

ESTTA Tracking number: **ESTTA1269249**

Filing date: **03/01/2023**

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 parties oppose registration of the indicated application.

Opposers information

Name	Ideal Living, LLC
Granted to date of previous extension	03/01/2023
Address	14724 VENTURE BLVD. SUITE 200 SHERMAN OAKS, CA 91403 UNITED STATES

Name	Air Doctor, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	14724 VENTURE BLVD. SUITE 200 SHERMAN OAKS, CA 91403 UNITED STATES		

Attorney information	JEREMY D. SPIER EVERSHEDS SUTHERLAND (US) LLP 999 PEACHTREE SUITE NE SUITE 2300 ATLANTA, GA 30309 UNITED STATES Primary email: jeremyspier@eversheds-sutherland.com Secondary email(s): patentdocket@eversheds-sutherland.com, jennifersandlin@eversheds-sutherland.com, kheonhendricks@eversheds-sutherland.com, alyssamsmith@eversheds-sutherland.com 4048538926
Docket no.	31686-1255

Applicant information

Application no.	90522454	Publication date	11/01/2022
Opposition filing date	03/01/2023	Opposition period ends	03/01/2023
Applicant	Kiyoo Jochugiku Co., Ltd. 1135, KAMI, SHIMOTSU-CHO KAINAN-SHI, WAKAYAMA, 649-0164 JAPAN		

Goods/services affected by opposition

Class 010. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Masks for use by medical personnel; Sanit-

ary masks for medical purposes; Surgical masks
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Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Section 2(a)

Mark cited by opposer as basis for opposition

U.S. registration no.	5177385	Application date	10/30/2015
Register	Principal		
Registration date	04/04/2017	Foreign priority date	NONE
Word mark	AIRDOCTOR		
Design mark			
Description of mark	NONE		
Goods/services	Class 011. First use: First Use: Dec 12, 2015 First Use In Commerce: Dec 12, 2015 Household appliances, namely, portable air cleaners and filters for household and consumer use		

Attachments	Notice of Opposition - AIR DR.pdf(724604 bytes)
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Signature	/Jennifer R. Sandlin/
Name	Jennifer R. Sandlin
Date	03/01/2023

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

Ideal Living, LLC)	
)	Serial No. 90/522,454
Opposer)	
)	Opposition No.
&)	
)	
Air Doctor, LLC)	
)	
Opposer)	
)	
v.)	
)	
Kiyou Jochugiku Co., Ltd.)	
)	
Respondent)	
)	

Notice of Opposition

Ideal Living, LLC (“Ideal Living”), organized and existing under the laws of the state of Delaware with a principal place of business at 14724 Venture Boulevard, Suite 200, Sherman Oaks, California, and its wholly owned subsidiary Air Doctor, LLC, organized and existing under the laws of the state of Delaware with a principal place of business at 14724 Venture Boulevard, Suite 200, Sherman Oaks, California, (collectively, “Opposer”) owner of the registered trademark **AIRDOCTOR®** (Reg. No. 5,177,385) which has been in use in commerce in connection with air cleaners and filters since at least as early as December 12, 2015, and the common law trademark **AIRDOCTOR™**, which has been in use in commerce in connection with facemasks since at least as early as April 15, 2020, believes that it will be damaged by the issuance of a registration for the alleged mark shown in Application Serial No. 90/522,454 in Class 010 (the “Application”), owned by Kiyou Jochugiku Co., Ltd. (“Applicant”) and filed on February 10, 2021. Opposer hereby

opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for opposition, Opposer alleges as follows:

Opposer Background

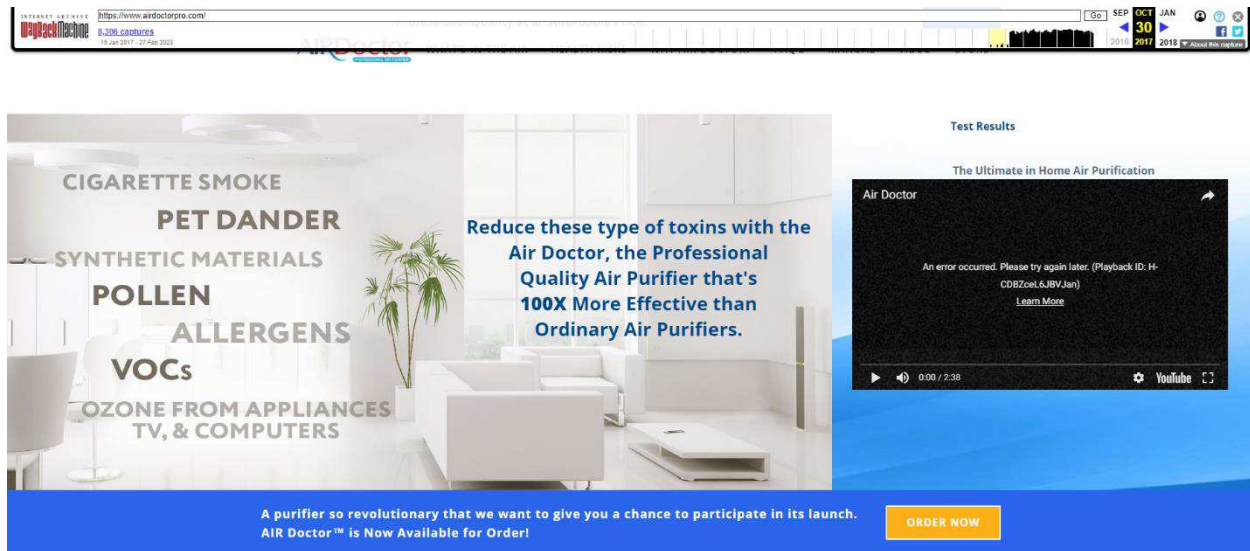
1. Opposer manufactures, sells, and offers for sale a wide variety of consumer household and personal products, including portable air cleaners, air filters, and facemasks. Opposer’s products are highly sought after in the United States and around the globe.

2. Opposer, through its wholly owned subsidiary, Air Doctor, LLC, owns United States Trademark Registration No. 5,177,385 (the “’385 Registration”) for the mark **AIRDOCTOR®**, filed on October 30, 2015, covering “[h]ousehold appliances, namely, portable air cleaners and filters for household and consumer use” in International Class 011. The **AIRDOCTOR®** mark has been in use in commerce since at least as early as December 12, 2015. Opposer acquired all right, title, and interest in and to the ’385 Registration, including all associated goodwill, on December 31, 2018, and duly recorded the assignment of this interest with the United States Patent and Trademark Office on August 14, 2020. As such, Opposer is entitled to enforce any and all rights in the ’385 Registration, including claims of infringement and opposition of applications likely to result in a likelihood of confusion with the **AIRDOCTOR®** mark.

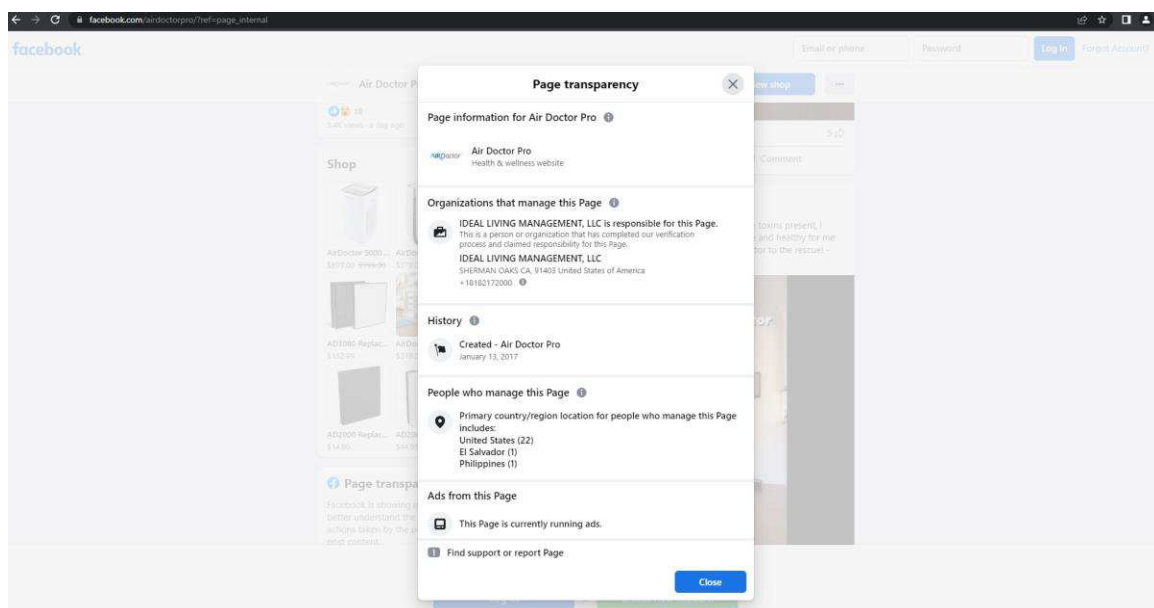
3. The United States Patent and Trademark Office has accepted and acknowledged the Section 15 Declaration of Incontestability for the ’385 Registration, and thus the **AIRDOCTOR®** mark is immune to challenges to its validity or ownership, among other grounds.

4. Since at least October 30, 2017, Opposer (and its predecessor-in-interest) has operated the website www.airdoctorpro.com (the “AirDoctor Website”), which uses the

AIRDOCTOR™ mark in association with Opposer's goods. A screenshot from www.archive.org of the AirDoctor Website as of October 30, 2017 is provided:



5. On January 13, 2017, Opposer registered a Facebook account under the name **AIRDOCTOR™**. Opposer uses its Facebook profile to advertise its products and post content that features the **AIRDOCTOR™** mark. As of March 1, 2023, Opposer's Facebook page had nearly 19,000 followers. A screenshot of Opposer's Facebook page, accessible at www.facebook.com/airdoctorpro/, as of March 1, 2023, is provided:



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