

ESTTA Tracking number: **ESTTA888254**

Filing date: **04/06/2018**

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	KAS Direct, LLC
Granted to Date of previous extension	04/18/2018
Address	1600 Stewart Avenue Suite 411 Westbury, NY 11590 UNITED STATES
Attorney information	Angela Kalsi IpHorgan Ltd. 195 Arlington Heights Rd., Suite 125 Buffalo Grove, IL 60089 UNITED STATES Email: mail@iphorgan.com, akalsi@iphorgan.com

Applicant Information

Application No	87578688	Publication date	12/19/2017
Opposition Filing Date	04/06/2018	Opposition Period Ends	04/18/2018
Applicant	Ladyganics LLC Unit 201 1513 Tin Cup Ct. Panama City Beach, FL 32413 UNITED STATES		

Goods/Services Affected by Opposition


Class 003. First Use: 2017/06/04 First Use In Commerce: 2017/06/05
All goods and services in the class are opposed, namely: After-shave balms; After-shave creams; After-sun lotions; After-sun oils; Aftersun creams; After sun moisturisers; Aromatic essential oils; Aromatic oils for the bath; Aromatic potpourris; Bath bombs; Bath herbs; Bath soaps; Beauty balm creams; Beauty soap; Body lotions; Body scrub; Bubble bath; Cleaning preparations; Cosmetic sun oils; Cosmetic soaps; Cosmetic sun-protecting preparations; Cosmetic sun-tanning preparations; Cosmetic sunscreen preparations; Deodorant for personal use; Deodorant soap; Deodorants for body care; Dry shampoos; Essential oils for aromatherapy use; Facial beauty masks; Facial scrubs; Fragrance sachets; Fragranced body care preparations, namely, body scrubs, shower gels, bath bombs, non-medicated bath salts, bath herbs, massage oils, tanning oils; Fragranced face care preparations, namely, facial cleansers, facial skin toners, facial moisturizers, facial masks, facial scrubs, non-medicated facial soaps, facial oils, facial aftershaves, aftershave balms, lip balms; Fragranced skin care preparations, namely, skin cleansers, skin moisturizers, perfumes, colognes; Hair conditioner; Hair conditioners; Hair shampoo; Inhaler sold filled with essential oils for use in aromatherapy; Inhalers sold filled with essential oils, not for medical or therapeutic use; Laundry soap; Lip balm; Liquid bath soaps; Lotions for face and body care; Massage oils; Moisturizing body lotions; Non-medicated bath salts; Non-medicated bubble bath preparations; Non-medicated skin care preparations; Oils for


hair conditioning; Perfumed soap; Perfumed soaps; Personal deodorants; Shaving soap; Shaving soaps; Shower and bath gel; Skin moisturizers used as cosmetics; SPF sun block sprays; Stain removers; Sun-tanning oils; Tanning oils; Toilet soap; Toilet soaps; Aftershave preparations; Toning lotion, for the face, body and hands

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5274736	Application Date	11/09/2016
Registration Date	08/29/2017	Foreign Priority Date	NONE
Word Mark	BABYGANICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 2008/04/02 First Use In Commerce: 2008/04/02 All-purpose household cleaning preparations; disposable wipes impregnated with cleaning chemicals or compounds for household use; multi-surface household cleaning preparations; bathtub and tile cleaning preparations; floor cleaning preparations; preparations to clean dishes and bottles; preparations to clean toys and furniture surfaces; disposable wipes impregnated with cleaning compounds to clean toys and furniture; hand soaps; laundry detergent; antistatic dryer sheets; preparations to remove stains; face and hand wipes impregnated with a cleaning preparation; baby wipes; shampoo and body wash preparations; moisturizing cream body wash preparations; bubble bath; lip and non-medicated face balms; skin moisturizing lotions; toothpaste; non-medicated skin care preparations, namely, skin ointments to promote healing; sunscreen creams and sun block preparations; sunscreen sticks and sprays</p> <p>Class 005. First use: First Use: 2008/12/08 First Use In Commerce: 2008/12/08 Hand sanitizing preparations; hand sanitizing wipes; sanitizing hand wipes; medicated eczema creams; medicated diaper rash creams; insect repellants; teething gels; baby diapers; disposable swim diapers for children and infants; odor neutralizing preparations for use on fabric and upholstery; topical preparations for the relief of coughs and colds</p> <p>Class 021. First use: First Use: 2016/04/00 First Use In Commerce: 2016/04/00 Reusable dryer balls made of wool that are placed in the clothes drying machine to assist in the drying process and also to soften fabric</p>		

U.S. Registration No.	5274735	Application Date	11/09/2016
Registration Date	08/29/2017	Foreign Priority Date	NONE
Word Mark	BABYGANICS		
Design Mark			
Description of Mark	The mark consists of the word "BABYGANICS" in green, lower case, stylized letters.		
Goods/Services	<p>Class 003. First use: First Use: 2008/04/02 First Use In Commerce: 2008/04/02 All-purpose household cleaning preparations; disposable wipes impregnated with cleaning chemicals or compounds for household use; multi-surface household cleaning preparations; bathtub and tile cleaning preparations; floor cleaning preparations; preparations to clean dishes and bottles; preparations to clean toys and furniture surfaces; disposable wipes impregnated with cleaning compounds to clean toys and furniture; hand soaps; laundry detergent; antistatic dryer sheets; preparations to remove stains; face and hand wipes impregnated with a cleaning preparation; baby wipes; shampoo and body wash preparations; moisturizing cream body wash preparations; bubble bath; lip and non-medicated face balms; skin moisturizing lotions; toothpaste; non-medicated skin care preparations, namely, skin ointments to promote healing; sunscreen creams and sun block preparations; sunscreen sticks and sprays</p> <p>Class 005. First use: First Use: 2008/04/02 First Use In Commerce: 2008/04/02 Hand sanitizing preparations; hand sanitizing wipes; sanitizing hand wipes; medicated eczema creams; medicated diaper rash creams; insect repellants; teething gels; baby diapers; disposable swim diapers for children and infants; odor neutralizing preparations for use on fabric and upholstery; topical preparations for the relief of coughs and colds</p> <p>Class 021. First use: First Use: 2016/04/00 First Use In Commerce: 2016/04/00 Reusable dryer balls made of wool that are placed in the clothes drying machine to assist in the drying process and also to soften fabric</p>		

U.S. Registration No.	4378857	Application Date	08/20/2012
Registration Date	08/06/2013	Foreign Priority Date	NONE
Word Mark	BABYGANICS		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 2008/03/17 First Use In Commerce: 2008/03/17 All-purpose household cleaning preparations; glass and surface cleaning preparations; bathtub and tile cleaning preparations; floor cleaning preparations; preparations to clean dishes and bottles; dishwasher detergent; hand soaps; laundry detergent; anti-static dryer sheets; preparations to remove stains; odor removers for pets; scented room sprays; baby wipes; non-medicated diaper rash cream; shampoo and body wash preparations; non-medicated bubble bath preparations; lip and face balms; skin moisturizing lotions; toothpaste; non-medicated skin care preparations, namely, skin ointments to promote healing; sunscreen creams and sun block preparations; sunscreen sticks</p> <p>Class 005. First use: First Use: 2008/08/14 First Use In Commerce: 2008/08/14 Hand sanitizing preparations; hand sanitizing wipes; medicated sunscreen and sunblock preparations; medicated sunscreensticks; medicated body-wash preparations; cleaning preparations, namely, odor eliminators not for personal use; odor neutralizing preparations for general use on various surfaces; air deodorizing preparations for rooms; medicated diaper rash creams; saline nasal sprays; anti-insect spray; anti-inflammatory teething gels</p>

U.S. Registration No.	3196553	Application Date	03/02/2006
Registration Date	01/09/2007	Foreign Priority Date	NONE
Word Mark	BABYGANICS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/12/01 First Use In Commerce: 2005/12/01 all-purpose cleaners comprised of all natural ingredients that can be used in households with babies and pets		

Attachments	87231209#TMSN.png(bytes) 87231196#TMSN.png(bytes) 85707590#TMSN.png(bytes) 78827190#TMSN.png(bytes) Notice of Opposition.pdf(159259 bytes) Exhibit A.pdf(340391 bytes) Exhibit B.pdf(1774234 bytes)
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Signature	/Angela Kalsi/
Name	Angela Kalsi
Date	04/06/2018

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