

ESTTA Tracking number: **ESTTA1285739**

Filing date: **05/17/2023**

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	Trulieve, Inc.
Granted to date of previous extension	05/17/2023
Address	3494 MARTIN HURST RD. TALLAHASSEE, FL 32312 UNITED STATES
Attorney information	JEREMY KAPTEYN KW LAW, LLP 6122 N 7TH STREET, STE D PHOENIX, AZ 85014 UNITED STATES Primary email: jeremy@kwlaw.co Secondary email(s): docket@kwlaw.co 6026097366
Docket no.	

Applicant information

Application no.	90287296	Publication date	01/17/2023
Opposition filing date	05/17/2023	Opposition period ends	05/17/2023
Applicant	Michigan Harvest Company, LLC 30800 TELEGRAPH ROAD, SUITE 2800 BINGHAM FARMS, MI 48025 UNITED STATES		

Goods/services affected by opposition

Class 005. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Nutritional supplements containing or derived from cannabis with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis and not containing CBD; Dietary and nutritional supplements containing cannabis with a delta-9 THC concentration of not more than 0.3 percent on a dry weight basis and not containing CBD; all of the foregoing goods are derived from hemp with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis
Class 025. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Clothing, namely, T-shirts, Hats, Baseball caps, Polo shirts, Hoodies, Sweatshirts, Sweat pants, Leggings for women, Rain Jackets
Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Providing a website featuring commercial information, and consumer product information, all in the fields of hemp, hemp flower, and cannabidi-

ol (CBD) based products; Providing a website with consumer information in the field of cannabis; providing a website with consumer information regarding cannabis products

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.	5154042	Application date	01/22/2016
Register	Principal		
Registration date	03/07/2017	Foreign priority date	NONE
Word mark	HARVEST		
Design mark			
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: Jun 2, 2012 First Use In Commerce: Jun 2, 2012 Retail pharmacy services in the field of botanical medicines		

U.S. registration no.	5279159	Application date	01/25/2016
Register	Principal		
Registration date	09/05/2017	Foreign priority date	NONE
Word mark	HARVEST		
Design mark			
Description of mark	The mark consists of a circular logo, reminiscent of a windmill, using a variation of grey, yellow, and orange. The stylized word "HaRVest" appears in the color black or dark grey. The color white appears as background and is not part of the mark.		
Goods/services	Class 035. First use: First Use: Jun 2, 2012 First Use In Commerce: Jun 2, 2012 Retail pharmacy services in the field of botanical medicines		

U.S. application no.	88063468	Application date	08/02/2018
Registration date	NONE	Foreign priority date	NONE
Word mark	HARVEST		
Design mark			
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: May 11, 2013 First Use In Commerce: May 11, 2013 Providing a website with consumer information in the field of cannabis; providing a website with consumer information regarding cannabis products		

U.S. application no.	88063471	Application date	08/02/2018
Registration date	NONE	Foreign priority date	NONE

Word mark	HARVEST
Design mark	
Description of mark	NONE
Goods/services	Class 041. First use: First Use: May 11, 2013 First Use In Commerce: May 11, 2013 Providing information and news in the field of current events relating to the cannabis industry; providing a website featuring blogs, non-downloadable articles and news in the field of current events relating to the cannabis industry

U.S. application no.	88063480	Application date	08/02/2018
Registration date	NONE	Foreign priority date	NONE
Word mark	HARVEST		
Design mark			
Description of mark	NONE		
Goods/services	Class 044. First use: First Use: May 11, 2013 First Use In Commerce: May 11, 2013 Providing online health and wellness information in the field of cannabis and cannabis-derived products		

Attachments	Notice of Opposition - Michigan Harvest Company_ LLC.pdf(2898769 bytes)
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Signature	/jkapteyn/
Name	JEREMY KAPTEYN
Date	05/17/2023

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

In the Matter of Application Serial No. 90/287,296	Opposition No.
For the mark: MICHIGAN HARVEST	
Published: January 17, 2023	
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Trulieve, Inc.,	
Opposer,	
v.	
Michigan Harvest Company, LLC,	
Applicant.	

NOTICE OF OPPOSITION

Opposer, Trulieve, Inc., a Florida corporation with a principal place of business at 3494 Martin Hurst Rd., Tallahassee, Florida 32312, believes that it will be damaged by the issuance of a registration for the alleged mark shown in Application Serial No. 90/287,296. Opposer hereby opposes same pursuant to Section 13(a) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for opposition, Opposer alleges as follows:

1. Opposer, itself and through its related companies (collectively, “Trulieve”), is a vertically integrated cannabis company with operations across the United States that include cannabis cultivation, product manufacturing, and retail store operations.

2. Trulieve operates a number of HARVEST-branded retail stores and provides a range of related services (the “Harvest Services”) under the mark HARVEST in various forms and designs (the “HARVEST Marks”).

3. Trulieve has used the HARVEST Marks in interstate commerce in the United States continuously since at least April 2, 2013 in connection with the provision, offering for sale, sale, marketing, advertising, and promotion of its Harvest Services. Attached hereto as Exhibit 1 are copies of representative samples of Trulieve’s website available at www.harvesthoc.com and related social media channels showing Trulieve’s use of the HARVEST Marks in connection with these services.

4. Trulieve is the owner of United States Trademark Registration Nos. 5,154,042 and 5,279,159 for the mark HARVEST (the “Harvest Registrations”). The Harvest Registrations are valid and subsisting on the Principal Register in the United States Patent and Trademark Office. In addition, Trulieve owns pending U.S. Trademark Application Serial Nos. 88/063,468, 88/063,471, and 88/063,480 for the mark HARVEST (the “Harvest Applications”). Attached as Exhibit 2 is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status and title of the Harvest Registrations and the Harvest Applications as of January 18, 2023.

5. Trulieve has expended substantial time, money, and resources marketing, advertising, and promoting the services provided under the HARVEST Marks, spending tens of millions of dollars on the marketing, advertising, and promotion of the services provided under the HARVEST Marks in the United States.

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