

ESTTA Tracking number: **ESTTA1395400**
Filing date: **11/13/2024**

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	O Positiv Inc.
Granted to date of previous extension	12/07/2024
Address	11740 SAN VICENTE BLVD STE 109-333 LOS ANGELES, CA 90049 UNITED STATES

Attorney information	ADAM LOSEY LOSEY PLLC 1420 EDGEWATER DR ORLANDO, FL 32804 UNITED STATES Primary email: alosey@losey.law Secondary email(s): ijohnson@losey.law, jbuttell@losey.law, docketing@losey.law No phone number provided
Docket no.	

Applicant information

Application no.	98393531	Publication date	10/08/2024
Opposition filing date	11/13/2024	Opposition period ends	12/07/2024
Applicant	Natuur Global, LLC 402 WEST BROADWAY, SUITE #400 SAN DIEGO, CA 92101 UNITED STATES		

Goods/services affected by opposition

Class 005. First Use: Jan 2, 2024 First Use In Commerce: Jan 2, 2024
All goods and services in the class are opposed, namely: Dietary supplements for prostatitis, chronic prostatitis, chronic prostatitis/chronic pelvic pain syndrome and all other prostate conditions

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application, amendment to allege use, or statement of use was due	Trademark Act Section 1(a) and (c)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1

Misuse of registration symbol	Copelands' Enterprises Inc. v. CNV Inc., 945 F.2d 1563, 20 USPQ2d 1295 (Fed. Cir. 1991)
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Mark cited by opposer as basis for opposition

U.S. registration no.	6902704	Application date	06/10/2021
Register	Principal		
Registration date	11/15/2022	Foreign priority date	NONE
Word mark	URO		
Design mark	URO		
Description of mark	NONE		
Goods/services	Class 005. First use: First Use: Aug 22, 2022 First Use In Commerce: Aug 22, 2022 Vitamins; Dietary supplements; Mineral supplements; Nutritional supplements		

Attachments	90767350#TMSN.png(bytes) Notice of Opposition re UROLOQ with exhibits.pdf(654506 bytes)
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Signature	/Ian Johnson/
Name	Ian Johnson
Date	11/13/2024

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

O Positiv, Inc.

Opposer,

v.

Natuur Global LLC,

Applicant.

Opposition No. _____

Mark: UROLO-Q

Serial No. 98393531

Filed: February 6, 2024

Published: October 8, 2024

NOTICE OF OPPOSITION

Opposer O Positiv Inc. (“O Positiv”), a Delaware corporation, believes it is or will be damaged by registration of the mark UROLO-Q (“Applicant’s Mark”), Serial No. 98393531 (the “Application”), filed by Applicant Natuur Global LLC (“Applicant”), and opposes the registration of the Application. As grounds for opposition, O Positiv asserts as follows:

1. O Positiv is in the business of marketing, distributing, and selling a variety of goods, including tea, medicinal preparations, deodorants, skincare, probiotics, suppositories, and vitamin, mineral, herbal, homeopathic, nutritional, and other dietary supplements (“Opposer’s Goods”) in interstate commerce throughout the United States.

2. O Positiv owns US Registration No. 6902704 for “URO” in Class 05 for “Vitamins; Dietary supplements; Mineral supplements; Nutritional supplements” (the “URO Mark”). *See* Exhibit A. O Positiv filed the URO Mark on June 10, 2021 and began use in commerce by August 22, 2022. *See* Ex. A.

3. O Positiv has expended considerable time, money, and effort in advertising and promoting Opposer’s Goods under O Positiv’s marks, including the URO Mark. As a result, O

Positiv has developed substantial and exclusive goodwill and reputation based on the use of these marks in connection with Opposer's Goods.

4. Applicant filed the Application seeking to register UROLO-Q in Class 05 for "Dietary supplements for prostatitis, chronic prostatitis, chronic prostatitis/chronic pelvic pain syndrome and all other prostate conditions."

5. The URO Mark has priority over the Application and Applicant's Mark because the Application claims a first use in commerce of January 2, 2024 while the URO mark has been in use since August 2022 and has constructive priority dating back to June 2021.

Ground One – Likelihood of Confusion

6. O Positiv realleges and incorporates paragraphs 1 through 5 above.

7. Applicant's Mark and the URO Mark are highly similar, if not identical, in sight, sound, and commercial impression. Specifically, Applicant's Mark incorporates the entirety of the URO Mark.

8. The goods claimed in the Application are highly similar to Opposer's Goods because the goods claimed in the Application (i) could reasonably be expected to originate from the same source as products offered under the URO Mark, (ii) would travel in the same channels of trade as Opposer's Goods, or (iii) consist of goods which could logically or commonly be provided by producers of Opposer's Goods under the same marks. As a result, many consumers who encounter Applicant's Mark in connection with the relevant goods are likely to think that such goods are authorized by, sponsored by, licensed by, affiliated with, or related to O Positiv.

9. As a result, Applicant's Mark, used in conjunction with the applied-for goods, is likely to cause confusion, mistake, or deception in the minds of consumers that Applicant's goods

emanate from O Positiv or are otherwise sponsored by, licensed by, affiliated with, or related to O Positiv, to the damage and detriment of O Positiv.

Ground Two – No Bona Fide Use by Applicant

10. O Positiv realleges and incorporates paragraphs 1 through 5 above.
11. Applicant filed the Application under § 1(a) of the Lanham Act, asserting that registration is proper based on Applicant's use of the mark in commerce.
12. An application under § 1(a) must be supported by a specimen showing Applicant's use of the mark in commerce.
13. Following an office action refusing the Application for lack of a specimen, Applicant submitted a specimen consisting of a single web page screenshot, a copy of which is attached as Exhibit B.
14. The specimen indicates that the product bearing the UROLO-Q mark is sold under the house mark "Sunn Biolabs." This mark appears in the upper left corner of the bottle shown in the specimen.
15. The web domain for the specimen is sunnbiolabs.com. Visiting this website indicates that the products sold thereon are sold by Sunn Biolabs. The website's copyright footer and Terms & Privacy page all indicate that the website is operated by Sunn Biolabs LLC.
16. Applicant Natuur Global LLC's name does not appear anywhere on the website. Nothing on the website establishes any relationship between Natuur Global LLC and Sunn Biolabs LLC.
17. Upon information and belief, no such relationship exists.

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