

ESTTA Tracking number: **ESTTA1217719**

Filing date: **06/27/2022**

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	Standard Homeopathic Company
Granted to date of previous extension	06/25/2022
Address	210 WEST 131ST STREET LOS ANGELES, CA 90061 UNITED STATES
Attorney information	TIMOTHY M. KENNY NORTON ROSE FULBRIGHT US LLP 98 SAN JACINTO BOULEVARD, SUITE 1100 AUSTIN, TX 78701 UNITED STATES Primary email: mnipdocket@nortonrosefulbright.com Secondary email(s): HylandsTM@nortonrosefulbright.com 612-321-2800
Docket no.	STDH.T0972US

Applicant information

Application no.	90692289	Publication date	04/26/2022
Opposition filing date	06/27/2022	Opposition period ends	06/25/2022
Applicant	HIGHLAND ESTHETICS LLC 3920 W CASSIA STREET BOISE, ID 83705 UNITED STATES		

Goods/services affected by opposition

Class 003. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Eye cream; Skin cleansers; Sunscreen creams; Beauty masks for faces; Body lotion; Cosmetic sunscreen preparations; Cosmetic creams for skin care; Facial moisturizers; Non-medicated skin care creams and lotions; Skin moisturizers used as cosmetics; Skin toners


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.	2172207	Application date	04/29/1996
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Register	Principal		
Registration date	07/14/1998	Foreign priority date	NONE
Word mark	HYLAND'S		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: 1967 First Use In Commerce: 1967 cosmetic and cleaning preparations, namely, skin cleaning solutions and toilet soap</p> <p>Class 005. First use: First Use: 1903 First Use In Commerce: 1903 homeopathic pharmaceuticals for use in the treatment of acne, arthritis and minor muscle and joint pain, back pain, bedwetting, bladder irritation, blemishes, coughs, colds, colic, cold sores and fever blisters, cramps, diarrhea, flu, fevers, gas and stomach upset, headache, hives, incontinence, indigestion, insomnia, irritability, leg cramps, menopause, menstrual cramps, motion sickness, muscle injury, nervous tension, poison ivy and oak, runny nose, sinus, sleeplessness, sneezing, sore throat, teething and upset stomach</p>		

U.S. registration no.	2977921	Application date	12/10/2003
Register	Principal		
Registration date	07/26/2005	Foreign priority date	NONE
Word mark	HYLAND'S SKIN THERAPY		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: 2003 First Use In Commerce: 2003 Face creams, facial moisturizers, body creams, body lotions, hand creams and hand lotions</p>		

U.S. application no.	90785581	Application date	06/21/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	HYLAND'S NATURALS		

Design mark	
Description of mark	The mark consists of the words "HYLAND'S NATURALS" in stylized lettering with a design of two leaves in place of the apostrophe in "HYLAND'S".
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None Skin cleansing lotions and creams, soaps of all types including medicated, anti-perspirant, deodorant, disinfectant and toilet soaps, and tablets for the treatment of symptoms associated with acne; essences and essential oils; hair care preparations in this class including hair lotions, shampoos, conditioners, shampoo/conditioners, anti-dandruff shampoos, hairsprays, styling mousses and gels, oral hygiene products (not being for medical purposes); preparations for the mouth and for cleaning the mouth and teeth including mouth fresheners, mouth fresheners sprays, mouth washes, breath fresheners, toothpaste, dentifrices, none of the aforesaid being for medical purposes; suntan and sunscreen preparations; Diaper creams, massage oils, chest rubs, body creams for stretchmarks; Pet shampoos and skin conditioning care for pets</p> <p>Class 005. First use: First Use: None First Use In Commerce: None Homeopathic pharmaceuticals, medicines, herbal and natural remedies; dietary supplements; homeopathic supplements; natural herbal supplements; Homeopathic tablets comprising a combination of trace minerals for human consumption; dietary supplements; vitamin supplements; vitamins; analgesics; antiseptics; medicated soap; medicated soap for babies; anti-bacterial liquid soap; anti-bacterial waterless soap; Homeopathic pharmaceuticals for the use in the treatment of acne, allergies, arthritis and minor muscle and joint pain, back pain, bed wetting, bladder irritation, blemishes, boils and skin eruptions, coughs, colds, colic, cold sores and fever blisters, cramps, diarrhea, flu, fevers, gas and stomach upset, headache, hives, incontinence, indigestion, insomnia, irritability, leg cramps, menopause, menstrual cramps, motion sickness, muscle injury, nervous tension, poison ivy and oak, runny nose, sinus, sleeplessness, sneezing, sore throat, teething, and upset stomach; Dietary supplements for weight management, digestive health, anti-inflammation, immune health, eye health, brain health, sleep aid, nutrient boost (fruit and vegetable), energy boost, and stress and anxiety relief; Probiotic and prebiotic dietary supplements; Prenatal vitamins; Nutritional supplement energy bars; Dietary supplements for pets; Dietary supplements for pets for joint health, skincare, and anti-anxiety; anti-itch sprays and creams for pets; drawing salve for animals and horses; Homeopathic medicines, herbal and natural remedies for the relief of bruising and hematoma to be used topically and orally; Homeopathic pharmaceuticals and homeopathic medicines for use in the treatment of accumulation of mucus, nasal discharge, itchy throat, ear and nose discomfort, hay fever, watery, itchy and irritated eyes, nausea sinus pressure, sinus pain, sneezing, tiredness and difficulty in falling</p>

asleep, frequent waking, occasional heartburn, acid indigestion, earache, diaper rash, discomfort of pain from gas, cradle cap, and anti-inflammatories; Homeopathic supplements for young adults and teens used for stress relief; Homeopathic pharmaceuticals to relieve severity and duration of symptoms of sores and ulcers of the mouth and, for the relief of pain and discomfort of gums or tongue associated with canker sores; Homeopathic pharmaceuticals, homeopathic medication, and dietary supplements for use in the treatment of symptoms of menopause, skin with redness, lack of hydration, skin disorders, wrinkles, brown spots, acne, varicose veins; Homeopathic pharmaceuticals and homeopathic medication for use in the care and hygiene of skin, namely, creams, lotions, gels, milks, serums, masks, emulsions for use in treating skin with redness, lack of hydration, skin disorders, wrinkles, dark spots, acne; Homeopathic pharmaceuticals and homeopathic medication for use to aid in proper cellular hydration formulated to protect skin quality and maintain and promote skin elasticity and firmness; Homeopathic pharmaceuticals for use in the treatment and relief of body aches and pain, joint pain, back pain, leg and hip pain, muscular pain, arthritis pain, joint stiffness, leg cramps, foot cramps, and lower back cramps; homeopathic pharmaceuticals for alleviating chronic and acute rheumatic pains and body aches in the back, joints, legs, neck; homeopathic pharmaceuticals to aid in the relief of occasional sleeplessness or restlessness due to minor arthritis pain; Topical creams for anti-chafing and muscle recovery

Class 029. First use: First Use: None First Use In Commerce: None
Fruit-based or nut-based meal replacement bars for boosting energy

Class 030. First use: First Use: None First Use In Commerce: None
Energy gels; Grain-based energy bars


Class 032. First use: First Use: None First Use In Commerce: None
Powders used in the preparation of energy drinks or energy recovery drinks

Class 035. First use: First Use: None First Use In Commerce: None
Retail store services, online retail store services and mail order services featuring homeopathic products, vitamins, supplements, skin care, and personal hygiene; Promoting public awareness of natural and homeopathic remedies in the fields of aging, health, wellness, fitness and exercise for increased healthy lifespans; On-line retail store services featuring medical products in the field of complementary and alternative medicine

Class 041. First use: First Use: None First Use In Commerce: None
Providing publications in the nature of newsletters, reports, reference materials, journals, magazines, articles, catalogs and brochures in the fields of vitamins, supplements, dietary supplements, herbal and natural remedies, homeopathic pharmacopoeia standards, homeopathic drugs, skin care, and personal hygiene

Class 044. First use: First Use: None First Use In Commerce: None
Providing information in the field of complementary and alternative medicine

U.S. application no.	90736279	Application date	05/26/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	HYLAND'S NATURALS		

Design mark	
Description of mark	<p>The mark consists of the words "HYLAND'S NATURALS" in stylized lettering with a design of two leaves in place of the apostrophe in "HYLAND'S".</p>
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None Skin cleansing lotions and creams, soaps of all types including medicated, anti-perspirant, deodorant, disinfectant and toilet soaps, and tablets for the treatment of symptoms associated with acne; essences and essential oils; hair care preparations in this class including hair lotions, shampoos, conditioners, shampoo/conditioners, anti-dandruff shampoos, hairsprays, styling mousses and gels, oral hygiene products (not being for medical purposes); preparations for the mouth and for cleaning the mouth and teeth including mouth fresheners, mouth fresheners sprays, mouth washes, breath fresheners, toothpaste, dentifrices, none of the aforesaid being for medical purposes; suntan and sunscreen preparations; Diaper creams, massage oils, chest rubs, body creams for stretchmarks; Pet shampoos and skin conditioning care for pets</p> <p>Class 005. First use: First Use: None First Use In Commerce: None Homeopathic pharmaceuticals, medicines, herbal and natural remedies; dietary supplements; homeopathic supplements; natural herbal supplements; Homeopathic tablets comprising a combination of trace minerals for human consumption; dietary supplements; vitamin supplements; vitamins; analgesics; antiseptics; medicated soap; medicated soap for babies; anti-bacterial liquid soap; anti-bacterial waterless soap; Homeopathic pharmaceuticals for the use in the treatment of acne, allergies, arthritis and minor muscle and joint pain, back pain, bed wetting, bladder irritation, blemishes, boils and skin eruptions, coughs, colds, colic, cold sores and fever blisters, cramps, diarrhea, flu, fevers, gas and stomach upset, headache, hives, incontinence, indigestion, insomnia, irritability, leg cramps, menopause, menstrual cramps, motion sickness, muscle injury, nervous tension, poison ivy and oak, runny nose, sinus, sleeplessness, sneezing, sore throat, teething, and upset stomach; Dietary supplements for weight management, digestive health, anti-inflammation, immune health, eye health, brain health, sleep aid, nutrient boost (fruit and vegetable), energy boost, and stress and anxiety relief; Probiotic and prebiotic dietary supplements; Prenatal vitamins; Nutritional supplement energy bars; Dietary supplements for pets; Dietary supplements for pets for joint health, skincare, and anti-anxiety; anti-itch sprays and creams for pets; drawing salve for animals and horses; Homeopathic medicines, herbal and natural remedies for the relief of bruising and hematoma to be used topically and orally; Homeopathic pharmaceuticals and homeopathic medicines for use in the treatment of accumulation of mucus, nasal discharge, itchy throat, ear and nose discomfort, hay fever, watery, itchy and irritated eyes, nausea sinus pressure, sinus pain, sneezing, tiredness and difficulty in falling asleep, frequent waking, occasional heartburn, acid indigestion, earache, diaper rash, discomfort of pain from gas, cradle cap, and anti-inflammatory; Homeopathic supplements for young adults and teens used for stress relief; Homeopathic pharmaceuticals to relieve severity and duration of symptoms of sores and ulcers of the mouth and, for the relief of pain and discomfort of gums or tongue associated with canker sores; Homeopathic pharmaceuticals, homeopathic medication, and dietary supplements for use in the treatment of symptoms of menopause, skin with redness, lack of hydration, skin disorders, wrinkles, brown spots, acne, varicose veins; Homeopathic pharmaceuticals and homeo-</p>

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