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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): trademark@traskbritt.com, grbronson@traskbritt.com, cv-dubois@traskbritt.com 8015321922		
Docket no.	3725-175		

**Registration subject to cancellation**

Registration no.	6114789	Registration date	07/28/2020
Register	Principal		
Registrant	Navid Pezeshkzad 7707 GROTON RD BETHESDA, MD 20817 UNITED STATES		

**Goods/services subject to cancellation**

Class 005. First Use: May 29, 2020 First Use In Commerce: May 29, 2020  
All goods and services in the class are subject to cancellation, namely: Homeopathic supplements

**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. registration no.	5054734	Application date	04/05/2016
Register	Principal		

Registration date	10/04/2016	Foreign priority date	NONE
Word mark	DOTERRA		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Sep 15, 2011 First Use In Commerce: Sep 15, 2011 Toothpaste Class 005. First use: First Use: Jul 29, 2008 First Use In Commerce: Jul 29, 2008 Nutritional supplements; Dietary supplements; Dietary and nutritional supplements; Health food supplements; Herbal supplements; Mineral supplements; Nutritional supplement shakes; Protein supplement shakes; Vitamin supplements Class 011. First use: First Use: Sep 10, 2015 First Use In Commerce: Sep 10, 2015 Electric dispenser for air freshener		

Attachments	2022-09-07 Petition Cancellation_TerraVitals-final.pdf(177767 bytes )
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Signature	/s/ Glenn R. Bronson
Name	Glenn R. Bronson
Date	09/07/2022

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

<p><b>dōTERRA HOLDINGS, LLC</b>, a Utah company,</p> <p style="text-align:center">Petitioner,</p> <p style="text-align:center">v.</p> <p><b>NAVID PEZESHKZAD</b>, a Canadian, <b>dba TERRAVITALS</b>, a Maryland sole proprietorship,</p> <p style="text-align:center">Respondent.</p>	<p>Mark: TERRAVITALS Int'l Class: 005 Registration No.: 6114789</p>
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**PETITION FOR PARTIAL 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 U.S. Trademark Reg. No. 6114789 (the “**subject mark**”) of Navid Pezeshkzad, dba Terravitals (“**Respondent**”), for the goods listed in International Class 5, 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 dietary and nutritional supplements at least as early as July 2008. dōTERRA has thereafter continuously used DOTERRA in advertising, promoting, and marketing dietary and nutritional supplements 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 dietary and nutritional supplement products, 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.
6. Respondent is the listed owner of the subject registration, U.S. Trademark Reg. No. 6114789, for TERRAVITALS, for "Homeopathic supplements" in International Class 005 (the "**Registration**").
7. dōTERRA has priority of use in the DOTERRA mark. dōTERRA has continuously used the DOTERRA mark in advertising, promoting, and marketing its dietary and nutritional supplement products throughout the United States years prior to the date of Respondent's Application which matured into the Registration.
8. In addition to its common law rights, dōTERRA owns U.S. Trademark Reg. No. 5054734 for the word mark DOTERRA for, in part, "nutritional supplements; Dietary supplements; Dietary and nutritional supplements; Health food supplements; Herbal supplements; Mineral supplements; Nutritional supplement shakes; Protein supplement shakes, Vitamin supplements" in International Class 005.

9. The subject mark is used for goods that are identical and/or substantially similar to the goods offered by dōTERRA using its DOTERRA mark.

10. Respondent's goods are directed to the same customer segment of the consuming public as dōTERRA's goods.

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

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

13. Respondent's 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.

14. Due to the confusingly similar nature of Respondent's subject mark and dōTERRA's DOTERRA 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.

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

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

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

18. Accordingly, the subject Registration for TERRAVITALS should be cancelled on the grounds of priority and likelihood of confusion.

DATED this 7th day of September, 2022.

TRASKBRITT, P.C.

/s/ Glenn R. Bronson

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