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

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In the Matter of Application	:
Serial No. 76/253,981	:
Published: September 24, 2002	:
	:
LIPTON INVESTMENTS, INC. and CONOPCO, INC.	:
dba SLIM-FAST FOODS COMPANY,	:
	:
Opposers,	:
	:
v.	:
	:
LIFEMAX, LLC,	:
	:
Applicant.	:
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NOTICE OF OPPOSITION

Opposers, LIPTON INVESTMENTS, INC., a corporation organized and existing under the laws of Delaware, with its address at 501 Silverside Road, Wilmington, Delaware 19809, and CONOPCO, INC. dba SLIM-FAST FOODS COMPANY, a corporation organized and existing under the laws of New York with offices located at 777 S. Flagler Drive, West Palm Beach, Florida 33401, believe that they will be damaged by registration of the mark THIN FAST MINTS as shown in Application Serial No. 76/253,981 as applied to "mints, candy, and chewing gum containing appetite suppressants," (hereinafter the "Goods") and hereby oppose registration of same.

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As grounds for opposition, it is alleged that:

1. Opposer Lipton Investments, Inc. is the owner of the trademark SLIM-FAST and variants thereof (collectively, the "SLIM-FAST Marks"), and the following registrations therefor, issued by the United States Patent and Trademark Office:

TRADEMARK	REG. NO.	REG. DATE	GOODS
SLIM-FAST	1,102,508	September 19, 1978	Protein food supplement
SLIM-FAST	1,288,616	August 7, 1984	Beverage powder meal replacement mix
SLIM-FAST	1,358,816	September 10, 1985	Dietary meal replacement nutritional bars, and instant pudding meal replacement mix
ULTRA SLIM-FAST	1,596,001	May 15, 1990	High fiber meal replacement powder
ULTRA SLIM-FAST	1,714,573	September 8, 1992	Pre-mixed liquid meal replacement; chocolate-coated and yogurt-coated nutrition crunch bars.
ULTRA SLIM-FAST	1,888,193	April 11, 1995	Beverage powder meal replacement mix

The above-listed registrations are valid, subsisting, unrevoked, uncancelled and incontestable.

2. Opposer, Conopco, Inc., dba Slim-Fast Foods Company is the exclusive licensee of Lipton Investments, Inc. to sell weight management and meal replacement products under the SLIM-FAST Marks in the United States. Conopco, Inc. dba Slim-Fast Foods Company and Lipton Investments, Inc. are hereinafter collectively referred to as "Opposers."

3. For many years, and long prior to any date upon which Applicant can rely for purposes of priority, Opposers and their predecessors-in-interest have used the SLIM-FAST

Marks in commerce in connection with the nationwide production, distribution, sale and promotion of weight management and meal replacement products. As a result of these efforts, Opposers' SLIM-FAST Marks are famous in the United States and are associated with Opposers and their high quality weight management and meal replacement products only. Opposers' SLIM-FAST Marks became famous long before the filing date of Applicant's application, were famous on the filing date of Applicant's application and are famous as of the date of this opposition.

4. Applicant's application was filed on or about May 8, 2001 under the Intent to Use provision of the Trademark Act, 15 U.S.C. Section 1051 (b).

5. Upon information and belief, Applicant has made no use of the mark THIN FAST MINTS to date.

6. Applicant is not entitled to register the mark THIN FAST MINTS for Applicant's Goods because consumers, familiar with Opposers' SLIM-FAST marks used in connection with weight management and meal replacement products, are likely to believe, mistakenly, that Applicant or its Goods emanate from, are sponsored, endorsed or authorized by, or are otherwise associated with Opposers in violation of Section 2(d) of the Lanham Trademark Act, as amended, 15 U.S.C. Section 1052(d). As a result, the granting of the registration applied for will cause substantial damage and injury to Opposers.

7. Use or registration by Applicant of the mark THIN FAST MINTS for Applicant's Goods is likely to cause dilution of Opposers' famous SLIM-FAST marks, in violation of Section 2 of the Lanham Trademark Act, as amended, 15 U.S.C. Section 1052. As a result, the granting of the registration applied for will cause substantial damage and injury to Opposers.

WHEREFORE, Opposers believe they will be damaged by registration of the THIN FAST MINTS shown in Application Serial No. 76/253,981 and respectfully request that the registration sought by Applicant be denied.

Enclosed is the \$600 filing fee for opposition by two parties in one class. If for any reason the enclosed sum is insufficient, please charge our deposit account No. 04-1679 or credit any overage thereto.

This paper is submitted in duplicate.

Dated: December 2, 2002

CERTIFICATE OF EXPRESS MAIL

"Express Mail" label No. ET 347219962 US

Date of Deposit: Dec. 2, 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

Stephanie L. Jacobs
(Printed name of person mailing paper or fee)

Stephanie L. Jacobs
(Signature)

Dec. 2, 2002
(Date of Signature)

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