

ESTTA Tracking number: **ESTTA1325179**  
Filing date: **11/29/2023**

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	ZETA FARMACEUTICI SPA
Granted to date of previous extension	01/17/2024
Address	VIA MENTANA, 38 VICENZA, I-36100 ITALY
Attorney information	JASON L DEFRANCESCO THE DEFRANCESCO LAW FIRM PLLC 110 DUNGANNON BLVD., STE 101 WILMINGTON, NC 28403 UNITED STATES Primary email: jasond@defrancesco.law Secondary email(s): ipoffice@defrancesco.law No phone number provided
Docket no.	

### Applicant information

Application no.	97731794	Publication date	09/19/2023
Opposition filing date	11/29/2023	Opposition period ends	01/17/2024
Applicant	ZCOMMERCE LLC 3 STERLING COURT PLAINVIEW, NY 11803 UNITED STATES		

### Goods/services affected by opposition

Class 003. First Use: Sep 10, 2022 First Use In Commerce: Nov 21, 2022  
All goods and services in the class are opposed, namely: Cosmetics; Beauty serums

### Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Other	Void. Applicant not existent

### Marks cited by opposer as basis for opposition

U.S. registration no.	5084078	Application date	04/07/2014
Register	Principal		
Registration date	11/22/2016	Foreign priority	NONE

		date	
Word mark	ZETA ZETA FARMACEUTICI		
Design mark			
Description of mark	The mark consists of the word "ZETA" shown in stylized font above the wording "ZETA FARMACEUTICI".		
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None  [ Soap; perfumery; essential oils; ] cosmetics; [ hair lotions; ]dentifrices; exfoli-  ants for skin; [ eau de cologne; lavender water; perfume water; nail art stickers;  adhesives for cosmetic purposes; adhesives for affixing false hair; adhesives for  affixing false eyelashes; scouring solutions; aloe vera gel for cosmetic purposes;  amber-scented perfume; non-medicated foot, hair restoration and skin care lo-  tions; false eyelashes; ] face powder; hair dyes; [ hair colorants for toilet pur-  poses; ] make-up; [ cosmetics for animals; cosmetics for eyelashes; eyebrow  cosmetics; ] cosmetic creams; [ skin whitening creams; bleaching preparations  for cosmetic purposes and for household use; hair and nail decolorants for cos-  metic purposes; ] deodorants for human beings [ and for animals; massage gels  other than for medical purposes; dental bleaching gels; henna cosmetic dye;  hair spray; nail polish; almond milk for cosmetic purposes; ] cleansing milk for  toilet purposes; [ aftershave; lotions for cosmetic purposes; ] lip gloss; mascara;  [ cosmetic masks; ] eyebrow pencils; lip liner; cosmetic eye pencils; [ mint oil for  perfumery; decorative transfers for use as cosmetics; cosmetic kits comprising  cosmetics, cosmetic preparations for skin care and lipstick; neutralizers, namely,  permanent waving preparations for the hair; oils for toiletry purposes; oils for  perfumes and scents; oils for cleaning purposes; oils for cosmetic purposes; al-  mond-scented cosmetic oil; hydrogen peroxide for cosmetic purposes; pomades  for cosmetic purposes; sun-tanning preparations for cosmetic purposes; cosmet-  ic preparations for baths;] toiletries, namely, douching preparations for personal  sanitary or deodorant purposes; [ preparations for cleaning dentures; polishing  preparations; hair waving preparations; denture polishes; sun tan lotion; scale  removing preparations for household purposes; ] cosmetic preparations for slim-  ming purposes; cosmetic preparations for skin care; [ depilatories; toiletries,  namely, antiperspirants; ] non-medicated dental rinse;[ nail care preparations;  cleaning preparations for household purposes; shaving preparations; non-  medicated toiletries; smoothing preparations in the nature of laundry starch; ]  make-up removing preparations; [ air fragrance preparations; ] lipstick; [ jewel-  ers' rouge in the nature of polishing preparations; non-medicated bath salts; al-  mond soap; shaving soap; soap for foot perspiration; antiperspirant soap; de-  odorant soap; disinfectant soap; medicated soap; ] shampoo [ ; dry shampoos;  breath freshening sprays; talcum powder for toilet use; cosmetic hair dyes;  beard dyes; tissues impregnated with cosmetic lotions; false nails ]</p> <p>Class 005. First use: First Use: None First Use In Commerce: None  Pharmaceutical preparations for the treatment of [ viral, metabolic, endocrine,  musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dys-  function, oncological, hepatological, ophthalmic, respiratory, neurological,  gastrointestinal, hormonal, ] dermatological [ , psychiatric and immune system re-  lated ] diseases and disorders; pharmaceutical preparations, namely, [ antide-  pressants, appetite suppressants and ] pharmaceutical preparations for skin  care; [ veterinary preparations, namely, antioxidants and pain relief medication;  veterinary preparations for treatment of intestinal bacteria; sanitary preparations  for medical purposes; dietetic foods, namely, pasta and crackers adapted for  medical purposes; food for babies; ] dietary supplements for humans; all-  purpose disinfectants; [ medicated sun-tanning preparations in the form of pills;  dental abrasives; corn rings for the feet; fumigating pastilles as disinfectants;  veterinary preparations, namely, antioxidants in the form of pills; antiseptics; ]  headache treatment preparations; [ medical dressings; vaginal washes; dietetic  beverages, namely, dietary beverage supplements for human consumption in li-  quid and dry mix form for therapeutic purposes and dietary supplemental drinks</p>		

in the nature of vitamin and mineral beverages adapted for medical purposes; bicarbonate of soda for pharmaceutical purposes; camphor for medical purposes; medicated compresses; cachets in the nature of capsules sold empty for pharmaceuticals; disinfectants for hygiene purposes; milk ferments for pharmaceutical purposes; ferments for pharmaceutical purposes; dietary fiber to aid digestion, dietary fiber for treating constipation and dietary fiber for use as an ingredient in the manufacture of dietary supplements; ] enzyme dietary supplements; [ wheat germ dietary supplements; glucose dietary supplements; lecithin for use as dietary supplements; yeast dietary supplements; pollen dietary supplements; ] propolis dietary supplements; [ protein dietary supplements; mineral food supplements; iodine for pharmaceutical purposes; camphor oil for medical purposes; cod liver oil; castor oil for medical purposes; flaxseed oil dietary supplements; royal jelly dietary supplements; hydrogen peroxide for medical purposes; medical preparations for slimming purposes in the form of pills; appetite suppressant in the form of pills; aloe vera gel for pharmaceutical therapeutic purposes; ] vitamin preparations; [ therapeutic medicated bath preparations; medicated sunburn ointments; sunburn preparations for pharmaceutical purposes; preparations, namely, antifungal preparations and fungal medications for destroying dry rot fungus; chilblain preparations; preparations for callus, namely, callus creams; burn relief medication for the treatment of burns; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for skin care; medicated mouthwashes; propolis for medicinal purposes; ] medicines for the treatment of constipation conditions; [ remedies for perspiration, namely, botulinum toxin for medical use for use in the treatment of excessive sweating and buccal tablets for medical use for use in the treatment of excessive sweating; remedies for foot perspiration, namely, medicated foot powder, botulinum toxin for medical use for use in the treatment of excessive foot sweating and buccal tablets for medical use for use in the treatment of excessive foot sweating; mineral water salts in the nature of bath salts not for medical purposes; cough syrups for pharmaceutical purposes; syrups for pharmaceutical purposes for the treatment of viral, metabolic, endocrine, musculoskeletal, cardiovascular, cardiopulmonary, genitourinary, sexual dysfunction, oncological, hepatological, ophthalmic, respiratory, neurological, gastrointestinal, hormonal, dermatological, psychiatric and immune system related diseases and disorders; dietetic substances adapted for medical use, namely, dietetic foods in the nature of pasta and crackers adapted for medical use, dietetic low-salt bread adapted for medical use and dietetic nutritional meal replacement bars adapted for medical use for individuals undergoing medical treatments; ] suppositories; [ tincture of iodine; tinctures for medical purposes, namely, medicines for intestinal disorders, medicines for the treatment of gastrointestinal diseases and medicinal preparations for the mouth to be applied in the form of drops, capsules, tablets and compressed tablets; mineral water for medical purposes; thermal water, namely, mineral, vitamin, or nutritionally enhanced water; nutritional additives for medical purposes, namely, nutritional food additives for medical purposes in the nature of natural food extracts derived from fish, meat and vegetables; denture adhesives; general anesthetics; antibiotics; corn remedies, namely, corn creams, corn pads, corn plasters and corn rings for the feet; calomel for medical purposes; quinine for medical purposes; enzymes for medical purposes; ] evacuants [ ; flour linseed meal for pharmaceutical purposes; glycerine for medical use; laxatives; almond milk ferments for pharmaceutical purposes; malted milk beverages for medical purposes; lactose for pharmaceutical purposes; lecithin for medical purposes; pharmaceutical skin lotions; magnesia-based purgatives for pharmaceutical purposes; caustic pencils for treating warts; headache pencils for treating migraines; styptic pencils; medicines for human purposes, namely, medicines for dental purposes, medicines for intestinal disorders and medicines for the treatment of gastrointestinal diseases; royal jelly food supplement; royal jelly for medical purposes; medicinal hair growth preparations; bronchodilating preparations; vaginal douching preparations for medical purposes; contact lens cleaning preparations; ready-to-use eyewashes; medical weight loss preparations, namely, stimulatory medications for use in weight reduction programs, thera-

	peutic agents for weight control and weight management supplements; preparations to facilitate teething, namely, teeth filling material, fillings for teeth and materials for artificial teeth; preparations for destroying vermin; diagnostic preparations for medical purposes; smelling salts; medicated bath salts for mineral water baths; bath salts for medical purposes; sodium salts for medical purposes; flaxseed dietary supplements; linseed meal for pharmaceutical purposes; solutions for use with contact lenses; solvents for removing medical adhesive plasters; sleeping pills; herbal teas for medical purposes; napkins in the form of bandages and microfiber towels impregnated with pharmaceutical skin lotions; tranquilizers; ointments for pharmaceutical purposes, namely, antibiotic ointments, anti-inflammatory ointments, anti-itch ointment, medicated ointments for treating dermatological conditions and medicated sunburn ointments ]
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U.S. application/ registration no.	NONE	Application date	NONE
Register	NONE		
Registration date	NONE		
Mark	ZETA		
Goods/services	cosmetics; beauty serums; dentifrices; exfoliants for skin; face powder; hair dyes; make-up; cosmetic creams; deodorants for human beings; cleansing milk for toilet purposes; lip gloss; mascara; eyebrow pencils; lip liner; cosmetic eye pencils; toiletries, namely, douching preparations for personal sanitary or deodorant purposes; cosmetic preparations for slimming purposes; cosmetic preparations for skin care; non-medicated dental rinse; make-up removing preparations; lipstick; shampoo; Pharmaceutical preparations for the treatment of dermatological diseases and disorders; pharmaceutical preparations, namely, pharmaceutical preparations for skin care; dietary supplements for humans; all-purpose disinfectants; headache treatment preparations; enzyme dietary supplements; propolis dietary supplements; vitamin preparations; medicines for the treatment of constipation conditions; suppositories; evacuants; development, production and distribution medicines, medical devices, cosmetics, dietary supplements, biocides and foregoing goods		

Attachments	NOOP.pdf(1543763 bytes )
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Signature	/jd/
Name	JASON L DEFRANCESCO
Date	11/29/2023

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

In re application no. 97731794

Mark: ZAETA

Published in Official Gazette September 19, 2023

ZETA FARMACEUTICI SPA,

Opposer,

v.

ZCOMMERCE LLC,

Applicant.


Opposition No.: \_\_\_\_\_

**NOTICE OF OPPOSITION  
PURSUANT TO 15 U.S.C. § 1063**

In the matter of trademark application Serial No. 97731794 filed by Applicant, ZCOMMERCE LLC, for registration of the word ZAETA (“Applicant’s Mark”) as published in the Official Gazette September 19, 2023, Opposer, ZETA FARMACEUTICI SPA, owner of the mark ZETA for same goods, believes it will be damaged by registration to Applicant therefor, and hereby opposes same based on the following,

Opposer, ZETA FARMACEUTICI SPA

1. Opposer, ZETA FARMACEUTICI SPA, is a Joint Stock Company US - equivalent according to the laws of Italy and having an address at Via Mentana 38, Vicenza, Italy I-36100 (the “Opposer”).

2. Opposer owns U.S. Trademark Registration No. 5084078 for the stylized words, ZETA ZETA FARMACEUTICI  Zeta Farmaceutici for IC 003 and 005 Opposer’s goods that include, but are not limited to, “Cosmetics; Beauty serums” (the “Opposer’s Registration”).

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