

ESTTA Tracking number: **ESTTA1348011**  
Filing date: **03/22/2024**

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	Medela Holding AG		
Entity	Corporation	Incorporated or registered in	Switzerland
Address	LÄTTICHSTRASSE 4B BAAR, CH-6340 SWITZERLAND		
Attorney information	JAMES R MENKER HOLLEY & MENKER, PA PO BOX 331937 ATLANTIC BEACH, FL 32233 UNITED STATES Primary email: eastdocket@holleymenker.com 9042472620		
Docket no.	3466.1044		

### Applicant information

Application no.	97883983	Publication date	02/27/2024
Opposition filing date	03/22/2024	Opposition period ends	03/28/2024
Applicant	Jos Daniel 10775 DOUBLE R BLVD., STE 888 RENO, NV 89521 UNITED STATES		

### Goods/services affected by opposition

Class 005. First Use: Apr 1, 2023 First Use In Commerce: Apr 1, 2023  
All goods and services in the class are opposed, namely: Anti-inflammatory gels; Anti-inflammatory preparations; Medicated cosmetics

### 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.	1559588	Application date	01/11/1988
Register	Principal		
Registration date	10/10/1989	Foreign priority date	NONE
Word mark	MEDELA		

Design mark	<b>MEDELA</b>
Description of mark	NONE
Goods/services	Class 009. First use: First Use: Oct 1986 First Use In Commerce: Feb 1987 PRE-RECORDED VIDEO FILMS ON BREAST FEEDING Class 010. First use: First Use: 1962 First Use In Commerce: 1981 MEDICAL APPARATUS AND INSTRUMENTS; NAMELY ELECTRIC AND MANUAL BREAST PUMPS, BATTERY OPERATED BREAST PUMPS, VACUUM DELIVERY MEDICAL PUMPS, NIPPLE STIMULATORS FOR CONTRACTION STRESS TESTS, NIPPLE SHIELDS, BREAST SHELLS, APGAR, MEDICAL TIMERS, MEDICAL COOLERS FOR BREAST MILK, NURSING GOWNS

U.S. registration no.	3807180	Application date	07/11/2008
Register	Principal		
Registration date	06/22/2010	Foreign priority date	04/30/2008
Word mark	MEDELA		
Design mark	<b>MEDELA</b>		
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: None First Use In Commerce: None [ Body care products, namely, soaps; perfumery, aromatherapy products, namely, essential oils, hair lotions; dentifrices, ] feminine hygiene products, namely, creams for use on the skin and body [ ; baby lotions and wipes ] Class 005. First use: First Use: None First Use In Commerce: None Plasters for wound dressing, gauze for dressings; breast-nursing pads and breast nursing pads, namely, hydrogel pads for protection of sensitive and sore nipples; [ disinfectants for medical instruments; ] disinfectants for all purposes [ ; food for infants, namely, breastmilk and processed breastmilk; products made out of breastmilk, namely, fortified breastmilk ] Class 009. First use: First Use: None First Use In Commerce: None Computer hardware and computer software, namely, educational software for pregnant women featuring instruction in the field of breastfeeding; [ blank magnetic data carriers; pre-recorded CDs, floppy disks, audio and video cassettes, and audio and ] video tapes featuring educational instruction for pregnant and breastfeeding women and healthcare professionals in the field of breastfeeding; magnetically encoded and electronically encoded identity cards; scales Class 010. First use: First Use: None First Use In Commerce: None [ Artificial limbs, eyes and teeth; ] suture materials [ ; phototherapeutic apparatus for medical purposes; ] vacuum pumps for medical purposes; medical specimen collecting containers and medical pouches and containers for medical speci-		

mens as well as for the collection, disposal, and transport of body fluids; forceps for medical use; [ incubators for newborns; lamps, namely, medical examination lamps, surgical lamps, ultraviolet ray lamps for medical purposes and phototherapy lamps for medical purposes; ] breast pumps; breast shields; feeding bottles; medical pouches and containers specially designed for the collection, deep-freezing, storing, transport, and reheating breast milk for medical purposes; feeding bottles for medical purposes; breast nipple shields for medical purposes; nipple formers for breastfeeding, namely, medical device which applies pressure on the nipple muscle and helps it to extend or prepare flat or inverted nipples for breastfeeding; [ bags and containers specially adapted for use holding sterilizer units for medical purposes; cooling bags for medical purposes, namely, for cooling apparatus used for medical and surgical equipment used during medical and surgical procedures; elastic stockings, medical compression stockings for varicose veins; ] bags and containers specially adapted for holding medical steam cleaners and sterilizers for medical purposes; ventouses, namely, medical vacuum pumps designed to accelerate childbirth; dummies or teats for babies, namely, [ pacifiers and ] baby bottle nipples

Class 011. First use: First Use: None First Use In Commerce: None  
Electric heaters for feeding bottles, sterilizers, baby bottle sterilizers, milk and water sterilizers [ ; pasteurizers for use in food and beverages ]

Class 018. First use: First Use: None First Use In Commerce: None  
[ Leather and imitations of leather, trunks and ] travelling bags; [ travelling trunks, suitcases, ] rucksacks; [ and ] sling straps [ , namely, straps ] for carrying cases for the transport of breast pumps and vacuum pumps; [ slings for carrying infants; umbrellas, parasols and walking sticks; all purpose carrying bags and baby carrying bags ]

Class 021. First use: First Use: None First Use In Commerce: None  
[ Earthenware, namely, mugs, basins, plates and bowls; ] bags and containers for household use, namely, containers for storing, freezing, preserving, transporting and heating of breast milk [ ; containers for household use, namely, containers for sterilizers; drinking cups ]


Class 025. First use: First Use: None First Use In Commerce: None  
Ladies underwear for expectant and nursing mothers, namely, [ panty, ] maternity supporting brief and belt, nursing bra, camisole, undershirt, tank top; brassieres and underwear, clothes for mothers before and after birth, namely, shirts, tops [ , pants, bottoms, blouses, skirts ]

Class 040. First use: First Use: None First Use In Commerce: None  
[ Treatment of materials, namely, beverage processing in the form of preservation, analyzing, separation, isolation of components, converting and pasteurization of breast milk ]


Class 041. First use: First Use: None First Use In Commerce: None  
Education in the form of classes, workshops, seminars in the field of breastfeeding, phototherapy and healthcare; information about education in the field of breastfeeding, phototherapy and healthcare; medical training in the use and operation of breastfeeding, phototherapy and healthcare devices

Class 044. First use: First Use: None First Use In Commerce: None  
Medical services in the field of home care services; medical services in the field of breastfeeding, phototherapy and healthcare; rental of medical equipment, namely, breast pumps and vacuum pumps; [ services of a breast milk bank, namely, for collecting and administrating of breast milk ]

U.S. registration no.	6741769	Application date	03/03/2021
Register	Principal		
Registration date	05/31/2022	Foreign priority	09/11/2020

		date	
Word mark	MEDELA BABY		
Design mark			
Description of mark	The mark consists of the stylized wording "MEDELA BABY" followed by a heart to the right.		
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None  Non-medicated cosmetics and toiletry preparations; essential oils; shampoos; hair lotions; shampoos for babies; baby powders; baby lotions; non-medicated soaps; skin creams for babies; baby body washes; talcum powders; non-medicated cosmetic preparations, creams and lotions for the body, skin and hair; non-medicated massage gels, creams and oils; liquid talcs for babies, namely baby lotion; non-medicated balms for use on hair, skin and lips; body creams; bath and shower gels; cosmetic cleansing and moisturizing creams, oils, lotions, preparations and foams; body powder</p> <p>Class 008. First use: First Use: None First Use In Commerce: None  Electric and non-electric nail clippers; scissors; nail scissors; nail scissors for babies; table cutlery; table cutlery for learning to eat; table cutlery for babies; tableware, namely, forks, knives and spoons; ergonomic table cutlery for children; electric or non-electric hair clippers; electric or non-electric hair shavers; scissors for cutting hair; nail files, electric and non-electric; electric and non-electric pedicure and manicure sets; nail files and nail files of cardboard</p> <p>Class 009. First use: First Use: None First Use In Commerce: None  Thermometers and electronic thermometers, not for medical use; bath thermometers not for medical purposes; thermometers for household use not for medical purposes; downloadable computer programs and software for providing educational information and instructions in the field of baby care; downloadable application software for providing educational information and instructions in the field of baby care; computer hardware and downloadable computer firmware and software for providing educational information and instructions in the field of baby care</p> <p>Class 010. First use: First Use: None First Use In Commerce: None  Babies' pacifiers; pacifier clips; teats being pacifiers for babies; straps for pacifiers; chains for pacifiers; feeding bottle teats; feeding bottle teats for medical use; teething rings; teething rings for medical use; breast milk storage bottles, feeding bottles and their accessories, namely, disposable baby bottles liners and nipples for baby bottles; suction bottles for babies; feeding bottle valves; spoons for administering medicine; thermometers for medical use; nose pumps, namely nasal aspirators; handles for feeding bottles</p> <p>Class 021. First use: First Use: None First Use In Commerce: None  Containers for household or kitchen use; kitchen containers; all purpose portable household containers; combs and sponges for household purposes; brushes, except paintbrushes, namely, cleaning brushes for household use; brush-making materials; glassware, porcelain and earthenware, namely, beverage glassware, plates, bowls and mugs; brooms of synthetic fibers and natural animal fibers; bottles sold empty; cups; bags and containers for collecting, freezing, preserving, transporting, reheating mother's milk and for breastfeeding, namely, insulated bags and containers for food or beverage for domestic use; pouches and containers for steam cleaning and sterilization, namely, containers for household use; non-electric heaters for feeding bottles; training cups and water bottles sold empty for babies and children; cups with spouts for babies and chil-</p>		

	<p>dren; non-spill tumblers for use as drinking glasses and bottles sold empty; toothbrushes; heat-insulated containers for household use; household containers for preserving and freezing food for babies; drinking straws; bowls and buckets; portable baby baths, namely, foldable bath tubs for babies; isothermal and thermally insulated containers; insulating pouches and small bags for keeping bottles and cups warm or cool; plates; closures for cups, namely, cup lids (not of precious metals or plated with such a metal); money boxes; non-electric food mixers for household use; insulating flasks; bottle openers; bottle dryers; chamber pots; heat storage containers for feeding bottles, namely, thermal insulated containers for food or beverage; tumblers for use as drinking glasses for babies</p> <p>Class 025. First use: First Use: None First Use In Commerce: None</p> <p>Clothing for babies and children, namely, infantwear, shirts, pants, dresses, underwear, pajamas, infant sleepers being clothing, infant wearable blankets, infant and toddler one piece clothing and one-piece garments for children; baby bibs, not of paper; bibs of fabric (with or without pacifiers); scarf with pacifier clips; scarves</p> <p>Class 028. First use: First Use: None First Use In Commerce: None</p> <p>Toys, namely, bath toys, inflatable toys, dolls, crib toys, crib mobiles, infant action crib toys, baby and children's multiple activity toys; toy clocks; rattles for babies and rattles for young children; baby rattles with teether rings; plush toys; flexible toys, namely, soft sculpture toys; educational toys in the nature of precut felt shapes, felt boards and felt images for visual learning and imaginative play; children's educational toys for developing fine motor, cognitive and counting skills; plush toys with attached comfort blanket, with and without pacifiers</p>
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U.S. registration no.	7057790	Application date	11/11/2021
Register	Principal		
Registration date	05/23/2023	Foreign priority date	05/20/2021
Word mark	MEDELA FAMILY		
Design mark			
Description of mark	<p>The mark consists of the wording "MEDELA FAMILY" in stylized font to the right of an outline of the head and torso of a human comprised of a shaded circle and heart holding the stylized design of a baby comprised of a circle and tear drop design.</p>		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None</p> <p>Computer hardware; Downloadable and recorded computer software and firmware for providing breastfeeding advice, tips and information and providing customer service support and product information to mothers and expectant mothers; Downloadable and recorded computer application software for providing breastfeeding advice, tips and information and providing customer service support and product information to mothers and expectant mothers; downloadable software via smartphones, mobile phones, mobile terminals or other portable and desktop computer applications for providing breastfeeding advice, tips and information and providing customer service support and product information to mothers and expectant mothers; Downloadable and recorded application software for mobile phones for providing breastfeeding advice, tips and information and providing customer service support and product information to mothers and expectant mothers; Downloadable and recorded computer operating system software; downloadable software applications for providing breastfeeding advice, tips and information and providing customer service support and product</p>		

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