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Filing date: **10/09/2024**

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	Ogee, Inc.
Granted to date of previous extension	10/09/2024
Address	1 LAWSON LANE STE 130 BURLINGTON, VT 05401 UNITED STATES

Attorney information	CATHLEEN E. STADECKER DOWNS RACHLIN MARTIN PLLC 199 MAIN STREET, PO BOX 190 BURLINGTON, VT 05402-0190 UNITED STATES Primary email: tmip@drm.com 802-863-2375
Docket no.	17032030USQ1

### Applicant information

Application no.	98176558	Publication date	06/11/2024
Opposition filing date	10/09/2024	Opposition period ends	10/09/2024
Applicant	Liquid Gold Hair LLC 8350 UNIV EXECUTIVE PARK DR. STE 350 CHARLOTTE, NC 28262 UNITED STATES		

### Goods/services affected by opposition

Class 003. First Use: Jun 1, 2011 First Use In Commerce: Jun 1, 2011  
All goods and services in the class are opposed, namely: Cosmetics; Perfume; Bar soap; Body butter; Body wash; Carrier oils for cosmetic purposes; Cosmetic creams; Cosmetic creams for skin care; Cosmetic preparations for eyelashes; Cosmetic preparations for skin care; Essential oils; Essential oils for hair care, skin care; Essential oils for personal use; Facial scrubs; Foot masks for skin care; Hair care creams; Hair care lotions; Hair care preparations for hair edges; Hair care preparations consisting of organic coconut virgin oil and coconut virgin oil; Hair conditioner; Hair conditioner bars; Hair conditioners; Hair creams; Hair gel; Hair gels; Hair lotion; Hair lotions; Hair nourishers; Hair oils; Hair shampoo; Hair shampoos and conditioners; Hair tonic; Hair tonics; Lotions for beards; Lotions for face and body care; Moisturizing creams; Natural soap bars; Non-medicated anti-aging serum; Non-medicated balm for hair; Non-medicated cleansers for personal use, namely, facial cleansers, facial moisturizers, facial scrubs, facial creams, facial oils, facial masks, hair and scalp cleansers, skin cleaners; Non-medicated hair serums; Non-medicated preparations all for the care of skin, hair and scalp; Non-medicated skin care creams and lotions; Oils for hair conditioning; Shea butter for cosmetic purposes; Skin care products, namely, non-medicated skin serum; Skin moisturizer; Skin soap; Skin toners; Non-medicated skin care preparations; Non-medicated skin care preparations, namely,

creams, lotions, gels, toners, cleaners and masks, lotions for beards, lotions for face and body care, facial lotions, hair lotion, hair tonic; Non-medicated skin toners

Class 035. First Use: Jun 12, 2011 First Use In Commerce: Jun 12, 2011

All goods and services in the class are opposed, namely: Computerized on-line retail store services in the field of hair care products, cosmetic products, skin care products, accessories, bonnets; On-line retail store services featuring hair care products, cosmetic products, skin care products, accessories, bonnets

## Grounds for opposition

The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)

Attachments	Notice of Opposition.pdf(30082 bytes ) Exhibit A.pdf(848011 bytes ) Exhibit B1.pdf(5405229 bytes ) Exhibit B2.pdf(4963283 bytes ) Exhibit B3.pdf(4990078 bytes )
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Signature	/cathleen e stadecker/
Name	Cathleen E. Stadecker
Date	10/09/2024

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

In the Matter of Application Serial No. 98176558 for LIQUID GOLD  
Published in the *Official Gazette* of June 11, 2024

-----X	:	
Ogee, Inc.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.:
	:	
Liquid Gold Hair LLC,	:	
Applicant.	:	
-----X	:	

**NOTICE OF OPPOSITION**

Ogee, Inc., a Delaware corporation, with an address at 1 Lawson Lane, Suite 130, Burlington, Vermont 05401 (hereinafter, “Opposer”), believes that it will be damaged by the registration of the LIQUID GOLD mark, which is set forth in Application Serial No. 98176558, filed by Liquid Gold Hair LLC, a North Carolina limited liability company, having an address at 8350 Univ Executive Park Dr. Ste 350, Charlotte, North Carolina 28262 (hereinafter, “Applicant”), and hereby opposes registration of the same.

As grounds for opposition, Opposer alleges as follows:

1. Opposer has been engaged in the manufacture and sale of cosmetics since at least as early as 2016.
2. Opposer has manufactured and sold a “liquid gold” cleansing oil in the United States since as early as November 2018. Opposer needs to be able to use this designation in connection with the promotion and sale of its cleansing oil. Attached as Exhibit A is a true and

correct copy of Opposer’s website <https://ogee.com/products/liquid-gold-cleansing-oil> showing Opposers use of the designation.

3. The term “liquid gold” has been used by the public and numerous cosmetics manufacturers to describe a key characteristic of cosmetic products. For example, the following websites display use of “liquid gold” by others in the industry. Screenshots of the third-party uses are attached as Exhibit B.

	<b>Product</b>	<b>Owner</b>	<b>Website</b>
1.	Liquid Gold	Barefaced	<a href="https://www.barefaced.com/products/liquid-gold">https://www.barefaced.com/products/liquid-gold</a>
2.	Liquid Gold	Enza	<a href="https://www.enza.com/products/liquid-gold">https://www.enza.com/products/liquid-gold</a>
3.	Liquid Gold	Perfect Face	<a href="https://perfectfacelajolla.com/products/liquid-gold">https://perfectfacelajolla.com/products/liquid-gold</a>
4.	Liquid Gold	Biophora	<a href="https://newgenscience.com/products/liquid-gold">https://newgenscience.com/products/liquid-gold</a>
5.	Liquid Gold	Joëlle Martine	<a href="https://joellemartine.com/products/liquid-gold">https://joellemartine.com/products/liquid-gold</a>
6.	Liquid Gold	Anna Lotan	<a href="https://www.israelcosmedics.com/cat-liquid-gold.cfm">https://www.israelcosmedics.com/cat-liquid-gold.cfm</a>
7.	Liquid Gold	Bondi Sands	<a href="https://bondisands.com/collections/liquid-gold">https://bondisands.com/collections/liquid-gold</a>
8.	Liquid Gold Face Oil	DRENCHEDSkin	<a href="https://drenchedskin.us/products/liquid-gold-face-oil-organic-face-oil-essential-oils">https://drenchedskin.us/products/liquid-gold-face-oil-organic-face-oil-essential-oils</a>
9.	Liquid Gold Rejuvenating Facial Oil	Simpure	<a href="https://www.beautyque.nyc/products/liquid-gold-facial-oil">https://www.beautyque.nyc/products/liquid-gold-facial-oil</a>
10.	Liquid Gold Drink	Julisis	<a href="https://www.julisis.com/usa/product/liquid-gold-drink/">https://www.julisis.com/usa/product/liquid-gold-drink/</a>
11.	Liquid Gold Skin Glow	Mary & Berries Beauty	<a href="https://www.maryandberries.com/products/liquid-gold-skin-glow">https://www.maryandberries.com/products/liquid-gold-skin-glow</a>
12.	Cellular Recovery Oil, Multi-Use Liquid Gold	Yulin Jade	<a href="https://yulinjade.com/product/restore/">https://yulinjade.com/product/restore/</a>
13.	Liquid Gold Serum	Isa Skin Care	<a href="https://www.isaskin.com/products/liquid-gold-facial-serum-1oz">https://www.isaskin.com/products/liquid-gold-facial-serum-1oz</a>
14.	Liquid Gold Facial Serum	Stemulation	<a href="https://stemulation.com/products/new-liquid-gold-facial-serum">https://stemulation.com/products/new-liquid-gold-facial-serum</a>
15.	Liquid Gold Moisturizer	Lavado Essentials	<a href="https://lavadoessentials.net/shop/p/il6zaw6xb2s7hddgxt1f9byx4go9s2">https://lavadoessentials.net/shop/p/il6zaw6xb2s7hddgxt1f9byx4go9s2</a>
16.	Liquid Gold Cleansing Duo	Natura Culina	<a href="https://naturaculina.com/products/liquid-gold-cleansing-duo">https://naturaculina.com/products/liquid-gold-cleansing-duo</a>
17.	Liquid Gold	Prairie Bourne Botanicals	<a href="https://prairiebourne.com/products/liquid-gold">https://prairiebourne.com/products/liquid-gold</a>
18.	Liquid Gold Serum	Ästhetik	<a href="https://asthetikspa.com/product/liquid-gold-serum/">https://asthetikspa.com/product/liquid-gold-serum/</a>

19.	Liquid Gold – Beauty Oil	Soluna Beauty	<a href="https://www.solunabeautyinc.com/products/liquid-gold-beauty-oil">https://www.solunabeautyinc.com/products/liquid-gold-beauty-oil</a>
20.	Liquid Gold with Glycolic Acid	Alpha H	<a href="https://alpha-h.com/products/liquid-gold-exfoliating-treatment-with-glycolic-acid?variant=36830250827932">https://alpha-h.com/products/liquid-gold-exfoliating-treatment-with-glycolic-acid?variant=36830250827932</a>

21. On September 12, 2023, Applicant filed Application Serial No. 98176558 to register “liquid gold” as a trademark with the United States Patent and Trademark Office in connection with a variety of cosmetic products and related retail services of cosmetics, without disclaiming any portion of the alleged mark or claiming acquired distinctiveness.

22. On June 11, 2024, the USPTO approved publication of Application Serial No. 98176558 for, inter alia, the following goods and services:

**Class 3:** Cosmetics; Perfume; Bar soap; Body butter; Body wash; Carrier oils for cosmetic purposes; Cosmetic creams; Cosmetic creams for skin care; Cosmetic preparations for eyelashes; Cosmetic preparations for skin care; Essential oils; Essential oils for hair care, skin care; Essential oils for personal use; Facial scrubs; Foot masks for skin care; Hair care creams; Hair care lotions; Hair care preparations for hair edges; Hair care preparations consisting of organic coconut virgin oil and coconut virgin oil; Hair conditioner; Hair conditioner bars; Hair conditioners; Hair creams; Hair gel; Hair gels; Hair lotion; Hair lotions; Hair nourishers; Hair oils; Hair shampoo; Hair shampoos and conditioners; Hair tonic; Hair tonics; Lotions for beards; Lotions for face and body care; Moisturizing creams; Natural soap bars; Non-medicated anti-aging serum; Non-medicated balm for hair; Non-medicated cleansers for personal use, namely, facial cleansers, facial moisturizers, facial scrubs, facial creams, facial oils, facial masks, hair and scalp cleansers, skin cleaners; Non-medicated hair serums; Non-medicated preparations all for the care of skin, hair and scalp; Non-medicated skin care creams and lotions; Oils for hair conditioning; Shea butter for cosmetic purposes; Skin care products, namely, non-medicated skin serum; Skin moisturizer; Skin soap; Skin toners; Non-medicated skin care preparations; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and masks, lotions for beards, lotions for face and body care, facial lotions, hair lotion, hair tonic; Non-medicated skin toners.

**Class 35:** Computerized on-line retail store services in the field of hair care products, cosmetic products, skin care products, accessories, bonnets; On-line retail store services featuring hair care products, cosmetic products, skin care products, accessories, bonnets

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