Trademark Trial and Appeal Board Electronic Filing System. https://estta.uspto.gov

ESTTA Tracking number:	**ESTTA1521687**
Filing date:	**03/03/2026 06:08:37 PM**

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	CERPUR Pioneer, LLC
Granted to date of previous extension	03/07/2026
Address	2800 TELECOM PKWY RICHARDSON, TX 75082 UNITED STATES

Attorney information	JOEL R. FELDMAN GREENBERG TRAURIG, LLP 3333 PIEDMONT RD. NE, SUITE 2500 ATLANTA, GA 30305 UNITED STATES Primary email: atltrademark@gtlaw.com Secondary email(s): joel.feldman@gtlaw.com, holta@gtlaw.com, adkinsm@gtlaw.com 6785534778
Docket no.	153290010300

Applicant information

Application no.	99124407	Publication date	01/06/2026
Opposition filing date	03/03/2026	Opposition period ends	03/07/2026
Applicant	NUTRISPARK INTERNATIONAL LLC 26605 COOK FIELD ROAD UNIT 402 KATY, TX 77494 United States		

Goods/services affected by opposition

Class 005. First Use: Apr 7, 2025 First Use In Commerce: Apr 7, 2025
All goods and services in the class are opposed, namely: Homeopathic supplements; Mineral supplements; Herbal supplements; Calcium supplements; Vitamin supplements; Food supplements; Probiotic supplements; Prebiotic supplements; Dietary supplements; Nutritional supplements; Protein supplements; Weight management supplements; Health food supplements; Whey protein supplements; Protein dietary supplements; Natural herbal supplements; Animal feed supplements; Mineral nutritional supplements; Liquid protein supplements; Dietary food supplements; Natural dietary supplements; Mineral food supplements; Mineral dietary supplements; Dietary and nutritional supplements; Fenugreek dietary supplements; Vitamin and mineral supplements; Soy protein dietary supplements; Dietary supplements for pets; Protein supplements for animals; Dietary supplements for animals; Dietary supplements for humans; Whey protein dietary supplements; Dietary supplements for controlling cholesterol; Dietary supplements for human consumption; Herbal supplements for sleeping problems; Dietary supplements for urinary health; Dietary supplements for human beings; Food sup-

plements for veterinary use; Dietary supplements for humans and animals

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Section 1(a) and (c)

Mark cited by opposer as basis for opposition

U.S. registration no.	5357964	Application date	11/08/2016
Register	Principal		
Registration date	12/19/2017	Foreign priority date	NONE
Word mark	SPARK		
Design mark			
Description of mark			
Goods/services	Class 005. First use: First Use: Apr 1994 First Use In Commerce: Apr 1994 Dietary supplements; Nutritional supplements; Powdered nutritional supplement drink mix		

Attachments	87229589#TMSN.jpg(bytes) Notice of Opposition_ NUTRISPARK INTERNATIONAL Cl. 5.pdf(329934 bytes)

Signature	/jrf/
Name	Joel R. Feldman
Date	03/03/2026

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

In the Matter of Application Serial No. 99124407:
Published in the *Official Gazette* on January 6, 2026

CERPUR PIONEER, LLC,	)	
Opposer,	)	
v.	)	**Opposition No. _____**
NUTRISPARK INTERNATIONAL LLC,	)	
Applicant.	)	

NOTICE OF OPPOSITION

CERPUR Pioneer, LLC ("CERPUR") opposes Nutrispark International LLC's Application Serial No. 99124407 (the "Application") because CERPUR will be damaged by the Application's registration.

The grounds for the opposition are:

BACKGROUND

1. Applicant seeks to register the word-plus-design mark shown below in International Class 5 for homeopathic supplements; mineral supplements; herbal supplements; calcium supplements; vitamin supplements; food supplements; probiotic supplements; prebiotic supplements; dietary supplements; nutritional supplements; protein supplements; weight management supplements; health food supplements; whey protein supplements; protein dietary supplements; natural herbal supplements; animal feed supplements; mineral nutritional

supplements; liquid protein supplements; dietary food supplements; natural dietary supplements; mineral food supplements; mineral dietary supplements; dietary and nutritional supplements; fenugreek dietary supplements; vitamin and mineral supplements; soy protein dietary supplements; dietary supplements for pets; protein supplements for animals; dietary supplements for animals; dietary supplements for humans; whey protein dietary supplements; dietary supplements for controlling cholesterol; dietary supplements for human consumption; herbal supplements for sleeping problems; dietary supplements for urinary health; dietary supplements for human beings; food supplements for veterinary use; dietary supplements for humans and animals (the "Class 5 Goods"):

2. Applicant filed the involved Application on April 7, 2025 based on Applicant's alleged use of the subject mark in commerce since April 7, 2025.

3. On January 6, 2026, the involved Application was published for opposition.

4. On February 3, 2026, CERPUR filed a timely request for a 30-day extension of time to oppose the involved Application.

5. On February 24, 2026, the Office inadvertently issued Registration No. 8148656.[1]

CERPUR'S USE AND REGISTRATION OF THE SPARK BRAND

6. Opposer CERPUR is a Delaware limited liability company with a business address of 2800 Telecom Pkwy, Richardson, Texas 75082.

[1] On February 25, 2026, the Board issued a Communication requesting that the Office of the Commissioner for Trademarks consider cancellation of this registration.

7. Since April 1993, CERPUR and its predecessor in interest have continuously used the SPARK mark in U.S. commerce for a nutritional supplement.

8. CERPUR owns Registration No. 5357964 for SPARK in International Class 5 for dietary supplements; nutritional supplements; powdered nutritional supplement drink mix (TSDR record attached as Exhibit 1).

9. Registration No. 5357964 is valid, subsisting, and incontestable.

COUNT I
PRIORITY AND LIKELIHOOD OF CONFUSION

10. CERPUR's rights in the SPARK mark predate the Application's filing date.

11. CERPUR's rights in the SPARK mark predate Applicant's alleged date of first use in commerce of the subject mark for the Class 5 Goods.

12. The subject mark's literal component NUTRISPARK INTERNATIONAL closely resembles CERPUR's SPARK mark because the compounding of NUTRI (indicative of nutritional) onto SPARK does not diminish the confusing similarity arising from the copying of the distinctive SPARK mark into the subject mark, and INTERNATIONAL, which is disclaimed, is secondary and non-distinctive.

13. The Class 5 Goods are legally identical or closely related to the goods identified in CERPUR's pleaded registration.

14. Applicant's use and registration of the subject mark for the Class 5 Goods is likely to cause confusion, mistake, and deception as to the source of Applicant's Class 5 Goods within the meaning of 15 U.S.C. § 1052(d) and will therefore injure and damage CERPUR and the goodwill and reputation symbolized by the SPARK mark within the meaning of 15 U.S.C. § 1063(a).

COUNT II
NON-USE

15. Applicant claims, via declaration, use of the subject mark in commerce for the Class 5 Goods as of the April 7, 2025 filing date.

16. CERPUR conducted an investigation, reasonable in scope, regarding Applicant's claimed use of the subject mark for the Class 5 Goods.

17. In support of Applicant's claim of use in U.S. commerce of the subject mark, Applicant submitted specimens it described as "two of our product labels with clear logo that captures all our claims":

18. Upon information and belief, and based on CERPUR's reasonable investigation, notwithstanding the specimens of use and declaration of use, Applicant has not engaged in the *bona fide* sale of such pre-workout supplements bearing the specimen labels or otherwise branded with the subject mark in U.S. commerce in the ordinary course of trade.

19. Even if Applicant sold some of the Class 5 Goods branded with the subject mark in U.S. commerce, Applicant has not sold each of the Class 5 Goods branded with the subject mark in U.S. commerce.

20. Because there was no *bona fide* use in commerce of the subject mark by Applicant for all or some of the Class 5 Goods before the Applicant filed the use-based Application, the Application is void *ab initio* with respect to any such unused goods.

CONCLUSION

21. CERPUR respectfully requests that this opposition be sustained and Application Serial No. 99124407 be refused registration.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Joel Feldman
Alexandra Holt
Kristen Van Dyke

3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
Phone: (678) 553-4778

Attorneys for Opposer
CERPUR Pioneer, LLC

Exhibit 1

Generated on: This page was generated by TSDR on 2026-02-25 14:15:38 EST

Mark: SPARK

SPARK

US Serial Number: 87229589

Application Filing Date: Nov. 08, 2016

US Registration Number: 5357964

Registration Date: Dec. 19, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: 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: Apr. 05, 2024

Publication Date: Oct. 03, 2017

Mark Information

Mark Literal Elements: SPARK

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

Related Properties Information

Claimed Ownership of US Registrations: 4634256, 4883888, 4951440

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: Dietary supplements; Nutritional supplements; Powdered nutritional supplement drink mix

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

First Use: Apr. 1994

Use in Commerce: Apr. 1994

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis:	No	**Currently No Basis:**	No

Current Owner(s) Information

Owner Name:	CERPUR PIONEER, LLC		
Owner Address:	2800 TELECOM PKWY RICHARDSON, TEXAS UNITED STATES 75082		
Legal Entity Type:	LIMITED LIABILITY COMPANY	**State or Country Where Organized:**	DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Joel R. Feldman	**Docket Number:**	153290.01000
Attorney Primary Email Address:	atltrademark@gtlaw.com	**Attorney Email Authorized:**	Yes

Correspondent

Correspondent Name/Address:	Joel R. Feldman GREENBERG TRAURIG, LLP 3333 Piedmont Rd. NE. Suite 2500 ATLANTA, GEORGIA UNITED STATES 30305		
Phone:	678-553-4778	**Fax:**	678-553-4779
Correspondent e-mail:	atltrademark@gtlaw.com	**Correspondent e-mail Authorized:**	Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 20, 2024	NOTICE OF SUIT	
Apr. 05, 2024	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 05, 2024	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	70991
Mar. 29, 2024	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	
Oct. 04, 2023	TEAS SECTION 8 & 15 RECEIVED	
Jan. 25, 2023	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 19, 2022	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Nov. 01, 2022	NOTICE OF SUIT	
Jul. 28, 2022	NOTICE OF SUIT	
Jun. 28, 2022	NOTICE OF SUIT	
Jan. 22, 2020	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 19, 2017	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 03, 2017	PUBLISHED FOR OPPOSITION	
Sep. 13, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 29, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 29, 2017	SUSPENSION CHECKED - TO ATTORNEY FOR ACTION	
Aug. 26, 2017	ASSIGNED TO LIE	
Feb. 15, 2017	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	
Feb. 15, 2017	LETTER OF SUSPENSION E-MAILED	
Feb. 15, 2017	SUSPENSION LETTER WRITTEN	
Feb. 15, 2017	ASSIGNED TO EXAMINER	
Nov. 14, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Nov. 11, 2016	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 108 **Date in Location:** Apr. 05, 2024

Assignment Abstract Of Title Information

Summary

Total Assignments: 2 **Registrant:** AdvoCare International, L.P.

Assignment 1 of 2

Conveyance: ENTITY CONVERSION

Reel/Frame: 6833/0763 **Pages:** 6

Date Recorded: Jan. 08, 2020

Supporting Documents: https://assignmentcenter.uspto.gov/ipas/search/api/v2/public/download/trademark/6833/0763

Assignor

Name: ADVOCARE INTERNATIONAL, L.P. **Execution Date:** Dec. 31, 2019

Legal Entity Type: LIMITED PARTNERSHIP **State or Country Where Organized:** DELAWARE

Assignee

Name: ADVOCARE INTERNATIONAL, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Address: 2800 TELECOM PKWY
RICHARDSON , TEXAS 75082

Correspondent

Correspondent Name: JOEL R. FELDMAN

Correspondent Address: 3333 PIEDMONT ROAD, NE, SUITE 2500
GREENBERG TRAURIG, LLP
ATLANTA, GA 30305

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 7913/0835 **Pages:** 8

Date Recorded: Dec. 09, 2022

Supporting Documents: https://assignmentcenter.uspto.gov/ipas/search/api/v2/public/download/trademark/7913/0835

Assignor

Name: ADVOCARE INTERNATIONAL, LLC **Execution Date:** Dec. 08, 2022

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Assignee

Name: CERPUR PIONEER, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Address: 2800 TELECOM PKWY
RICHARDSON , TEXAS 75082

Correspondent

Correspondent Name: JOEL R. FELDMAN

Correspondent Address: 3333 PIEDMONT RD. NE, SUITE 2500
ATLANTA, GA 30305

Domestic Representative - Not Found