02199

Correspondent: MELISSA KARSAVIDIS, ROPES & GRAY LLP

1211 AVENUE OF THE AMERICAS

NEW YORK, NY 10036

Assignment: 4

Reel/Frame: [6834/0439](#)

Recorded: 01/09/2020

Pages: 9

Conveyance: SECURITY INTEREST

Assignor: [OLAPLEX, INC.](#)

Exec Dt: 01/08/2020

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MIDCAP FINANCIAL TRUST, AS THE ADMINISTRATIVE AGENT](#)

7255 WOODMONT AVENUE
SUITE 200
BETHESDA, MARYLAND 20814

Entity Type: STATUTORY TRUST

Citizenship: DELAWARE

Correspondent: LINDA R. KASTNER, C/O LATHAM & WATKINS

330 N. WABASH AVENUE
SUITE 2800
CHICAGO, IL 60611

Assignment: 5

Reel/Frame: [7641/0111](#)

Recorded: 02/23/2022

Pages: 6

Conveyance: SECURITY INTEREST

Assignor: [OLAPLEX, INC.](#)

Exec Dt: 02/23/2022

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [GOLDMAN SACHS BANK USA, AS ADMINISTRATIVE AGENT](#)

200 WEST STREET
NEW YORK, NEW YORK 10282-2198

Entity Type: BANK

Citizenship: UNITED STATES

Correspondent: LATHAM & WATKINS LLP C/O ANGELA M. AMARU

1271 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

Assignment: 6

Reel/Frame: [7641/0817](#)

Recorded: 02/23/2022

Pages: 7

Conveyance: TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY (TRADEMARKS)

Assignor: [MIDCAP FINANCIAL TRUST, AS ADMINISTRATIVE AGENT](#)

Exec Dt: 02/23/2022

Entity Type: STATUTORY TRUST

Citizenship: DELAWARE

Assignee: [OLAPLEX, INC.](#)

800 BOYLSTON STREET
C/O ADVENT INTERNATIONAL CORPORATION, PRUDENTIAL TOWER
BOSTON, MASSACHUSETTS 02199

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: LINDA R. KASTNER, C/O LATHAM & WATKINS

330 N. WABASH AVENUE
SUITE 2800
CHICAGO, IL 60611

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