

ESTTA Tracking number: **ESTTA1350442**
Filing date: **04/05/2024**

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	Teva Pharmaceutical Industries Ltd
Granted to date of previous extension	04/24/2024
Address	124 DVORA HANEVI'A ST. TEL AVIV, 6944020 ISRAEL

Attorney information	BROOKS R. BRUNEAU FISHERBROYLES LLP 100 OVERLOOK CENTER SECOND FLOOR PRINCETON, NJ 08540 UNITED STATES Primary email: brooks.bruneau@fisherbroyles.com Secondary email(s): docketing@fisherbroyles.com, denise.mcculloch@fisherbroyles.com, Daniel.Harshman@fisherbroyles.com 609 454 6772
Docket no.	05991.O048US

Applicant information

Application no.	97732686	Publication date	12/26/2023
Opposition filing date	04/05/2024	Opposition period ends	04/24/2024
Applicant	Tevali LLC 630 1/2 N SYCAMORE AVE LOS ANGELES, CA 90036 UNITED STATES		

Goods/services affected by opposition


Class 003. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Skincare and beauty products, namely, face and body lotions, face and body creams, beauty mask for face, body wash, beauty serums, beauty balm creams, body oil, lip balm, bar soap skin cleansers, skin toners, facial scrubs, hair shampoo, hair conditioner, sun screen cream, bath bombs, and cosmetics bath salt

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b), 44(e) or 66(a)

Mark cited by opposer as basis for opposition

U.S. registration no.	1567918	Application date	02/17/1989
Register	Principal		
Registration date	11/28/1989	Foreign priority date	NONE
Word mark	TEVA		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: None First Use In Commerce: None HOUSE MARK FOR A FULL LINE OF PHARMACEUTICAL, VETERINARY AND SANITARY PREPARATIONS		

Attachments	73781811#TMSN.png(bytes) Notice of Opposition of TEVALI.pdf(352343 bytes)
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Signature	/Brooks R. Bruneau/
Name	BROOKS R. BRUNEAU
Date	04/05/2024

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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TEVA PHARMACEUTICAL)	
INDUSTRIES, LTD.)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
TEVALI, LLC)	Application No.: 97732686
)	Mark: TEVALI
Applicant.)	Publication Date: December 26, 2023
)	Class 3
)	

NOTICE OF OPPOSITION

Teva Pharmaceutical Industries, Ltd., a corporation organized under the laws of Israel, with a business address of 24 Dvora HaNevi'a St., Tel Aviv, 6944020 Israel (hereinafter "Opposer"), believes it will be damaged by the registration of the mark TEVALI with the listed goods in Class 3, namely, "Skincare and beauty products, namely, face and body lotions, face and body creams, beauty mask for face, body wash, beauty serums, beauty balm creams, body oil, lip balm, bar soap skin cleansers, skin toners, facial scrubs, hair shampoo, hair conditioner, sun screen cream, bath bombs, and cosmetics bath salt," (hereinafter Skin Care and Beauty Products") owned by Tevali, LLC, (hereinafter "Applicant") as set forth in U.S. Trademark Application Serial No. 97732686, published December 26, 2023, and hereby opposes registration of said trademark. As grounds for this Opposition, it is alleged as follows:

1. Prior to the December 27, 2022 filing date of Application Serial No. 97732686, Opposer had used and registered its TEVA trademark as a house mark for a full line of pharmaceutical preparations under U.S. Registration No. 1567918, registered November 28, 1989.

2. There is no doubt as to seniority in this case. Opposer's use and registration of its TEVA trademark predates Applicant's filing date by decades.

3. Applicant has not claimed use of its mark in U.S. commerce in the pending application.

4. Applicant has taken the TEVA trademark and added "LI" on the end to form "TEVALI."

5. Applicant's current website is located at tevalicosmetics.com, and on that website it presents its mark as TEVALi with this logo:



6. Furthermore, as located on Applicant's website at tevalicosmetics.com under "products" Applicant is using the applied for mark as TEVA-LI as presented here with the product described as "an antibiotic in nature is a medicinal cream to apply all over the body":



7. As a result of the Applicant's own use, the mark sought to be registered would be viewed by consumers as TEVA LI. Consequently, the mark sought to be registered by Applicant has the nearly identical appearance, sound and connotation as TEVA or a TEVA variant mark.

8. With the mere addition of "LI," and that term being listed separately from "TEVA," consumers will easily believe the TEVALI mark sought to be registered is somehow a trademark of Opposer or associated with, affiliated with or sponsored by Opposer.

9. Moreover, on the homepage for Tevalicosmetics.com, the Applicant heralds the product as "herbs of a holy land" with this picture of Jerusalem:



10. Opposer is located in Israel, and among U.S. consumers, it is commonly understood that Teva Pharmaceutical Industries, Ltd. is a famous Israeli company. Accordingly, given Applicant's use of the phrase "herbs of the holy land" along with a picture of Jerusalem, and the use of TEVALI in the form of TEVA-LI, U.S. consumers will believe that any goods associated with the TEVALI trademark are somehow emanating from Opposer or associated with, affiliated with, or sponsored by Opposer.

11. The Applicant also makes other medicinal claims that suggest its goods are pharmaceutical in nature on its website at <https://tevalicosmetics.com/our-ingredients> , including the following:



Eucalyptus

Disinfects and prevents infection, and is therefore used for healing wounds, scratches, carbuncles, sore throat and tonsil swelling. It is used for medicine to calm aching muscles. Yemenite Jews used it to strengthen hair roots.



European olive

In ancient times the olive was an important component in the preparation of cosmetics and medical products. Nowadays the consumption of olive oil is increasing due to the awareness of its medical value.

The olive has different and important uses, and we shall only...

Lavender



Lavender is one of the most favored scented plants in the Western World, and its oil is one of the most important aromatic oils.

Lavender is good against colds, phlegm, sinusitis, contractions and muscle aches, rheumatic problems and edema.

It is one of the best plants to use for babies and children.

Because of its soothing and anti-inflammatory qualities,

Lavender is suited for all types of skin and almost all types of skin problems: it enhances cell rejuvenation, renews and revives tissues (therefore is excellent for burns), soothes skin with acne, treats dermatitis, psoriasis, eczema, cellulites, herpes and other skin problems.

It is a great wound disinfectant and works for quick healing, treats inflammations, cuts, stings and irritations. It is recommended to carry it always around in case of bruising and burns.

12. U.S. consumers have grown accustomed to pharmaceutical companies expanding the offerings of their product lines to include skin care and beauty products because they are a natural extension via the dermatology fields. As a result, the Skin Care and Beauty Products sought to be registered by the Applicant could easily be associated as emanating from Opposer, especially given the nature of Applicant's own use of that mark as TEVA-LI.

13. Applicant's TEVALI trademark being similar in appearance, connotation and sound to Opposer's TEVA mark, will likely cause confusion and/or cause mistake, or deception in the industry among consumers, and potential purchasers of Opposer's goods resulting in damages to Opposer.

14. Moreover, any disappointment, complaint or other dissatisfaction a consumer might experience with the Skin Care and Beauty Products of Applicant offered in connection with the TEVALI trademark will inure to the detriment of Opposer. As a result, Applicant is not entitled to registration of TEVALI under Trademark Act Section 2(d).

15. Opposer further asserts that Applicant did not have the necessary bona fide intention to use the TEVALI trademark in connection with all the listed goods in pending Application Serial No. 97732686 at time of filing that application on December 27, 2022. Accordingly, said application is void ab initio pursuant to Trademark Act Section 1(b).

16. Registration of the TEVALI trademark will handicap and damage the current legitimate and future activities of Opposer by placing Applicant in a position to raise doubts as to Opposer's rights to use its TEVA trademark in connection with its offered goods, as well as expanding its goods into Class 3 in connection with skin care and beauty products as a natural area of expansion. Should the application opposed be granted, Applicant would have the presumptive right to use the trademark for the goods listed in the application and such use of TEVALI would blur the identification of Opposer as to the source of its products previously used and previously registered in connection with its TEVA

trademark and tarnish the association with which said trademark has come to convey. As a result, Opposer would eventually be deprived of all distinctiveness in its TEVA trademark.

WHEREFORE, Opposer requests that Application Serial No. 97732686 be denied, and this Opposition be sustained under Trademark Act Sections 2(d) and 1(b).

Respectfully submitted:

TEVA PHARMACEUTICAL INDUSTRIES, LTD.

Dated: April 5, 2024

By: /Brooks R. Bruneau/
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify this Notice of Opposition was electronically filed with the Trademark Trial and Appeal Board This 5th day of April, 2024.

/Brooks R. Bruneau/

Signature

April 5, 2024

Date of Signature