

ESTTA Tracking number: **ESTTA1210365**

Filing date: **05/19/2022**

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	Vitaminerals LLC
Granted to date of previous extension	05/21/2022
Address	1979 PORTRERO GRANDE DRIVE MONTEREY PARK, CA 91755 UNITED STATES
Attorney information	JOSEPH A. MANDOUR MANDOUR & ASSOCIATES, APC 8605 SANTA MONICA BLVD., SUITE 1500 LOS ANGELES, CA 90069 UNITED STATES Primary email: jmandour@mandourlaw.com Secondary email(s): blila@mandourlaw.com 8584879300
Docket no.	6375.02-001

Applicant information

Application no.	90315028	Publication date	03/22/2022
Opposition filing date	05/19/2022	Opposition period ends	05/21/2022
Applicant	Integrity Alliance Inc. 1310 W DRIVERS WAY, #120 TEMPE, AZ 85284 UNITED STATES		

Goods/services affected by opposition


Class 005. First Use: 1990 First Use In Commerce: 1990
All goods and services in the class are opposed, namely: Dietary and nutritional supplements

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark cited by opposer as basis for opposition

U.S. application no.	90788461	Application date	06/22/2021
Registration date	NONE	Foreign priority date	NONE

Word mark	VITAMINERALS
Design mark	
Description of mark	NONE
Goods/services	Class 005. First use: First Use: Aug 1, 1933 First Use In Commerce: Aug 1, 1933 Dietary and nutritional supplements for humans in the form of pills, capsules, oils for oral administration comprising nitric oxide, iron, minerals, protein, fatty acids, and vitamins, with anti-viral, antioxidant, relaxing, anti-inflammatory, and anti-cramping qualities, for supporting the health of the immune system, adrenal system, brain, nerves, gastrointestinal (GI) system, bones, vision, ligaments, joints, spinal disc, heart, hormone system, prostate, and skin, and for supporting sleep, pain management, detoxification, weight management, and male enhancement and pain relief topical gels

Attachments	90788461#TMSN.png(bytes) Notice of Opposition Integrity Alliance VITAMINERAL GREEN 05-19-22.pdf(101382 bytes)
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Signature	/Ben T. Lila/
Name	Ben T. Lila
Date	05/19/2022

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

In the matter of Trademark Application Serial No. 90/315,028
for: VITAMINERAL GREEN
Published in the *Official Gazette* (Trademarks) on March 22, 2022

Vitaminerals LLC,)
)
Opposer,)
)
v.)
)
Integrity Alliance Inc.,)
)
Applicant.)
_____)

NOTICE OF OPPOSITION

Opposer, Vitaminerals LLC, a California Limited Liability Company, having a business address of 1979 Potrero Grande Drive #A, Monterey Park, California 91755 believes that it is being damaged by Applicant Integrity Alliance Inc.’s U.S. Trademark Serial No. 90/315,028 and hereby opposes the same under the provisions of 15 U.S.C. § 1063. As grounds therefor, it is alleged that:

1. Opposer Vitaminerals LLC is the owner and assignee of the trademark VITAMINERALS.
2. Opposer is also the applicant of U.S. Trademark Serial. No. 90/788,461 for VITAMINERALS in International Class 005 for “Dietary and nutritional supplements for humans in the form of pills, capsules, oils for oral administration comprising nitric oxide, iron, minerals, protein, fatty acids, and vitamins, with anti-viral, antioxidant, relaxing, anti-inflammatory, and anti-cramping qualities, for supporting the health of the immune system, adrenal system, brain, nerves, gastrointestinal (GI) system, bones, vision, ligaments, joints,

spinal disc, heart, hormone system, prostate, and skin, and for supporting sleep, pain management, detoxification, weight management, and male enhancement and pain relief topical gels.”.

3. Opposer and its predecessors in interest have used the VITAMINERALS trademark continuously in interstate commerce since at least as early as August 1, 1933 in connection with dietary and nutritional supplements goods and services.

4. Applicant Integrity Alliance Inc. is the applicant of Trademark Serial No. 90/315,028 for VITAMINERAL GREEN.

5. Applicant’s Trademark Serial No. 90/315,028 seeks registration in International Classes 005 for ”Dietary and nutritional supplements”.

6. On information and belief, Applicant’s earliest use of the trademark VITAMINERAL GREEN is 1990. Opposer’s use of its trademark has been valid and continuous since its date of first use and has not been abandoned. Accordingly, Opposer has rights of priority superior to those of Applicant.

7. The goods and services set forth in Applicant’s application are similar and related to those offered by Opposer and are also within the natural zone of expansion of Opposer’s goods and services.

8. The trademark VITAMINERAL GREEN is confusingly similar to Opposer’s VITAMINERALS trademark in terms of its appearance, sound, meaning, and overall commercial impression and it is likely to cause confusion, mistake, and deception as to an affiliation, connection, or association between Opposer and Applicant, or as to the origin, sponsorship, or approval of Applicant’s goods, all to Opposer detriment, thereby causing Opposer damage.

9. Furthermore, Opposer believes that Applicant's maintenance of the VITAMINERAL GREEN trademark application will result in financial and other injury and damage to Opposer in its business because Applicant will have a false claim of rights to the trademark. Moreover, Opposer's continued and legal use of its VITAMINERALS trademark will be impaired by the registration of the VITAMINERAL GREEN trademark by Applicant. Also, Applicant's trademark application has been cited against Opposer's trademark application which may result in refusal of Opposer's Application pursuant to Section 2(d) of the Lanham Act.

WHEREFORE, Opposer requests that this Notice of Opposition be sustained, and Trademark Serial No. 90/315,028 be denied registration and for such other and further relief as may be deemed proper.

Date: May 19, 2022

By: /Ben T. Lila/
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Vitaminerals LLC