

ESTTA Tracking number: **ESTTA1298135**

Filing date: **07/18/2023**

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	07/19/2023
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.	4020-00014

**Applicant information**

Application no.	97564204	Publication date	03/21/2023
Opposition filing date	07/18/2023	Opposition period ends	07/19/2023
Applicant	The HER Effect LLC PO BOX 327 ROCKWOOD, TN 37854 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: Non-medicated herbal body care products, namely, lotions, essential oils, soaps, deodorants, and cosmetics
Class 005. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Dietary and nutritional supplements; Herbal supplements
Class 016. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Weight loss program kits consisting primarily of printed information on weight loss and dieting, and also including vitamin supplements and hormones
Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Educational services, namely, conducting seminars, workshops, presentations, classes, courses, retreats, certification training, non-

downloadable podcasts, and mentoring groups in the field of herbalism, naturopathic diagnostic and healing protocols, medicinals, tinctures, supplements, skincare, self care, and inner and outer beauty and health and distribution of educational materials in connection therewith

Class 044. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Providing a web site featuring information on health and nutrition; Providing a website featuring information and advice in the fields of diet, weight loss, diet planning and lifestyle wellness

## Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
--------------------------------------	----------------------------

## Marks cited by opposer as basis for opposition

U.S. registration no.	5360072	Application date	06/01/2017
Register	Principal		
Registration date	12/19/2017	Foreign priority date	NONE
Word mark	ALCHEMY		
Design mark			
Description of mark	NONE		
Goods/services	Class 025. First use: First Use: Jul 15, 2017 First Use In Commerce: Jul 15, 2017 Clothing, namely, t-shirts, headwear, hats and socks		

U.S. registration no.	6130655	Application date	06/01/2017
Register	Principal		
Registration date	08/18/2020	Foreign priority date	NONE
Word mark	ALCHEMY		
Design mark			
Description of mark	NONE		
Goods/services	Class 022. First use: First Use: Oct 2019 First Use In Commerce: Oct 2019 Identification card holders in the nature of lanyards		

U.S. application no.	97678129	Application date	11/15/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	ALCHEMY		
Design mark			
Description of mark	NONE		
Goods/services	Class 035. First use: First Use: None First Use In Commerce: None Providing consumer information services, namely, providing a website featuring information in the field of cannabis and cannabis consumer products; providing information in the field of cannabis-derived products, namely, cannabis extract vaporizer products; providing consumer information in the field of cannabis-de-		

	rived natural products, namely, cannabinoids and terpenes, and their safety and purity; providing information in the field of production methods, safety, and purity of consumer product compositions comprising cannabis-derived natural products; providing online cannabis resources to consumers, namely, health and wellness information regarding cannabis products
--	---

U.S. application no.	97678144	Application date	11/15/2022
Registration date	NONE	Foreign priority date	NONE
Word mark	ALCHEMY		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: None First Use In Commerce: None Educational services, namely, providing a website featuring non-downloadable publications in the nature of articles in the field of the health benefits of cannabis products; providing information and news in the field of current events relating to the cannabis industry		

Attachments	Pleading - Notice of Opposition - The HER Effect LLC.pdf(170614 bytes ) Exhibits 1-2 - Notice of Opposition - The HER Effect LLC.pdf(5629937 bytes ) Exhibit 3 - Notice of Opposition - The HER Effect LLC.pdf(2676986 bytes )
-------------	--

Signature	/jkapteyn/
Name	JEREMY KAPTEYN
Date	07/18/2023

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

In the Matter of Application Serial No. 97/564,204

Opposition No.

For the mark: THE ALCHEMY CODE

Published: March 21, 2023

---

Trulieve, Inc.,

Opposer,

v.

The HER Effect 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 registrations for the alleged mark shown in Application Serial No. 97/564,204. 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, cannabis-derived product manufacturing, retail store operations, and consumer education services.

2. Trulieve provides a range of cannabis-derived goods, non-cannabis merchandise, and related services (the “Alchemy Goods and Services”) under the mark ALCHEMY in various forms and designs (the “ALCHEMY Marks”).

3. Trulieve has used the ALCHEMY Marks in interstate commerce in the United States continuously since at least June of 2016 in connection with the provision, offering for sale, sale, marketing, advertising, and promotion of its Alchemy Goods and Services. Attached hereto as Exhibit 1 are copies of representative samples of Trulieve’s websites available at trulieve.com and evolab.com showing Trulieve’s use of the ALCHEMY Marks in connection with these goods and services.

4. Trulieve, through wholly-owned subsidiary CBx Enterprises LLC, d/b/a CBx Sciences (“CBx”), is the owner of United States Trademark Registration Nos. 5,360,072 and 6,130,655 for the mark ALCHEMY in connection with branded promotional merchandise goods (the “Alchemy Registrations”). The Alchemy 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. 97/678,129 and 97/678,144 for the mark ALCHEMY (the “Alchemy 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 Alchemy Registrations and the Alchemy Applications as of July 18, 2023.

5. Trulieve has expended substantial time, money, and resources marketing, advertising, and promoting the goods and services provided under the ALCHEMY Marks, spending hundreds of thousands of dollars on the marketing, advertising, and promotion of the goods and services provided under the ALCHEMY Marks in the United States.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.