

ESTTA Tracking number: **ESTTA993227**

Filing date: **08/07/2019**

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	Rocky Mountain Natural Labs
Granted to Date of previous extension	08/07/2019
Address	833 W. SOUTH BOULDER ROAD BLDG A LOUISVILLE, CO 80027 UNITED STATES

Correspondence information	KIRSTIN M. JAHN JAHN & ASSOCIATES, LLC 1942 BROADWAY SUITE 314 BOULDER, CO 80302 UNITED STATES Kirstin@jahnlaw.com 3035455128
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Applicant Information

Application No	88170444	Publication date	04/09/2019
Opposition Filing Date	08/07/2019	Opposition Period Ends	08/07/2019
Applicant	Geeta Bhat 413 Settlecroft Lane Holly Springs, NC 27540 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Nail polish
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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.	2736085	Application Date	02/21/2002
Registration Date	07/15/2003	Foreign Priority Date	NONE
Word Mark	COWGIRL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1994/11/30 First Use In Commerce: 1994/11/30 Bath, beauty, body, personal care and skincare products, namely hair shampoos, hair conditioners, hair rinses, hair sprays, body spritzes, body creams, hand creams, body oils, massage oils, bath gels, bubble bath, skin toners, face and body cleansers, face and body masks, facialmoisturizers, body moisturizers, facialoils, cuticle creams, hand creams, bodylotions, facial creams, lip balms, bathsalts, foot soaks, body balms, body washes, deodorants; facial steam preparations; soaps; body oils, herbal salves, make up and body soaks

U.S. Registration No.	2736084	Application Date	02/21/2002
Registration Date	07/15/2003	Foreign Priority Date	NONE
Word Mark	COWGIRL SKINCARE		
Design Mark	COWGIRL SKINCARE		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2000/07/01 First Use In Commerce: 2000/07/01 Bath, beauty, body, personal care and skincare products, namely hair shampoos, hair conditioners, hair rinses, hair sprays, body spritzes, body creams, hand creams, body oils, massage oils, bath gels, bubble bath, skin toners, face and body cleansers, face and body masks, facialmoisturizers, body moisturizers, facialoils, cuticle creams, hand creams, bodylotions, facial creams, lip balms, bathsalts, foot soaks, body balms, body washes, deodorants; facial steam preparations; soaps; body oils, herbal salves, make up and body soaks		

U.S. Registration No.	3702929	Application Date	07/18/2008
Registration Date	10/27/2009	Foreign Priority Date	NONE
Word Mark	COWGIRL EXTREME CREAM		
Design Mark	COWGIRL EXTREME CREAM		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/08/17 First Use In Commerce: 2009/08/17 Skin and hair care products, namely, facial and body lotions, cleansers, scrubs,		

	emulsions, toners, masks, oils, soaps, balms, shampoos, hair conditioners, hair rinses and sprays; sunscreen; bubble baths, bath salts; make up; deodorants
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U.S. Registration No.	5323005	Application Date	03/21/2017
Registration Date	10/31/2017	Foreign Priority Date	NONE
Word Mark	COWGIRL SKINCARE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2002/09/26 First Use In Commerce: 2002/09/26 On-line retail store services featuring, body, beauty, bath and skincare products		

Attachments	76373446#TMSN.png(bytes) 77526266#TMSN.png(bytes) 87380264#TMSN.png(bytes) N of Opposition.pdf(119575 bytes)
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Signature	/kmj/
Name	KIRSTIN M. JAHN
Date	08/07/2019

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

Trademark: JIUJITSU COWGIRL

Rocky Mountain Natural Labs, LLC
Opposer

Opposition No. _____

Serial No. 88/170444

Geeta Bhat
Applicant

NOTICE OF OPPOSITION

Rocky Mountain Natural Labs, LLC (“Opposer”), as grounds for its opposition against Geeta Bhat (“Applicant”) alleges:

1. Opposer is the owner of several “Cowgirl” trademarks for use in connection with bath, beauty, body, personal care and skincare products in International Class (“IC”) 3, including the following registered trademarks: “Cowgirl” - Reg. No. 2736085, “Cowgirl Skincare” - Reg. No. 2736084, “Cowgirl Extreme Cream” - Reg. No. 3702929. Opposer also has a registration for “Cowgirl Skincare” for on-line retail store services featuring body, beauty, bath and skincare products in IC 35 – Reg. No. 5323005 (collectively the above shall be referred to as “COWGIRL marks”).
2. Since at least, 2000, Opposer has continuously, extensively and widely promoted, advertised and/or sold its goods and services under various COWGIRL marks and to distinguish its goods and services from the same and similar goods and services of others; and, it continues to do so.

3. As a result of Opposer's extensive sales and marketing, the COWGIRL marks have established tremendous goodwill belonging to and associated with Opposer. As such, the COWGIRL marks have become assets of substantial value to Opposer and its quality goods and services.
4. Notwithstanding Opposer's well-known and prior common law and statutory rights in the COWGIRL marks, Applicant filed an intent to use trademark application for a confusingly similar mark, namely JIUJITSU COWGIRL for use in connection with goods in IC 3 ("Applicant's proposed mark").
5. Applicant's proposed mark was published in the Official Gazette on April 9, 2019.
6. Opposer received an extension to file its Notice of Opposition to August 7, 2019.
7. Applicant's proposed mark uses the same word COWGIRL to denote goods in the same class which are marketed in the same trade channels. As such, Applicant's mark is likely to create confusion, mistake and deception as to the affiliation, connection, association, origin, sponsorship or approval of Applicant's goods with those of Opposer, all to Opposer's irreparable loss and damage.
8. Opposer will continue to be damaged if Applicant's proposed mark registers.

Wherefore, Opposer requests that this Opposition be sustained and Applicant's proposed trademark for JIUJITSU COWGIRL be refused registration.

Date: August 7, 2019

Respectfully submitted,

s/Kirstin M. Jahn
Jahn & Associates
1942 Broadway Suite 314
Boulder, CO 80302

Attorney for Opposer