



04-29-2002

U.S. Patent & TMOtc/TM Mail RcptDt. #71

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

In the Matter of Serial No. 76/223,268  
Filing Date: March 12, 2001  
Published in the *Official Gazette*: March 26, 2002  
Mark: BLISS LINENS and Design

-----X	:	
BLISS WORLD LLC,	:	Opposition No.
	:	
Opposer,	:	
	:	
- against -	:	
	:	
MATT WILLIAMS,	:	
	:	
Applicant.	:	
-----X	:	

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 MAY -7 PM 9:23

To: Box TTAB - Fee

**NOTICE OF OPPOSITION**

Opposer, Bliss World LLC (“Opposer” or “Bliss”), a limited liability company organized and existing under the laws of Delaware, believes that it will be damaged by registration of the mark BLISS LINENS, shown in the above-referenced intent-to-use application, and hereby opposes same.

As grounds for opposition, Opposer, through its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer owns and operates a chain of day spas under the marks BLISS or BLISS SPA and sells massage treatment and skin care services under these marks and bath soap, bubble bath, shower gels, cosmetic bath scrubs, after-bath lotions, and other cosmetic and toiletry products bearing BLISS-variant marks (originally BLISS SPA, later changed to BLISSLABS). Opposer also uses the mark BLISSLABS for a cotton afterbath wrap (robe) and uses the marks

BLISS at in-spa retail store counters for services of selling these goods and BLISSOUT in connection with its mail-order and e-commerce services to sell these goods, as well as the mark BLISSBATH in connection with bath towels. All of these uses by Opposer pre-date the filing date of Applicant's intent-to-use application. Opposer also uses other BLISS-variant marks and names, such as [www.blissworld.com](http://www.blissworld.com) for its website, BLISSERVICE for its service line, Bliss Beauty Hotline and BLISSCERTIFICATE for gift certificates.

2. Among other applications and registrations, Opposer owns U.S. Reg. No. 2116892 for BLISS for "health spa services"; Reg. No. 2327749 for BLISS SPA for "cosmetics, namely, skin moisturizer, body scrubs, skin soap, shower gel and body firming gels and lotions"; Reg. No. 2212963 for BLISSOUT for "catalog store services featuring jewelry, clothing, cosmetics, healthcare and spa products"; and Application Serial Number 75/425323, filed January 29, 1998, for BLISS for a wide variety of cosmetics and toiletries, Application Serial Number 76/114,303 filed on August 22, 2000 for BLISSBATH for towels, bath linen and other bath accessories, for which use on bath towels was made September 2000, and Application Serial Number 76/114,304, filed on August 22, 2000, for BLISSBED for pillows, bed linen and other bed-related accessories. Opposer's BLISS marks are well known.

3. On March 12, 2001, Applicant filed application serial number 76/223,268, based on intent to use, to register the mark BLISS LINENS and Design which was published for "retail store services in the fields of bed and bath linens, furnishings and accessories" in International Class 35. Upon information and belief, Applicant has no basis to claim an earlier priority than Opposer.

4. Applicant's BLISS LINENS mark so resembles Opposer's BLISS and BLISS-variant marks as to be likely, when applied to the services of Applicant, to cause confusion, or to cause mistake, or to deceive.

5. Opposer would be injured by the granting to Applicant of a certificate of registration for BLISS LINENS because this mark would tend to damage Opposer's goodwill in its marks.

6. By reason of the foregoing, Applicant is not entitled to register BLISS LINENS in the application here opposed.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and that the applications be denied. All correspondence should be addressed to MICHELLE P. FOXMAN at the address below. The opposition fee for one opposition proceeding in the amount of \$300.00 is filed herewith. Should the enclosed check be insufficient, please charge any additional fees to our deposit Account No. 23-0825-0576900.

Dated: New York, New York  
April 29, 2002

"Express Mail" mailing label No. EV066098075US  
Date of Deposit April 29, 2002  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

Christina Williams  
(Printed name of person mailing paper or fee)

Christina Williams  
(Signature)

Respectfully submitted,

FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By: Michelle P. Foxman  
David Ehrlich  
Michelle P. Foxman  
Attorneys for Opposer  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
(Our Ref: BLSW USA TC-02/02868)