

ESTTA Tracking number: **ESTTA1328980**
Filing date: **12/16/2023**

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	Bump Health, Inc.		
Entity	Corporation	Incorporated or registered in	Illinois
Address	1506 W. DETWEILLER DR. PEORIA, IL 61615 UNITED STATES		
Attorney information	JOHN T.D. BATHKE PHILLIPS & BATHKE, P.C. 53 W. JACKSON BLVD., STE. 805 CHICAGO, IL 60604 UNITED STATES Primary email: jtodb@pb-iplaw.com 3122609160		
Docket no.	1554		

Registration subject to cancellation

Registration no.	5633879	Registration date	12/18/2018
Register	Principal		
Registrant	Fresh, Inc. 3/F 19 EAST 57TH STREET NEW YORK, NY 10022 UNITED STATES		

Goods/services subject to cancellation

Class 003. First Use: Jul 31, 2018 First Use In Commerce: Jul 31, 2018
All goods and services in the class are subject to cancellation, namely: Non-medicated skin care preparations

Grounds for cancellation

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Related proceedings	A separate Petition for Cancellation was just filed concerning the trademark GLOW WATER, U.S. TM Reg. No. 5633878

Mark cited by petitioner as basis for cancellation

U.S. registration no.	5257987	Application date	09/21/2016
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Register	Principal		
Registration date	08/01/2017	Foreign priority date	NONE
Word mark	GLOW ORGANICS		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: Dec 31, 2016 First Use In Commerce: Dec 31, 2016 Organic cosmetics; non-medicated, organic skin care preparations		

Attachments	2023.12.16 Petition for Cancellation GLOW POWDER.pdf(131226 bytes)
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Signature	/John T.D. Bathke/
Name	John T.D. Bathke
Date	12/16/2023

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

In the matter of Trademark Registration:

Mark: GLOW POWDER

Reg. No.: 5633879

Bump Health, Inc.,

Petitioner,

v.

Fresh, Inc.,

Registrant.

No.

Petition for Cancellation

Petitioner, Bump Health, Inc. ("**Bump**"), a corporation organized and existing under the laws of Illinois, with a principal place of business at 1506 West Detweiller Drive, Peoria, Illinois, 61615, believes that it will be damaged by the continued registration for the mark: GLOW POWDER, U.S. Trademark Reg. No. 5633879 ("**GLOW Mark**"). Bump petitions the cancellation of this GLOW Mark registration pursuant to Section 14 of the Lanham Trademark Act of 1946 ("Lanham Act"), 15 U.S.C. § 1064. As grounds for cancellation, Bump alleges as follows:

1. Bump sells a variety of skin care products in the U.S. under its GLOW ORGANICS mark.

2. Bump is the owner of U.S. Trademark Registration 5257987 for GLOW ORGANICS in connection with organic cosmetics, non-medicated, organic skin care preparations in International Class 03 ("**Bump's Goods**").

3. Attached as Exhibit 1 is a true and correct printout from the United States Patent and Trademark Office electronic database showing the status and title of U.S. Trademark Registration 5257987.

4. Bump has used its registered GLOW ORGANICS mark in interstate commerce in the United States continuously since at least as early as December 31, 2016, in connection with the offering for sale, sale, marketing, advertising, and promotion of its skin care products.

5. As a result of its widespread, continuous, and exclusive use of the GLOW ORGANICS mark in connection with the sale of its goods, Bump owns valid and subsisting federal statutory and common law rights to the GLOW ORGANICS mark in the U.S.

6. Bump has expended substantial time, money, and resources marketing, advertising, and promoting the goods sold under the GLOW

ORGANICS mark including through Bump's online retail store (gloworganics.co), social media, and online advertising.

7. Registrant registered its GLOW Mark in connection with non-medicated skin care preparations in Class 003 ("**Registrant's Goods**").

Likelihood of Confusion & Priority

8. Bump's GLOW ORGANICS mark has priority over Registrant's GLOW Mark.

9. Bump's use and registration of the GLOW ORGANICS mark predate Registrant's filing date and claimed date of first use of its GLOW Mark.

10. Registrant's GLOW Mark is similar to Bump's GLOW ORGANICS mark.

11. Like Bump's GLOW ORGANICS mark, Registrant's GLOW Mark contains the important element GLOW.

12. Consumers will focus on GLOW, when considering Registrant's GLOW Mark.

13. Registrant's Goods are similar to Bump's Goods.

14. Neither Bump nor Registrant limits the channels of trade in their respective trademark filings, and therefore, it is presumed that their goods

move in all channels of trade that are normal for such goods. Here it is believed those channels would be the same.

15. Registrant's GLOW Mark should be cancelled because it consists of or comprises a mark which so closely resembles Bump's GLOW ORGANICS mark as to be likely, when used in connection with Registrant's Goods, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

Prayer for Relief

For the foregoing reasons and for any other reasons the Board may determine are appropriate, Petitioner respectfully prays that Registrant's GLOW POWDER Trademark Registration No. 5633879 be cancelled.

Bump Health, Inc., by,

/jtdb/_____

John T.D. Bathke

Phillips & Bathke, P.C.

53 West Jackson Blvd

Suite 805

Chicago, Illinois 60604

Tel: (312) 260-9160

Email: jtdb@pb-iplaw.com

Exhibit 1

Generated on: This page was generated by TSDR on 2023-12-15 16:56:58 EST

Mark: GLOW ORGANICS

GLOW ORGANICS

US Serial Number: 87975474

Application Filing Date: Sep. 21, 2016

US Registration Number: 5257987

Registration Date: Aug. 01, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 13, 2023

Publication Date: Mar. 07, 2017 **Notice of Allowance Date:** May 02, 2017

Mark Information

Mark Literal Elements: GLOW ORGANICS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "ORGANICS"

Related Properties Information

Child Of: 87178836

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Organic cosmetics; non-medicated, organic skin care preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 31, 2016

Use in Commerce: Dec. 31, 2016

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Filed ITU: Yes

Currently ITU: No

Filed 44D: No

Currently 44E: No

Filed 44E: No

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: BUMP HEALTH, INC.

Owner Address: 1506 West Detweiller Drive
PEORIA, ILLINOIS UNITED STATES 61615

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan LA Phillips

Attorney Primary Email Address: jlap@pb-iplaw.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jonathan LA Phillips
Phillips & Bathke
4541 North Prospect Road, Suite 300A
Peoria Heights, ILLINOIS United States 61616

Phone: (309) 598-2028

Correspondent e-mail: jlap@pb-iplaw.com jtdb@pb-iplaw.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 15, 2023	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 15, 2023	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 15, 2023	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 15, 2023	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	
Nov. 15, 2023	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Mar. 13, 2023	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 13, 2023	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 11, 2023	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	
Aug. 25, 2022	TEAS SECTION 8 & 15 RECEIVED	
Aug. 01, 2022	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Feb. 23, 2022	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 29, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 29, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 29, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Nov. 26, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 26, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Feb. 27, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 01, 2017	REGISTERED-PRINCIPAL REGISTER	
Jun. 30, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 29, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 28, 2017	STATEMENT OF USE PROCESSING COMPLETE	
May 08, 2017	USE AMENDMENT FILED	
Jun. 28, 2017	DIVISIONAL PROCESSING COMPLETE	
May 08, 2017	DIVISIONAL REQUEST RECEIVED	
May 08, 2017	TEAS REQUEST TO DIVIDE RECEIVED	

Jun. 07, 2017 TEAS RESPONSE TO OFFICE ACTION RECEIVED
 May 31, 2017 ITU OFFICE ACTION ISSUED FOR DIVISIONAL REQUEST
 May 30, 2017 CASE ASSIGNED TO INTENT TO USE PARALEGAL
 May 08, 2017 TEAS STATEMENT OF USE RECEIVED
 May 02, 2017 NOA E-MAILED - SOU REQUIRED FROM APPLICANT
 Mar. 07, 2017 OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED
 Mar. 07, 2017 PUBLISHED FOR OPPOSITION
 Feb. 15, 2017 NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED
 Jan. 23, 2017 APPROVED FOR PUB - PRINCIPAL REGISTER
 Jan. 20, 2017 TEAS/EMAIL CORRESPONDENCE ENTERED
 Jan. 19, 2017 CORRESPONDENCE RECEIVED IN LAW OFFICE
 Jan. 19, 2017 TEAS RESPONSE TO OFFICE ACTION RECEIVED
 Jan. 02, 2017 NOTIFICATION OF NON-FINAL ACTION E-MAILED
 Jan. 02, 2017 NON-FINAL ACTION E-MAILED
 Jan. 02, 2017 NON-FINAL ACTION WRITTEN
 Dec. 28, 2016 ASSIGNED TO EXAMINER
 Sep. 26, 2016 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED
 Sep. 24, 2016 NEW APPLICATION ENTERED

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 112

Date in Location: Mar. 13, 2023

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: Bump Boxes, Inc.

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [7561/0300](#)

Pages: 3

Date Recorded: Jan. 18, 2022

Supporting Documents: [assignment-tm-7561-0300.pdf](#)

Assignor

Name: [BUMP BOXES, INC.](#)

Execution Date: Nov. 13, 2021

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Assignee

Name: [BUMP HEALTH, INC.](#)

State or Country Where Organized: ILLINOIS

Legal Entity Type: CORPORATION

Address: 7719 N. PIONEER LANE
PEORIA, ILLINOIS 61615

Correspondent

Correspondent Name: JOHN T.D. BATHKE

Correspondent Address: 4541 N. PROSPECT RD.
STE. 300A
PEORIA HEIGHTS, IL 61616

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office

GLOW ORGANICS

Reg. No. 5,257,987

Bump Boxes, Inc. (ILLINOIS CORPORATION)
5945 W. Ridgecrest Dr.
Peoria, IL 61615

Registered Aug. 01, 2017

Int. Cl.: 3

CLASS 3: Organic cosmetics; non-medicated, organic skin care preparations

Trademark

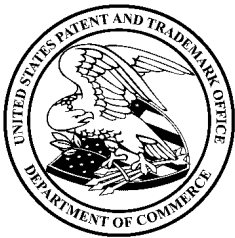
FIRST USE 12-31-2016; IN COMMERCE 12-31-2016

Principal Register

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

No claim is made to the exclusive right to use the following apart from the mark as shown:
"ORGANICS"

SER. NO. 87-975,474, FILED 09-21-2016
JAY K FLOWERS, EXAMINING ATTORNEY



Joseph Matol

Performing the Functions and Duties of the
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office

REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years*

What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.