

ESTTA Tracking number: **ESTTA1328546**  
Filing date: **12/14/2023**

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	The Wonderful Company LLC		
Entity	Limited Liability Company	Incorporated or registered in	Delaware
Address	11444 WEST OLYMPIC BLVD., 10TH FLOOR LOS ANGELES, CA 90064 UNITED STATES		

Correspondence information	BRIGID C. MAHONEY, ESQ. COUNSEL, INTELLECTUAL PROPERTY THE WONDERFUL COMPANY LLC 11444 WEST OLYMPIC BLVD., 7TH FLOOR LOS ANGELES, CA 90064 UNITED STATES Primary email: <a href="mailto:brigid.mahoney@wonderful.com">brigid.mahoney@wonderful.com</a> Secondary email(s): <a href="mailto:danielle.crona@wonderful.com">danielle.crona@wonderful.com</a> , <a href="mailto:ipdocketing@wonderful.com">ipdocketing@wonderful.com</a> 3109230885
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### Applicant information

Application no.	97665323	Publication date	11/21/2023
Opposition filing date	12/14/2023	Opposition period ends	12/21/2023
Applicant	How Wonderful LLC 32 N GOULD ST. SHERIDAN, WY 82801 UNITED STATES		

### Goods/services affected by opposition

Class 021. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Gift set consisting of insulated mug, reusable drinking straw and cleaning brush, make-up brush, atomizer for household use, pocket mirror, candle, bracelet, sleep mask; Gift set consisting of insulated mug, reusable drinking straw and cleaning brush, make-up brush, atomizer for household use, pocket mirror, candle, necklace, sleep mask; Gift set consisting of insulated mug, reusable drinking straw and cleaning brush, make-up brush, atomizer for household use, pocket mirror, trinket tray for domestic purposes, bracelet, sleep mask; Gift set consisting of cosmetic body brush, non-mechanical face roller in the nature of a massage apparatus, head band, hair turban, eye gel pads, make up cleansing pads, candle, sleep mask; Gift set consisting of cosmetic body brush, non-mechanical face roller in the nature of a massage apparatus, head band, eye gel pads, make up cleansing pads, candle, sleep mask, atomizer for household use; Gift set consisting of cosmetic body brush, non-mechanical face roller in the nature of a massage apparatus, hair turban, eye gel pads, make up cleansing pads, candle, sleep mask; Gift set consisting of coin tray for domestic purposes, desk tidy, beer mats, bottle opener, beer can cooler in the nature of insulated containers for beverage cans for do-

mestic purposes,Â paperÂ notebook, book-mark, pen; Gift set consisting of coin trayÂ for domestic purposes, desk tidy, beer mats, bottle opener, insulated mug,Â paperÂ notebook, book-mark, pen; Gift set consisting of mug, milk jug, thermometerÂ other than for medical use, chocolate shakerÂ bottle sold empty, stencil, apron, coasterÂ of textile, scoopÂ for household purposes,Â non-metal clipÂ for general use, socks; Gift set consisting of mug, milk jug, thermometerÂ other than for medical use, chocolate shakerÂ bottleÂ sold empty, stencil, apron, coasterÂ of textile, scoopÂ for household purposes,Â non-metalÂ clipÂ for general use,Â paperÂ sign;Â Gift set consisting of mug, milk jug, thermometerÂ other than for medical use, chocolate shakerÂ bottle sold empty, stencil, apron, coasterÂ of textile, scoopÂ for household purposes,Â non-metalÂ clipÂ for general use,Â signalÂ bell; Gift set consisting of mug, milk jug, thermometer other than for medical use, chocolate shaker bottle sold empty, stencil, apron, coaster of textile, scoop for household purpose, non-metal clip for general use, spoon being tableware; Gift set consisting of vacuumÂ bottle stopper, bracelet, necklace, make-up brush, atomizerÂ for household use, pocket mirror, trinket trayÂ for domestic purpose, socks,Â bathÂ soap, bath bomb; Gift set consisting of vacuumÂ bottle stopper, bracelet, necklace, make-up brush, atomizerÂ for household use, pocket mirror, trinket trayÂ for domestic purpose, socks,Â bathÂ soap, sleep mask; Gift set consisting of vacuumÂ bottle stopper, bracelet, necklace, make-up brush, atomizerÂ forÂ household use, pocket mirror, trinket trayÂ for domestic purposes, socks, candle, sleep mask; Gift set consisting of vacuumÂ bottle stopper, bracelet, necklace, make-up brush, atomizerÂ for household use, pocket mirror, trinket trayÂ for domestic purposes, socks,Â bathÂ soap, shower steamerÂ in the nature ofÂ steam generating installation; Gift set consisting of candle holder, tote bag,Â waxÂ melt, candle burner, coasterÂ of textile, photo frame, hangingÂ paperÂ sign; Gift set consisting of candle holder, tote bag,Â waxÂ melt, candle burner, coasterÂ of textile, photo frame, magnetisedÂ paperÂ sign; Gift set consisting of candle holder, tote bag,Â electric essential oilÂ diffuser, coasterÂ of textile, photo frame, hangingÂ paperÂ sign; Gift set consisting of candle holder, tote bag,Â electric essential oilÂ diffuser, coasterÂ of textile, photo frame, magnetisedÂ paperÂ sign; Gift set consisting of soap dish, silk pillowcase,Â cosmeticÂ body brush, make up cleansing pads,Â hairÂ scrunchie,Â bathÂ soap, toiletry bagÂ sold empty, candle, sleep mask; Gift set consisting of cosmeticÂ body brush, silk pillowcase, make up cleansing pads,Â hairÂ scrunchie, bath bomb, toiletry bagÂ sold empty, candle, sleep mask; Gift set consisting of cosmeticÂ body brush, silk pillowcase, make up cleansing pads, non-mechanical face rollerÂ in the nature of a massage apparatus, toiletry bagÂ sold empty, candle, sleep mask;Â Gift set consisting of cosmeticÂ body brush, silk pillowcase, make up cleansing pads, non-mechanical face rollerÂ in the nature of a massage apparatus, soap dish,Â bathÂ soap, toiletry bagÂ sold empty, candle, sleep mask

## 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.	3784763	Application date	10/22/2009
Register	Principal		
Registration date	05/04/2010	Foreign priority date	NONE
Word mark	WONDERFUL		
Design mark			
Description of mark	The mark consists of the word "WONDERFUL" with a heart in place of the letter "O".		
Goods/services	Class 029. First use: First Use: Sep 21, 2009 First Use In Commerce: Sep 21, 2009 Processed nuts		

U.S. registration no.	3907815	Application date	06/07/2010
Register	Principal		

Registration date	01/18/2011	Foreign priority date	NONE
Word mark	WONDERFUL		
Design mark			
Description of mark	The mark consists of the word "WONDERFUL" with a heart in place of the letter "O". .		
Goods/services	Class 031. First use: First Use: May 15, 2010 First Use In Commerce: May 15, 2010 Fresh nuts; Raw nuts; Unprocessed nuts		

U.S. registration no.	4552134	Application date	10/17/2011
Register	Principal		
Registration date	06/17/2014	Foreign priority date	NONE
Word mark	WONDERFUL		
Design mark			
Description of mark	The mark consists of the word "WONDERFUL" with a heart design in place of the letter "O".		
Goods/services	Class 031. First use: First Use: Oct 25, 2013 First Use In Commerce: Oct 25, 2013 Fresh citrus fruits		

U.S. registration no.	5408117	Application date	11/17/2014
Register	Principal		
Registration date	02/20/2018	Foreign priority date	NONE
Word mark	WONDERFUL		
Design mark			
Description of mark	The mark consists of the word "WONDERFUL" with a heart in place of the letter "O".		
Goods/services	Class 031. First use: First Use: Feb 5, 2016 First Use In Commerce: Feb 5, 2016 Live animals, namely, bees; Bee pollen being raw material for industrial use Class 044. First use: First Use: Feb 5, 2016 First Use In Commerce: Feb 5, 2016 Beekeeping services; Apiculture services; Contract farming for others; Rental of bees for pollination; Leasing of bees for pollination; Rental of bees; Leasing of bees		

U.S. registration no.	5697533	Application date	11/17/2014
Register	Principal		
Registration date	03/12/2019	Foreign priority date	NONE
Word mark	WONDERFUL		
Design mark			
Description of mark	The mark consists of the word "WONDERFUL" with a heart in place of the letter "O".		

Goods/services	Class 030. First use: First Use: Jan 2, 2019 First Use In Commerce: Jan 2, 2019 Honey; Honey for food; Honey used as an ingredient in food		
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U.S. registration no.	5223598	Application date	01/23/2015
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Register	Principal		
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Registration date	06/13/2017	Foreign priority date	NONE
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Word mark	WONDERFUL		
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Design mark			
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Description of mark	The mark consists of the word "WONDERFUL" with a heart in place of the letter "O".		
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Goods/services	<p>Class 031. First use: First Use: Jun 1, 2015 First Use In Commerce: Jun 1, 2015 Live trees, namely, live citrus trees and live nut trees; live plants; live shrubs; live transplantable trees, namely, live citrus trees and live nut trees; live plants, namely, scions, buds, stem cuttings and root cuttings; all of the foregoing excluding, pomegranate, black-eyed pea, lettuce, corn, tomato and/or tulip</p> <p>Class 035. First use: First Use: Jun 1, 2015 First Use In Commerce: Jun 1, 2015 Business consulting and marketing services; business consulting and marketing services in the fields of horticulture, agriculture and farm services; business consulting and marketing services in the fields of horticulture, agriculture and farm services; business plan analysis: business feasibility assessment studies of properties for permanent live tree and plant plantings, and environmental issues</p> <p>Class 036. First use: First Use: Jun 1, 2015 First Use In Commerce: Jun 1, 2015 Financial consultation; land acquisitions</p> <p>Class 041. First use: First Use: Jun 1, 2015 First Use In Commerce: Jun 1, 2015 Educational services, namely, courses in the field of farming; education services, namely, workshops and seminars in the field of agriculture and horticulture services</p> <p>Class 042. First use: First Use: Jun 1, 2015 First Use In Commerce: Jun 1, 2015 Consulting services in the fields of forensic science</p> <p>Class 044. First use: First Use: Jun 1, 2015 First Use In Commerce: Jun 1, 2015 Nursery services, namely, in the field of trees, plants, shrubs, scions, buds, stem cuttings and root cuttings; commercial tree planting services; plant nurseries; plant care services; tree nurseries; tree care services; tree removal services; plant breeding; tree breeding; farming in the field of trees; application of fertilizer and agricultural chemicals for trees and shrubs; agricultural advice, namely, providing recommendations for plant and tree nutrition supplements; agricultural services, namely, planting, growing, fertilizing, pruning and picking trees for others; horticultural services, namely, treatment, management and maintenance of trees and shrubs; Providing nutritional information about food; Advisory services in the fields of irrigation and fertilization, namely, fertilization via irrigation; Agriculture and horticulture services, namely, plant selection and propagation of plants, plant material, and produce in connection with farming; farming services in the field of trees</p>		
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U.S. application no.	97532493	Application date	08/03/2022
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Registration date	NONE	Foreign priority date	NONE
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Word mark	WONDERFUL		
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Design mark			
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Description of mark	The mark consists of the word "WONDERFUL" with a heart design in place of the letter "O".
Goods/services	Class 004. First use: First Use: None First Use In Commerce: None Beeswax for use in further manufacture; beeswax for use in the manufacture of candles; beeswax for use in the manufacture of cosmetics; beeswax for use in the manufacture of ointments Class 005. First use: First Use: None First Use In Commerce: None Bee pollen for use as a dietary food supplement; bee venom for medicinal or therapeutic purposes; herbal honey throat lozenges; processed bee pollen for medicinal or therapeutic purposes; propolis dietary supplements; propolis for medicinal or therapeutic purposes Class 020. First use: First Use: None First Use In Commerce: None Beehives; comb foundations for beehives

Attachments	TTAB Notice of Opposition re WONDERFUL LIFE and DESIGN CL 21 App No 9 7665323.pdf(224241 bytes )
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Signature	/s/ Brigid C. Mahoney /s/
Name	Brigid C. Mahoney, Esq.
Date	12/14/2023



*of cosmetic body brush, non-mechanical face roller in the nature of a massage apparatus, head band, eye gel pads, make up cleansing pads, candle, sleep mask, atomizer for household use; Gift set consisting of cosmetic body brush, non-mechanical face roller in the nature of a massage apparatus, hair turban, eye gel pads, make up cleansing pads, candle, sleep mask; Gift set consisting of coin tray for domestic purposes, desk tidy, beer mats, bottle opener, beer can cooler in the nature of insulated containers for beverage cans for domestic purposes, paper notebook, book-mark, pen; Gift set consisting of coin tray for domestic purposes, desk tidy, beer mats, bottle opener, insulated mug, paper notebook, book-mark, pen; Gift set consisting of mug, milk jug, thermometer other than for medical use, chocolate shaker bottle sold empty, stencil, apron, coaster of textile, scoop for household purposes, non-metal clip for general use, socks; Gift set consisting of mug, milk jug, thermometer other than for medical use, chocolate shaker bottle sold empty, stencil, apron, coaster of textile, scoop for household purposes, non-metal clip for general use, paper sign; Gift set consisting of mug, milk jug, thermometer other than for medical use, chocolate shaker bottle sold empty, stencil, apron, coaster of textile, scoop for household purposes, non-metal clip for general use, signal bell; Gift set consisting of mug, milk jug, thermometer other than for medical use, chocolate shaker bottle sold empty, stencil, apron, coaster of textile, scoop for household purpose, non-metal clip for general use, spoon being tableware; Gift set consisting of vacuum bottle stopper, bracelet, necklace, make-up brush, atomizer for household use, pocket mirror, trinket tray for domestic purpose, socks, bath soap, bath bomb; Gift set consisting of vacuum bottle stopper, bracelet, necklace, make-up brush, atomizer for household use, pocket mirror, trinket tray for domestic purpose, socks, bath soap, sleep mask; Gift set consisting of vacuum bottle stopper, bracelet, necklace, make-up brush, atomizer for household use, pocket mirror, trinket tray for domestic purposes, socks, candle, sleep*

*mask; Gift set consisting of vacuum bottle stopper, bracelet, necklace, make-up brush, atomizer for household use, pocket mirror, trinket tray for domestic purposes, socks, bath soap, shower steamer in the nature of steam generating installation; Gift set consisting of candle holder, tote bag, wax melt, candle burner, coaster of textile, photo frame, hanging paper sign; Gift set consisting of candle holder, tote bag, wax melt, candle burner, coaster of textile, photo frame, magnetised paper sign; Gift set consisting of candle holder, tote bag, electric essential oil diffuser, coaster of textile, photo frame, hanging paper sign; Gift set consisting of candle holder, tote bag, electric essential oil diffuser, coaster of textile, photo frame, magnetised paper sign; Gift set consisting of soap dish, silk pillowcase, cosmetic body brush, make up cleansing pads, hair scrunchie, bath soap, toiletry bag sold empty, candle, sleep mask; Gift set consisting of cosmetic body brush, silk pillowcase, make up cleansing pads, hair scrunchie, bath bomb, toiletry bag sold empty, candle, sleep mask; Gift set consisting of cosmetic body brush, silk pillowcase, make up cleansing pads, non-mechanical face roller in the nature of a massage apparatus, toiletry bag sold empty, candle, sleep mask; Gift set consisting of cosmetic body brush, silk pillowcase, make up cleansing pads, non-mechanical face roller in the nature of a massage apparatus, soap dish, bath soap, toiletry bag sold empty, candle, sleep mask” (“Applicant’s Goods”), filed on November 7, 2022 on an intent to use basis by How Wonderful LLC, a Wyoming limited liability company, located at 32 N Gould St., Sheridan, Wyoming 82801 (“Applicant”), and hereby opposes the same.*

As grounds for this Opposition, TWC alleges:

1. TWC is a privately-held global company dedicated to growing, harvesting, bottling, packaging, offering and/or marketing a diverse range of high-quality and healthy products including for various beverages, fresh fruit, fresh citrus fruit, fruit extract and nut-related goods



through iconic brands, such as Wonderful Pistachios®, Wonderful® Halos® mandarins, POM Wonderful® pomegranate products, and Wonderful® Sweet Scarletts® grapefruit, among others.

2. TWC owns and, through licensing relationships with its affiliates and other companies with whom it is under common control (collectively referred to herein as “TWC” or “Opposer”), has used numerous trademarks consisting of or containing the word “WONDERFUL” with a heart in place of the letter “O” on a variety of consumer goods in interstate commerce, many of which since long prior to the November 7, 2022 filing date of the Application (the “WONDERFUL & Heart Design Marks”).

3. Opposer’s relevant WONDERFUL & Heart Design Marks include, but are not limited to, the following United States trademark registrations and applications in multiple Classes:

<b>Trademark Name</b>	<b>Image</b>	<b>App/Reg Nos.</b>	<b>Classes</b>
WONDERFUL & Heart Design		Reg. No. 3784763	31
WONDERFUL & Heart Design		Reg. No. 3907815	29
WONDERFUL & Heart Design		Reg. No. 4552134	31
WONDERFUL & Heart Design		Reg. No. 5408117	31, 44
WONDERFUL & Heart Design		Reg. No. 5697533	30
WONDERFUL & Heart Design		Reg. No. 5223598	31, 35, 36, 41, 42, 44
WONDERFUL & Heart Design		App. No. 97532493	4, 5, 20

4. The above registrations are valid and subsisting, and Opposer hereby gives notice in accordance with Trademark Rules of Practice 2.122(d)(2) that it will rely thereon as evidence in this proceeding, and status copies showing present title to those marks that are registered will be introduced into evidence on its behalf during Opposer's testimony period.

5. Additionally, U.S. Reg. Nos. 3784763, 3907815, and 4552134 have become incontestable and therefore constitute conclusive evidence of the validity of those particular WONDERFUL & Heart Design Marks, TWC's ownership of those marks, as well as TWC's nationwide exclusive right to use those marks in commerce on or in connection with all of the goods specified in the registrations.

6. TWC and/or its predecessors have sold a significant amount of goods in connection with the WONDERFUL & Heart Design Marks.

7. TWC and/or its predecessors has spent significant sums of money advertising and promoting the products offered in connection with the WONDERFUL & Heart Design Marks in the U.S.

8. By virtue of the popularity of the goods offered in connection with the WONDERFUL & Heart Design Marks, and the advertising and promotion of those goods, TWC owns extremely valuable goodwill symbolized by and associated with the WONDERFUL & Heart Design Marks.

9. The Application and Applicant's WONDERFUL LIFE & Heart Design Mark are without TWC's consent or permission.

10. An Opposition to Applicant's Application must be filed December 21, 2023. Therefore, this Notice of Opposition is being timely filed.

## COUNT I – LIKELIHOOD OF CONFUSION

11. Opposer incorporates its allegations in Paragraphs 1 through 10 herein by reference.

12. Applicant's WONDERFUL LIFE & Heart Design Mark so closely resembles Opposer's WONDERFUL & Heart Design Marks as to be likely, when used on or in connection with Applicant's Goods, to cause confusion, to cause mistake, or to deceive in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), as amended. Applicant's WONDERFUL LIFE & Heart Design Mark also conveys the same or a highly similar commercial impression as Opposer's WONDERFUL & Heart Design Marks.

13. Applicant's Goods are similar and/or related and/or complementary to the goods offered in connection with Opposer's WONDERFUL & Heart Design Marks. Applicant's use and registration of Applicant's WONDERFUL LIFE & Heart Design Mark in connection with Applicant's Goods is likely to cause confusion, deception, and/or mistake among the relevant public.

14. The purchasing public is likely to be led to believe that goods bearing Applicant's WONDERFUL LIFE & Heart Design Mark emanate from or are approved, licensed, sponsored by, or in some other way legitimately connected with or affiliated with Opposer or that Applicant and its business are owned by or affiliated with Opposer and its business.

15. If Applicant is permitted to use the WONDERFUL LIFE & Heart Design Mark as specified in the Application, confusion in trade resulting in damage and injury to Opposer would be caused and would result, by reason of the similarity between the WONDERFUL LIFE & Heart Design Mark and Opposer's WONDERFUL & Heart Design Marks. Consumers familiar with Opposer's WONDERFUL & Heart Design Marks are likely to believe Applicant's Goods emanate from or are approved, licensed, sponsored by, or in some other way legitimately connected with

or affiliated with Opposer, contain or promote Opposer's WONDERFUL & Heart Design branded products, or that Applicant and its business are owned by or affiliated with Opposer and its business. Furthermore, any defect, objection, or fault found with Applicant's Goods offered under the WONDERFUL LIFE & Heart Design Mark would necessarily injure Opposer's reputation and the goodwill Opposer has established in Opposer's WONDERFUL & Heart Design Marks.

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that the Application be denied registration and that such other and further relief as is deemed just and proper be granted.

Please debit our Deposit Account No. 502934 for the \$600 filing fee per class and for any additional necessary fees.

The undersigned, Brigid C. Mahoney, is an active member of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory, and holds California Bar Membership No. 324171 with an admission date of 2018. Danielle M. Criona is an active member of the bar of the highest court of a U.S. state, the District of Columbia, or any U.S. Commonwealth or territory, and holds California Bar Membership No. 204074 with an admission date of 1999.

Please address all correspondence to Brigid C. Mahoney, Esq., Counsel, Intellectual Property, at The Wonderful Company LLC, 11444 West Olympic Boulevard, 7<sup>th</sup> Floor, Los Angeles, CA 90064.

*[Signature on following page]*

Respectfully submitted,

Date: December 14, 2023

The Wonderful Company LLC

By: /s/ Brigid C. Mahoney /s/

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Brigid C. Mahoney, Esq.

Danielle M. Criona, Esq.

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*Attorneys for Opposer*