

ESTTA Tracking number: **ESTTA1450128**  
Filing date: **07/17/2025**

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	Everest Neocell LLC		
Entity	limited liability company	Incorporated or registered in	DE
Address	3900 VETERANS MEMORIAL HIGHWAY, SUITE 200 BOHEMIA, NY 11716 UNITED STATES		

Attorney information	R GLENN SCHROEDER SCHROEDER LAW PC 110 BABYLON, NY 11702 UNITED STATES Primary email: docket@schroederlawpc.com Secondary email(s): gschroeder@schroederlawpc.com 6316496109		
Docket no.	200-24		

### Applicant information

Application no.	98563924	Publication date	06/17/2025
Opposition filing date	07/17/2025	Opposition period ends	07/17/2025
Applicant	CE-BIO, LLC 1103 KANSAS ST MEMPHIS, TN 38106 United States		

### Goods/services affected by opposition

Class 003. First Use: Apr 18, 2024 First Use In Commerce: Apr 18, 2024 All goods and services in the class are opposed, namely: Cosmetics and cosmetic preparations; Skin creams; Cosmetic preparations for skin care; Non-medicated skin care preparations; Skin cleansers; Wipes impregnated with a skin cleanser
Class 005. First Use: Mar 2, 2009 First Use In Commerce: Mar 2, 2009 All goods and services in the class are opposed, namely: Dietary supplements

### 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 no.	4418519	Application date	03/13/2013
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Register	Principal		
Registration date	10/15/2013	Foreign priority date	NONE
Word mark	NEOCELL		
Design mark			
Description of mark			
Goods/services	Class 005. First use: First Use: Apr 22, 2003 First Use In Commerce: Apr 22, 2003 Nutritional supplements		

Attachments	85875293#TMSN.png( bytes ) 200-24-Notice_of_Opposition.pdf(88474 bytes )
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Signature	/r. glenn schroeder/
Name	R. Glenn Schroeder
Date	07/17/2025

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

**In re Application Serial No. 98/563,924**  
**Filed: May 22, 2024**  
**Published for Opposition on June 17, 2025**  
**Trademark: NEWCELL and design**

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<b>EVEREST NEOCELL LLC,</b>	:	
	:	
<b>Opposer,</b>	:	
v.	:	
	:	<b>Opposition No.</b>
<b>CE-BIO, LLC,</b>	:	
	:	
<b>Applicant.</b>	:	
	:	

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

**NOTICE OF OPPOSITION**

EVEREST NEOCELL LLC ("Opposer"), a Delaware limited liability company, with offices at 3900 Veterans Memorial Highway, Suite 200, Bohemia, New York 11716, believes that it will be damaged by registration of the mark shown in Serial No. 98/563,924 to CE-BIO, LLC ("Applicant"), which application was published for opposition on June 17, 2025, and hereby opposes, through its attorneys, the registration of said mark for the recited goods.

As grounds for opposition, it is alleged that:

1. Opposer is a Delaware limited liability company, with offices at 3900 Veterans Memorial Highway, Suite 200, Bohemia, New York 11716.
2. Opposer sells various nutritional supplements including Collagen, Collagen Peptides, Collagen Beauty Builders, Collagen Beauty Infusion, Collagen Beauty Bursts, and Hair, Skin & Nails Beauty Builder, all of such products supporting and promoting healthy skin.
3. Opposer utilizes the mark NEOCELL (hereinafter the "Trademark"), as a

trademark indicating the source of origin for its products.

4. Since prior to the filing date of the above-identified application, Opposer has been using the Trademark in interstate commerce, in connection with the goods described in Paragraph 2.

5. Opposer is the owner of United States Registration No. 4,418,519 for the mark NEOCELL as used in connection with nutritional supplements, in International Class 5. The foregoing registration is valid, and in full force and effect.

6. Opposer has expended substantial amounts of money, time and effort in advertising and promoting the Trademark throughout the United States so that the public has come to associate and attribute usage of the Trademark with Opposer.

7. Applicant's mark is confusingly similar to Opposer's Trademark whereby use of Applicant's mark on the goods recited in Applicant's application will create a likelihood of confusion, mistake or deception among the purchasing public.

8. The goods identified in Applicant's application are related to the goods offered by Opposer under the Trademark (mentioned hereinabove in Paragraph 2), and to the goods listed in Opposer's registration (mentioned hereinabove in Paragraph 5), all of such goods being likely to travel through similar channels of trade.

9. The registration of Applicant's mark in connection with the goods specified in Applicant's application would be in direct conflict with the proper function of a trademark; that is, as a designation of the sole and exclusive origin of goods or services, considering Opposer's prior use of and registration of the Trademark.

10. Opposer, as the owner of a valid federal trademark registration and as the prior user of such mark, will be damaged if registration of Applicant's mark is granted.

**WHEREFORE**, Opposer respectfully requests that this Opposition be sustained, that the above-identified application be rejected and that the registration of the mark shown in Application Serial No. 98/563,924 be refused.

Respectfully submitted,  
Everest Neocell LLC

Dated: 17 July 2025

By: /r. glenn schroeder/  
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