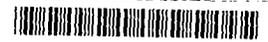


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 76136880  
Published in the Official Gazette of July 30, 2002



09-06-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**Mark: JULIEN D'IRVY**

_____	)
DR. FRESH, INC.	)
	)
Opposer,	)
	)
Vs.	)
	)
AEROSOL LABORATORI ITALIA SRI	)
	)
Applicant.	)
_____	)

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Import of Trademark

**NOTICE OF OPPOSITION**

Dr. Fresh, Inc, a California Corporation with a principal place of business at 14101 Rosecrans Ave. Unit A, La Mirada, CA 90638 ("Opposer"), believes that it will be damaged by the registration of the mark shown in Application Serial No. 76136880, and hereby opposes the same.

As grounds for the opposition, Opposer alleges that:

1. Opposer Dr. Fresh, Inc. is a major importer and distributor of aerosol products and toothbrushes and is originator of tradename 'Julien D'Irivy'.
2. Opposer had provided the tradename JULIEN D'IRVY to the Applicant, Aerosol Laboratori Italia S.R.I exclusively to manufacture goods under this tradename solely for us, and we have been importing under this arrangement for past 4 years. Opposer had strived hard to establish 'Julien D'Irivy' name in US market as Dr. Fresh, Inc. product.

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3. Opposer filed the trademark application in USPTO for captioned mark 'JULIEN D'IRVY' prior to applicant's filing. But, due to some mail anomalies, Opposer response to USPTO office action was not received by USPTO. Consequently, application under serial no. 76/133049 was abandoned.
4. The Opposer believes that the trademark "JULIEN D'IRVY" the applicant seeks to register is a direct attempt to trade off the fame and notoriety of the Opposer's tradename, and torment Opposer hardwork of many years in establishing the tradename.
5. In case that Applicant's JULIEN D'IRVY mark is registered, due to it being similar and identical, when applied to the goods of Applicant, it will cause damage to the Opposer.

WHEREOF, DR. FRESH, INC. prays that the Opposition be sustained and that the registration of the mark shown in Application Serial No. 76136880 be refused.

A duplicate copy of this Notice of Opposition is enclosed. Also, enclosed herewith is the Money Order for \$300.00 towards the Filing Fee.

Respectfully submitted,

By   
Rajinder Jhamb  
for Dr. Fresh, Inc..

DATED: August 30, 2002

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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**Mark: JULIEN D'IRVY**

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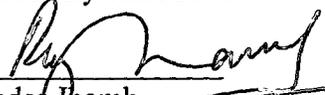
**Certificate of mailing under 37 CFR 1.8(a)**

I hereby certify that the attached Opposition with documents, and a Money Order for \$300.00 towards filing fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

BOX-TTAB-FEE,  
Commissioner for Trademarks  
2900 Crystal Drive  
South Tower, Suite 9B40  
Arlington, VA 22202-3513

On August 30, 2002

Respectfully submitted

  
\_\_\_\_\_  
Rajinder Jhamb

 DR. FRESH, INC  
14101 Rosecrans Ave. Unit A  
La Mirada, CA 92626