

ESTTA Tracking number: **ESTTA1227481**

Filing date: **08/08/2022**

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	Welly Health PBC
Granted to date of previous extension	08/07/2022
Address	8733 LIVINGSTON LANE EDEN PRAIRIE, MN 55347 UNITED STATES
Attorney information	DYAN M. HOUSE BAKER & MCKENZIE LLP 1900 N PEARL ST. SUITE 1500 DALLAS, TX 75201 UNITED STATES Primary email: <a href="mailto:dallastrademarks@bakermckenzie.com">dallastrademarks@bakermckenzie.com</a> Secondary email(s): <a href="mailto:ipsu.officesupportsnow@bakermckenzie.com">ipsu.officesupportsnow@bakermckenzie.com</a> , <a href="mailto:ipsusnow@bakermckenzie.com">ipsusnow@bakermckenzie.com</a> , <a href="mailto:dallastrademarks@bakermckenzie.com">dallastrademarks@bakermckenzie.com</a> 2149783090
Docket no.	

**Applicant information**

Application no.	90580139	Publication date	02/08/2022
Opposition filing date	08/08/2022	Opposition period ends	08/07/2022
Applicant	Ashley Girad, Inc 1707 PACIFIC COAST HIGHWAY, STE 312 HERMOSA BEACH, CA 90254 UNITED STATES		

**Goods/services affected by opposition**

Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Mobile retail store services featuring food, flowers, pots, water, sodas, organic sanitizers, and local products in thenature of locally produced food and drink and household goods; on-line retail store services featuring food, flowers, pots, water, sodas, organic sanitizers, and local products in the nature of locally produced food and drink and householdgoods
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**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.	5789505	Application date	07/03/2018
Register	Principal		
Registration date	06/25/2019	Foreign priority date	NONE
Word mark	WELLY		
Design mark			
Description of mark	The mark consists of the stylized word "WELLY".		
Goods/services	Class 005. First use: First Use: Apr 7, 2019 First Use In Commerce: Apr 7, 2019 Adhesive bandages; bandages for dressing; gauze pads; antibiotic ointments; anti-itch ointments; first aid tools, namely, dressing bandages, gauze, and pain relieving ointment; preparations for treatment of burn; blister treatments; gauze;medical adhesive tape; first aid kits		

U.S. registration no.	5891235	Application date	04/22/2019
Register	Principal		
Registration date	10/22/2019	Foreign priority date	NONE
Word mark	WELLY		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Apr 7, 2019 First Use In Commerce: Apr 7, 2019 Adhesive bandages; bandages for dressing; gauze pads; antibiotic ointments; anti-itch ointments; first aid tools, namely, dressing bandages, gauze, and pain relieving ointment; preparations for treatment of burn; blister treatments; gauze;medical adhesive tape; first aid kits		

U.S. registration no.	6247110	Application date	12/18/2019
Register	Principal		
Registration date	01/12/2021	Foreign priority date	NONE
Word mark	WELLY		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Apr 5, 2020 First Use In Commerce: Apr 5, 2020 Pain relief medication; Analgesic Preparation, anti-pyretic and anti-inflammatory preparations; Allergy and sinus medication; Analgesic sleeping aid; Sleep-aidpreparations; All preparations containing acetaminophen; Pharmaceutical preparations, namely, allergy preparations, antihistamines; Pharmaceutical preparations, namely, antihistaminic and decongestant agents; Antiflatulent; Preparations for prevention and treatment of motion sickness, nausea and vomiting; Pharmaceutical anti-diarrheal preparations; Pharmaceutical preparations for the treatment ofgastro-intestinal disorders; Pharmaceutical preparations to support gastro-intestinal health		

U.S. application no.	88732470	Application date	12/18/2019
Registration date	NONE	Foreign priority date	NONE
Word mark	WELLY		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: None First Use In Commerce: None Pain treatment patches; Pain treatment creams; Sleep aid patches; Pharmaceuticals, namely, menstrual pain relief medication, analgesics and pain; Cold and sinus relief medicines; Pharmaceutical preparations, namely, flu, cold and cough medication; Cough drops; Throat lozenges; Antacids		

U.S. application no.	90359693	Application date	12/04/2020
Registration date	NONE	Foreign priority date	NONE
Word mark	WELLY		
Design mark			
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: None First Use In Commerce: None vitamin and mineral supplements; vitamins; gummy vitamins; herbal supplements; nutritional supplements; herbal supplements for boosting energy; nutritional supplements for boosting energy; natural sleep aid preparations; herbal supplementsfor sleeping problems; prebiotic supplements; heartburn relief medications		

Attachments	88732470#TMSN.png( bytes ) 90359693#TMSN.png( bytes )
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	Notice of Opposition - WELLYS WELLNESS.pdf(375193 bytes )
Signature	/Dyan House/
Name	DYAN M. HOUSE
Date	08/08/2022

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

Welly Health PBC,	§	
Opposer	§	Opposition No. _____
	§	Mark: WELLY’S WELLNESS
	§	Serial No. 90/580,139
v.	§	Filing Date: March 15, 2021
	§	Published: February 8, 2022
	§	
Ashley Girad, Inc.,	§	
Applicant	§	
	§	

**NOTICE OF OPPOSITION**

Welly Health PBC, a Delaware corporation, having a principal place of business at 8733 Livingston Lane, Eden Prairie, Minnesota 55347 (hereinafter, “Opposer”), believes it will be damaged by the registration of the trademark WELLY’S WELLNESS shown in Application Serial No. 90/580,139 (the “Application”). Opposer timely files this Notice of Opposition. As grounds for the opposition, Opposer alleges as follows:

1. On information and belief, Ashley Girad, Inc. is a California corporation with a principal address of 1707 Pacific Coast Highway, Ste 312, Hermosa Beach, California 90254 (hereinafter, “Applicant”).
2. Opposer provides personal care products throughout the world, including in the United States.
3. Opposer is the owner and registrant of the mark WELLY and related design marks covered by United States registrations, which are valid registrations in full force and effect. The details of these registrations are shown in the chart below and copies of the registration certificates/notices of allowance, as applicable, along with the TSDR records as of August 8, 2022, are attached hereto as Exhibit A:

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