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

Petition for Cancellation

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

Petitioner information

Name	doTERRA Holdings, LLC		
Entity	Corporation	Citizenship	UTAH
Address	389 SOUTH 1300 WEST PLEASANT GROVE, UT 84062 UNITED STATES		
Attorney information	GLENN R. BRONSON TRASKBRITT, P.C. 230 SOUTH 500 EAST, SUITE 300 SALT LAKE CITY, UT 84102 UNITED STATES Primary email: trademark@traskbritt.com Secondary email(s): grbronson@traskbritt.com, cvdubois@traskbritt.com 801-532-1922		
Docket no.	3725-071		

Registration subject to cancellation

Registration no.	5526960	Registration date	07/31/2018
Register	Principal		
International registration no.	NONE	International registration date	NONE
Registrant	Nuseed Nutritional Australia Pty Ltd 103-109 PIPE ROAD LAVERTON NORTH VIC 3026 AUSTRALIA		

Goods/services subject to cancellation

Class 005. First Use: None First Use In Commerce: None
All goods and services in the class are subject to cancellation, namely: Nutritional supplements; dietary supplements; food supplements; food for babies; beverages for babies, namely, infant formula and nutritionally fortified beverages for medical purposes; dietetic beverages adapted for medical purposes

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
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Mark cited by petitioner as basis for cancellation

U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	DOTERRA		
Goods/services	dietary and nutritional supplements		

Attachments	2022-04-28 Petition Cancellation -final.pdf(149950 bytes)
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Signature	/s/ Glenn R. Bronson
Name	Glenn R. Bronson
Date	04/28/2022

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

<p>DOTERRA HOLDINGS, LLC</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">v.</p> <p>NUSEED NUTRITIONAL AUSTRALIA PTY LTD,</p> <p style="text-align:center">Respondent.</p>	<p>Mark NUTRITERRA Int'l Class: 005 Registration No.: 5526960</p>
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PETITION FOR CANCELLATION

Petitioner dōTERRA Holdings, LLC (“dōTERRA”), is a limited liability company organized and existing under the laws of the State of Utah, with its principal place of business located at 389 South 1300 West, Pleasant Grove, UT 84062. dōTERRA believes that it will be damaged by the continued registration of the mark appearing in pending Trademark Registration No. 5526960 (the “subject mark”) of Nuseed Nutritional Australia Pty Ltd (“Respondent”) and hereby seeks cancellation of the same.

As grounds for its petition for cancellation, dōTERRA alleges, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters, as follows:

1. dōTERRA began using its DOTERRA trademark in interstate commerce in connection with the sale and promotion of nutritional and dietary supplements at least as early as 2008. dōTERRA has thereafter continuously used DOTERRA in advertising, promoting, marketing and selling its products throughout the United States.

2. dōTERRA’s DOTERRA trademark is inherently distinctive as applied to its goods.

3. By virtue of dōTERRA's continuous use in commerce of its DOTERRA mark in connection with its supplements, such products have become well and favorably known to the relevant trade and public.

4. dōTERRA has invested substantial time, effort and expense in extensive promotion throughout the United States of the goods sold under its DOTERRA mark. As a result, considerable goodwill has attached to the DOTERRA mark to dōTERRA's benefit.

5. The DOTERRA mark is representative of dōTERRA's reputation for designing and providing high quality products and symbolizes the goodwill of dōTERRA, which is invaluable.

COUNT 1 – PRIORITY AND LIKELIHOOD OF CONFUSION

6. Respondent is the listed owner of the subject registration, U.S. Trademark Reg. No. 5526960, for NUTRITERRA, for "Nutritional supplements; dietary supplements; food supplements; food for babies; beverages for babies, namely, infant formula and nutritionally fortified beverages for medical purposes; dietetic beverages adapted for medical purposes" for International Class 005 (the "subject Registration").

7. dōTERRA has priority of use in the DOTERRA mark. dōTERRA has continuously used the DOTERRA mark in advertising, promoting, and marketing its nutritional and dietary supplements throughout the United States years prior to the date of Respondent's alleged first use date.

8. The subject mark is intended to be used, for goods that are identical and/or substantially similar to the goods offered by dōTERRA in connection with its DOTERRA mark.

9. Respondent's goods would be directed to the same customer segment of the consuming public as dōTERRA's goods.

10. The subject mark is substantially similar to the DOTERRA mark in sound, appearance, connotation, and commercial impression.

11. The subject mark is confusingly similar to the DOTERRA mark.

12. Respondent's intended use of the subject mark is likely to cause confusion, mistake, or deception as to the source of origin, sponsorship, or approval of Respondent's goods.

13. Due to the confusingly similar nature of dōTERRA's DOTERRA mark and Respondent's subject mark and the similarity of the goods offered under the respective marks, the relevant consuming public and the consuming public generally are likely to believe that Respondent's goods are those of dōTERRA or are in some way connected with, licensed by, or otherwise approved by dōTERRA.

14. Such confusion, mistake and/or deception are likely to damage and injure the purchasing public and dōTERRA.

15. Respondent's Registration and use of the subject mark are without the consent or approval of dōTERRA.

16. Based on the foregoing, dōTERRA believes that it will be damaged by the continued Registration of Respondent's subject mark in the United States Patent and Trademark Office.

17. Accordingly, the NUTRITERRA Registration should be cancelled on the grounds of priority and likelihood of confusion.

COUNT 2 – NON-USE

18. Registration No. 5526960 issued on July 31, 2018.

19. Upon information and belief, Respondent has never used the subject trademark for nutritional supplements; dietary supplements; food supplements; food for babies; beverages for babies, namely, infant formula and nutritionally fortified beverages for medical purposes; and dietetic beverages adapted for medical purposes in United States interstate commerce.

ACCORDINGLY, dōTERRA prays that Registration No. 5526960 be cancelled and that this Petition for Cancellation be sustained in favor of dōTERRA.

DATED this 28th day of April, 2022.

TRASKBRITT, P.C.

/s/ Glenn R. Bronson

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