

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

IN THE MATTER OF Application Serial No. 76/039,365 filed May 2, 2000  
PUBLISHED IN THE OFFICIAL GAZETTE of May 28, 2002, Vol. 1258, No. 4  
Page TM 67-68

TRADEMARK TRIAL AND  
APPEAL BOARD  
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THE PROCTER & GAMBLE COMPANY

Opposer,



08-28-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #61

v.

EDL LICENSING CORP.

Applicant.

Opposition No. \_\_\_\_\_  
I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to:

Assistant Commissioner for Trademarks  
2000 Crystal Drive  
Arlington, VA 22202-3513

name

Jessica M Brown

signature

Jessica M Brown

date

8-26-02

**NOTICE OF OPPOSITION**

The Procter & Gamble Company, an Ohio corporation, having its principal place of business at One Procter & Gamble Plaza, Cincinnati, Ohio 45202 ("Opposer") believes it will be damaged by the registration of the alleged mark shown in Application Serial No. 76/039,365, and hereby opposes the registration of that mark under the provisions of 15 U.S.C. § 1063.

As grounds of opposition, it is alleged that:

1. On May 2, 2000 the Applicant filed an intent to use application seeking to register LUV-IT as a trademark for "babies' and children's strollers, carriages, car seats, bumpers, carriers and bicycles (I.C. 12); babies' and children's bags, packs and carriers

(I.C. 18); babies' and children's furniture, mattresses, pillows, and bassinets (I.C. 20); babies' and children's bedding and bath products, namely, mattress covers and pads, sheets, pillow cases, crib bumpers, blankets, quilts, dust ruffles, valances, crib and cradle covers, towels, wash cloths and mitts, bath mats (I.C. 24); babies' and children's toys, namely, play mats, crib toys, mobiles, rattles, stuffed animals, plastic and rubber animals, dolls, play cosmetics, musical toy instruments, musical players and toys, activity toys, activity tables and benches, blackboards, crayons and chalk, bicycles and tricycles, wagons, sleds, cars and trucks, play gyms, slides, swings, play pools, sand boxes, play balls, toy bats and paddles, and hand held unit for playing electronic games (I.C. 28);" as evidenced by the publication of said mark in the *Official Gazette* on page TM 67-68 of the May 28, 2000 issue (attached hereto as Exhibit 1).

2. The Opposer has since 1975 used the mark LUVS on baby diapers in interstate commerce by applying labels bearing said trademark to the packages in which said goods are shipped and sold, and by displaying representations of said mark in advertising and in other ways customary to the trade. Opposer is submitting herewith as part hereof and marked Exhibit 2, Registration No. 1,060,347 issued March 1, 1977, covering this mark.

3. There is no issue as to priority. The Applicant's filing date is subsequent to the issuance date of Opposer's Registration No. 1,060,347.

4. Opposer has sold its goods listed in the aforesaid registration under the aforesaid mark as hereinbefore referred to throughout the United States. Opposer has developed an exceedingly valuable goodwill in respect to the mark covered by the aforesaid registration.

5. The Opposer's LUVS mark is advertised and distributed in every area of the United States, as well as in many countries throughout the world. By virtue of its efforts and expenditure of considerable sums for promotional activities, and by virtue of the excellence of its products, the Opposer has gained for its above-identified mark a most valuable reputation and enormous recognition in the United States among consumers for these products.

6. The trademark proposed for registration by the Applicant, namely, LUV-IT, is substantially incorporated in Opposer's LUVS mark, and is applied to highly related goods as those sold by Opposer and so nearly resembles the Opposer's mark as to be likely to be confused therewith and mistaken therefore. The Applicant's mark is deceptively similar to Opposer's mark so as to cause confusion and lead to deception as to the origin of Applicant's goods bearing the Applicant's mark.

7. The products for which Applicant seeks registration and Opposer's products would ordinarily pass through the same channels of trade and be sold in the same point-of-sale retail establishments. Applicant's goods and Opposer's goods are related, as they would be marketed to the same purchasers, namely they would be marketed to parents for use with babies and young children. The goods that would be sold under Applicant's mark would likely be used in conjunction with the goods sold under Opposer's mark.

8. In particular, Applicant has applied for use of the LUV-IT mark on baby strollers, baby carriages, baby bags, packs and carriers. Parents would likely use all of these goods in conjunction with diapers, namely by carrying extra diapers in these items. In fact, it appears the goods known as "diaper bags" would fall within the



TTAB

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08-28-2002

August 26, 2002

U.S. Patent & TMOfc/TM Mail RcptDt. #61

Box TTAB FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Attention: Trademark Trial & Appeal Board

Re:

THE PROCTER & GAMBLE COMPANY  
Opposer,

vs.

EDL LICENSING CORP.  
Applicant.

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2900 Crystal Drive  
Arlington, VA 22202-3513

name: Jessica M Brown  
signature: Jessica M Brown  
Date: 8-26-02

Opposition No.

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 SEP -2 AM 12: 01

Dear Sir or Madam:

Enclosed herein are one original and one copy of the above referenced Opposition, duly executed by  
Opposer, THE PROCTER & GAMBLE COMPANY.

Please charge the fee of \$300.00 to Deposit Account No. 16-2488 in the name of The Procter &  
Gamble Company, Trademark Section, Legal Division, One Procter & Gamble Plaza, Cincinnati, Ohio  
45202. A copy of this letter is enclosed for that purpose.

Please process this Opposition in accordance with usual procedures and notify me directly if you have  
any questions or require additional information or submissions.

Please acknowledge receipt of the enclosures by stamping and returning the enclosed postcard.

08/30/2002 JHARLEY 00000183 162488 76039365

01 FC:377 300.00 CH

Sincerely,

Tracy M. Tramonte

Enclosures  
c: PTO Accounting

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