

ESTTA Tracking number: **ESTTA1166394**

Filing date: **10/16/2021**

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

Proceeding	91271554
Party	Defendant Sustainable Nutrition, Inc.
Correspondence Address	ROBERT E. PITTS PITTS & LAKE, P.C. PO BOX 51295 KNOXVILLE, TN 37950-1295 UNITED STATES Primary Email: <a href="mailto:docketing@pittslake.com">docketing@pittslake.com</a> Secondary Email(s): <a href="mailto:rpitts@pittslake.com">rpitts@pittslake.com</a> , <a href="mailto:rgoodman@pittslake.com">rgoodman@pittslake.com</a> 865-584-0105
Submission	Answer
Filer's Name	John Carberry
Filer's email	<a href="mailto:johnc@mosseycreekenenterprises.com">johnc@mosseycreekenenterprises.com</a>
Signature	/John Carberry/
Date	10/16/2021
Attachments	Applicant answers 16 October 2021 .pdf(505405 bytes ) Proof of service 16 Oct 2021 to Juvia holdings in sharing answersw t o opposition.pdf(69321 bytes ) Adjuvia Immune Booster intro April 2021.pdf(912316 bytes )

Trademark Trial and Appeal Board Electronic Filing System. <https://esta.uspto.gov>

ESTTA Tracking number: **ESTTA1158220**

Filing date: **09/08/2021**  
Opposition  
number  
**91271554**

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

## **Answer to Opposition**

**Answer to opposition is hereby given and filed 17 October 2021.**

Application No.	88833807	Publication date	05/11/2021
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Opposition Filing Date	09/08/2021	Opposition Period Ends	
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### Opposer Information

Name	Juvia's Holdings LLC
Granted to Date of previous extension	09/08/2021
Address	300 CASTLE ROAD, UNIT 1 SECAUCUS, NJ 07047 UNITED STATES
Attorney information	MICHAEL K. FRETWELL LAUBSCHER & LAUBSCHER, P.C. 1160 SPA ROAD, SUITE 2B ANNAPOLIS, MD 21403 UNITED STATES Primary Email: MFretwell@laubscherlaw.com Secondary Email(s): asimonini@laubscherlaw.com, info@laubscherlaw.com 410-280-6608
Docket Number	28445

### Applicant Information

Application No.	88833789	Publication date	05/11/2021
Opposition Filing Date	09/08/2021	Opposition Period Ends	09/08/2021
Applicant	Sustainable Nutrition, Inc. 110 W OLD ANDREW JOHNSON HWY JEFFERSON CITY, TN 37760 UNITED STATES		

### Goods/Services Affected by Opposition

Class 003. First Use: 2020/03/01 First Use In Commerce: 2020/03/01 All goods and services in the class are opposed, namely: Anti-aging cream; Anti-wrinkle cream; Moisturizing creams
Class 005. First Use: 2020/03/01 First Use In Commerce: 2020/03/01 All goods and services in the class are opposed, namely: Nutritional supplements consisting primarily of astaxanthin and coconut oil

### Applicant Information

Applicant	Sustainable Nutrition, Inc. 110 West Old Andrew Johnson Highway Jefferson City, Tennessee 37760
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### Goods/Services Affected by Opposition



Class 003. First Use: 2020/03/01 First Use In Commerce: 2020/03/01 All goods and services in the class are opposed, namely: Anti-aging cream; Anti-wrinkle cream; Moisturizing creams
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Class 005. First Use: 2020/03/01 First Use In Commerce: 2020/03/01  
 All goods and services in the class are opposed, namely: Nutritional supplements consisting primarily of astaxanthin and coconut oil


### 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.	5260666	Application Date	01/12/2017
Registration Date	08/08/2017	Foreign Priority Date	NONE
Word Mark	JUVIA'S		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2013/06/00 First Use In Commerce: 2013/06/00 Cosmetics; Cosmetics and make-up; Eye shadows Class 021. First use: First Use: 2013/06/00 First Use In Commerce: 2013/06/00 Cosmetic brushes		
U.S. Registration No.	5260671	Application Date	01/12/2017
Registration Date	08/08/2017	Foreign Priority Date	NONE
Word Mark	JUVIAS PLACE		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 2013/06/00 First Use In Commerce: 2013/06/00 On-line retail store services featuring cosmetics		
U.S. Registration No.	5548457	Application Date	06/14/2017
Registration Date	08/28/2018	Foreign Priority Date	NONE
Word Mark	JUVIA'S PLACE		

Design Mark	<h1>JUVIA'S PLACE</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2013/06/00 First Use In Commerce: 2013/06/00 Cosmetics Class 021. First use: First Use: 2013/06/00 First Use In Commerce: 2013/06/00 Cosmetic accessories, namely, cosmetic brushes		
U.S. Registration No.	5857377	Application Date	03/08/2019
Registration Date	09/10/2019	Foreign Priority Date	NONE
Word Mark	JUVIA'S PLACE		
Design Mark			
Description of Mark	The mark consists of The words "JUVIA'SPLACE" in a stylized font with "JUVIA'S" more prominently displayed in lower-case lettering, three dots over the "j", and "PLACE" in block letters located under the "ia's" portion of "JUVIA'S".		
Goods/Services	Class 003. First use: First Use: 2017/08/18 First Use In Commerce: 2017/08/18 Cosmetics Class 021. First use: First Use: 2017/08/18 First Use In Commerce: 2017/08/18		
	Cosmetic brushes Class 035. First use: First Use: 2017/08/18 First Use In Commerce: 2017/08/18 On-line retail store services featuring cosmetics		
U.S. Registration No.	5533377	Application Date	08/29/2017

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