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Mark: NURIA

Nuria

US Serial Number: 87682470

Application Filing Date: Nov. 13, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: An Office action continuing a final refusal to register has been sent (issued) to the applicant. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Apr. 08, 2019

Mark Information

Mark Literal Elements: NURIA

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

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: Non-medicated skin care preparations comprising vegan, plant derived, ingredients; non-medicated hair care preparations comprising vegan, plant derived, ingredients; baby powders; baby oils; baby wipes

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 1(b)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: Yes

Currently ITU: Yes

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: Kinerva Partners LLC

Owner Address: 301 N. Harrison Street Suite 9F #424
Princeton, NEW JERSEY UNITED STATES 08540

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jonathan L. Hood

Attorney Primary Email Address: jon@jonhoodesq.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: STEFAN R STOYANOV
STOYANOV LAW PLLC
757 3RD AVE
FL 20 STE 2005
NEW YORK, NEW YORK UNITED STATES 10017

Phone: 917-746-0707

Correspondent e-mail: jon@jonhoodesq.com sstoyanov@iplaw.nyc

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Apr. 08, 2019	NOTIFICATION OF ACTION DENYING REQ FOR RECON E-MAILED	
Apr. 08, 2019	ACTION DENYING REQ FOR RECON E-MAILED	
Apr. 08, 2019	ACTION CONTINUING FINAL - COMPLETED	90284
Apr. 01, 2019	TEAS/EMAIL CORRESPONDENCE ENTERED	70138
Apr. 01, 2019	CORRESPONDENCE RECEIVED IN LAW OFFICE	70138
Mar. 28, 2019	ASSIGNED TO LIE	70138
Mar. 21, 2019	TEAS REQUEST FOR RECONSIDERATION RECEIVED	
Mar. 21, 2019	EX PARTE APPEAL-INSTITUTED	682470
Mar. 21, 2019	JURISDICTION RESTORED TO EXAMINING ATTORNEY	682470
Mar. 21, 2019	EXPARTE APPEAL RECEIVED AT TTAB	
Mar. 19, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Mar. 19, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 21, 2018	NOTIFICATION OF FINAL REFUSAL EMAILED	
Sep. 21, 2018	FINAL REFUSAL E-MAILED	
Sep. 21, 2018	FINAL REFUSAL WRITTEN	90284
Sep. 04, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 02, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 02, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 02, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 02, 2018	NON-FINAL ACTION E-MAILED	6325
Mar. 02, 2018	NON-FINAL ACTION WRITTEN	90284
Feb. 26, 2018	ASSIGNED TO EXAMINER	90284
Nov. 24, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 16, 2017	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: HOWARD, PARKER WALDRIP

Law Office Assigned: LAW OFFICE 117

File Location

Current Location: LAW OFFICE 117 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Apr. 08, 2019

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Exparte Appeal

Proceeding Number: [87682470](#)

Filing Date: Mar 21, 2019

Status: Pending

Status Date: Mar 21, 2019

Interlocutory Attorney:

Plaintiff(s)

Name: Kinerva Partners LLC

Correspondent Address: STEFAN R STOYANOV
STOYANOV LAW PLLC
757 3RD AVE, FL 20 STE 2005
NEW YORK NY UNITED STATES , 10017

Correspondent e-mail: stefan@stoyanovlaw.com , sstoyanov@iplaw.nyc , jon@jonhodesq.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
NURIA	Action Continuing Final - Mailed	87682470	

Prosecution History

Entry Number	History Text	Date	Due Date
1	APPEAL TO BOARD	Mar 21, 2019	
2	APPEAL ACKNOWLEDGED; CASE REMANDED	Mar 21, 2019	
3	INSTITUTED	Mar 21, 2019	
4	REQ FOR RECON	Mar 21, 2019	

To: Kinerva Partners LLC (jon@jonhoodesq.com)
Subject: U.S. TRADEMARK APPLICATION NO. 87682470 - NURIA - N/A - Request for Reconsideration Denied - Return to TTAB
Sent: 4/8/2019 1:56:14 PM
Sent As: ECOM117@USPTO.GOV
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UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION
SERIAL NO. 87682470

MARK: NURIA

87682470

CORRESPONDENT
ADDRESS:
STEFAN R
STOYANOV
STOYANOV LAW
PLLC

GENERAL TRADEMARK
INFORMATION:
<http://www.uspto.gov/trademarks/index.jsp>

757 3RD AVE
FL 20 STE 2005
NEW YORK, NY
10017

[VIEW YOUR APPLICATION FILE](#)

APPLICANT: Kinerva
Partners LLC

**CORRESPONDENT'S
REFERENCE/DOCKET
NO:**
N/A
**CORRESPONDENT
E-MAIL ADDRESS:**
jon@jonhooedesq.com

REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 4/8/2019

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. *See* 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a).

The Section 2(d) refusals based on likelihood of confusion with Reg. Nos. 5399075 (NURIA GOLF) and 4460614 (NURIA MONTI) are maintained.

In the present case, applicant's request has not resolved all the outstanding issue(s), nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue(s) in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues.

The marks are confusingly similar

As discussed at length in the previous Office actions, applicant's mark is NURIA is confusingly similar with registrants' marks for NURIA GOLF and NURIA MONTI.

Unlike the situation between the marks NURIA GOLF and NURIA MONTI, there is no additional wording to distinguish applicant's mark NURIA from those two registrations. Thus, consumers will likely view applicant's mark NURIA as a shortened version of NURIA GOLD and/or NURIA MONTI. Merely adding a term to a registered mark generally does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL and BENGAL LANCER and design confusingly similar); *In re Toshiba Med. Sys. Corp.*, 91 USPQ2d 1266, 1269 (TTAB 2009) (finding TITAN and VANTAGE TITAN confusingly similar); *In re El Torito Rests., Inc.*, 9 USPQ2d 2002, 2004 (TTAB 1988) (finding MACHO and MACHO COMBOS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part as to "NURIA".

The shared wording "NURIA" is dominant in all three marks (and thus more likely to cause confusion) as the first wording. Consumers are generally more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. *See Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005) (finding similarity between VEUVE ROYALE and two VEUVE CLICQUOT marks in part because "VEUVE . . . remains a 'prominent feature' as the first word in the mark and the first word to appear on the label"); *Century 21 Real Estate Corp. v. Century Life of Am.*, 970 F.2d 874, 876, 23 USPQ2d 1698, 1700 (Fed. Cir. 1992) (finding similarity between CENTURY 21 and CENTURY LIFE OF AMERICA in part because "consumers must first notice th[e] identical lead word"); *see also In re Detroit Athletic Co.*, 903 F.3d 1297, 1303, 128 USPQ2d 1047, 1049 (Fed. Cir. 2018) (finding "the identity of the marks' two initial words is particularly significant because consumers typically notice those words first").

Further, applicant's mark NURIA is fully incorporated by registrants' mark NURIA GOLF and NURIA MONTI. Incorporating the entirety of one mark within another does not obviate the similarity between the compared marks, as in the present case, nor does it overcome a likelihood of confusion under Section 2(d). *See Wella Corp. v. Cal. Concept Corp.*, 558 F.2d 1019, 1022, 194 USPQ 419, 422 (C.C.P.A. 1977) (finding CALIFORNIA CONCEPT and surfer design and CONCEPT confusingly similar); *Coca-Cola Bottling Co. v. Jos. E. Seagram & Sons, Inc.*, 526 F.2d 556, 557, 188 USPQ 105, 106 (C.C.P.A. 1975) (finding BENGAL LANCER and design and BENGAL confusingly similar); *In re Integrated Embedded*, 120 USPQ2d 1504, 1513 (TTAB 2016) (finding BARR GROUP and BARR confusingly similar); *In re Mr. Recipe, LLC*, 118 USPQ2d 1084, 1090 (TTAB 2016) (finding JAWS DEVOUR YOUR HUNGER and JAWS confusingly similar); TMEP §1207.01(b)(iii). In the present case, the marks are identical in part.

Applicant concedes that "NURIA" is a common first name. Thus, there is nothing preventing consumers from believing applicant's mark NURIA is referencing either or both NURIA GOLF (based on the relation to the Spanish golfer Nuria Iturrioz) or the person referenced by the mark NURIA MONTI.

The parties' goods are closely related

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