

ESTTA Tracking number: **ESTTA447443**

Filing date: **12/20/2011**

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	SPOP, Inc.
Granted to Date of previous extension	12/21/2011
Address	369 South Doheny Drive Beverly Hills, CA 90211 UNITED STATES
Attorney information	Katherine Koyanagi Law Offices of Katherine Koyanagi 11301 W. Olympic Blvd., #324 Los Angeles, CA 90064 UNITED STATES kkoyanagilaw@gmail.com Phone:310-666-6880

Applicant Information

Application No	85258766	Publication date	08/23/2011
Opposition Filing Date	12/20/2011	Opposition Period Ends	12/21/2011
Applicant	QFAC 1135 Terminal Way, #209 Reno, NV 89502 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2011/01/03 First Use In Commerce: 2011/01/03
All goods and services in the class are opposed, namely: Antioxidant dietary and nutritional supplements and super antioxidant dietary and nutritional supplements; Amino acids for nutritional purposes; Anti-inflammatories; Anti-inflammatory gels; Appetite suppressants; Creatine nutritional supplements; Dietary and nutritional supplements, namely, dietary and nutritional supplements for endurance sports and weight loss, dietary supplements in the nature of weight loss powders, supplements for eliminating toxins from the intestinal tract, supplements for urinary health, supplements for eliminating back pain, supplements for animals, men, women, teenagers, and children, calcium supplements, magnesium supplements, protein supplements, whey protein supplements, herbal supplements, homeopathic supplements, vitamin supplements, nutritional and dietary supplements containing super foods and super food extracts; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary fiber as an additive for food products; Electrolytes; Electrolyte replacement solutions; Fish oil dietary and nutritional supplements in the form of emulsified fish oil, liquid fish oil, and fish oil capsules; Food supplements, namely, enzyme food supplements, anti-oxidants, and health food supplements; Hair growth stimulants; Hormone replacement therapy preparations; Mineral supplements, namely, mineral nutritional and food supplements; Multi-vitamin preparations; Mixed vitamin preparations; Medium Chain Triglycerides (MCT) oil for use as dietary and nutritional supplements; Nutraceuticals


for use as a dietary supplement; Nutritionally fortified beverages; Nutritional drinks, drink powders and shakes used for meal replacement; Nutritional supplements, namely, carbohydrates in powdered form, probiotic compositions, nutritional supplement in the nature of a nutrient-dense, protein-based drink mix, nutritional supplement for eliminating toxins from the body and the intestinal tract; Omegas 3, 6, and 9 dietary and nutritional supplements; Powdered nutritional supplement drink mix and concentrate; Powdered dietary supplemental drink mixes, namely, fruit-flavored, vegetable flavored, and antioxidant and super antioxidant drink mixes; Prenatal vitamins; Preparation for the relief of pain; Sports cream for relief of pain; Vegan protein for use as a nutritional supplement in ready-to-drink beverages; Vitamin and mineral supplements; Vitamins and vitamin preparations; Vitamins and dietary food supplements for animals; Vitamin tablets; Vitamin preparations, namely, vitamin B preparations, vitamin C preparations, vitamin D, and vitamin K preparations

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1576511	Application Date	05/23/1989
Registration Date	01/09/1990	Foreign Priority Date	NONE
Word Mark	PROTEGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1971/01/28 First Use In Commerce: 1971/01/28 FOOTWEAR		

U.S. Registration No.	3604995	Application Date	12/19/2007
Registration Date	04/14/2009	Foreign Priority Date	NONE
Word Mark	PROTEGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/08/28 First Use In Commerce: 2007/08/28 Footwear		

U.S. Registration No.	3551007	Application Date	06/28/2007
Registration Date	12/23/2008	Foreign Priority Date	NONE

Word Mark	PROTEGE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2007/08/28 First Use In Commerce: 2007/08/28 Men's and women's clothing, namely, pants, shirts, t-shirts, sweatshirts, jackets, suits, dresses, coats, tops, bottoms, underwear, shoes, headwear, scarves, sweaters, swimwear

U.S. Registration No.	3932200	Application Date	12/03/2009
Registration Date	03/15/2011	Foreign Priority Date	NONE
Word Mark	PROTEGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2009/12/10 First Use In Commerce: 2009/12/10 Socks		

U.S. Registration No.	3768717	Application Date	11/17/2008
Registration Date	03/30/2010	Foreign Priority Date	NONE
Word Mark	PROTEGE EDGE		

Design Mark	PROTEGE EDGE
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2009/06/01 First Use In Commerce: 2009/06/01 Men's, women's and children's clothing, namely, pants, shirts, t-shirts, sweatshirts, jackets, suits, dresses, coats, tops, bottoms, underwear, shoes, socks, slippers, headwear, hats, caps, scarves, sweaters, swimwear, sleepwear

Attachments	77356372#TMSN.jpeg (1 page)(bytes) 77218393#TMSN.jpeg (1 page)(bytes) 77885503#TMSN.jpeg (1 page)(bytes) 77616222#TMSN.jpeg (1 page)(bytes) Pldg 11 12 20 prot lab.pdf (5 pages)(130205 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/kkoyanagi/
Name	Katherine Koyanagi
Date	12/20/2011

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

SPOP, INC.)	Opposition No.
)	Serial No. 85/258766
)	
Opposer,)	
)	
v.)	
)	
QFAC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

SPOP, Inc., a California corporation, with a principal place of business of 369 South Doheny Drive, No. 200, Beverly Hills, CA 90211, believes that it will be damaged by registration of the mark shown in the above application and hereby opposes the same.

1. Opposer SPOP, Inc. is the owner of Registration Nos. 1576511 and 3604995 on the Principal Register of the United States Patent and Trademark Office for the mark “Protégé” in International Class 25 for “footwear”.
2. Opposer SPOP, Inc. is the owner of Registration No. 3551007 on the Principal Register of the United States Patent and Trademark Office for the mark “Protégé” in International Class 25 for “Men's and women's clothing, namely, pants, shirts, t-shirts, sweatshirts, jackets, suits, dresses, coats, tops, bottoms, underwear, shoes, headwear, scarves, sweaters, swimwear.”

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