

**Carstens,
Yee &
Cahoon, L.L.P.**

13760 Noel Road
Suite 900
Dallas, Texas 75240

Main No. (972) 367-2001
Facsimile (972) 367-2002

Facsimile Cover Sheet

To: Laticia Harrison (x-149) Paralegal		Facsimile No.: 703-746-7107	
Main No. of Receiving Firm:			
From: Scott L. Harper		No. of Pages Including Cover Sheet: 14	
Message: ATIG1.0266OP Notice of Opposition Toni & Guy (USA) Limited v. Artec Systems Group, Inc.			
<p>Ms. Harrison, Pursuant to our conversation, enclosed are to the following documents evidencing the filing of the above-referenced Notice of Opposition:</p> <ol style="list-style-type: none"> 1. Transmittal letter 2. Notice of Opposition 3. Copy of Check 4. Copy of Express Mail Receipt 5. Certificate of Mailing dated January 15, 2003 6. Return Postcard from U.S. Trademark Office acknowledging receipt of documents dated January 15, 2003. 7. Auto Reply Facsimile Transmission <p>Please do not hesitate to contact me should you need additional information. Best Regards, Scott L. Harper</p>			
C/M# ATIG1.0266OP		Logged Date: May 23, 2003	
		SLH	
<p>Please contact us at 972.367.2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</p>		<p><i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by</i></p>	

**Carstens,
Yee &
Cahoon, L.L.P.**

13760 Noel Road
Suite 900
Dallas, Texas 75240

Main No. (972) 367-2001
Facsimile (972) 367-2002

Facsimile Cover Sheet

To: Latricia Harrison (x-149) Paralegal	Facsimile No.: 703 308-9333 703-746-7107
Main No. of Receiving Firm:	
From: Scott L. Harper	No. of Pages Including Cover Sheet: 10
Message: ATIG1.0266OP Notice of Opposition Toni & Guy (USA) Limited v. Artec Systems Group, Inc.	
<p>Ms. Harrison, Pursuant to our conversation, enclosed are to the following documents evidencing the filing of the above-referenced Notice of Opposition:</p> <ol style="list-style-type: none"> 1. Transmittal letter 2. Notice of Opposition 3. Copy of Check 4. Copy of Express Mail Receipt 5. Certificate of Mailing dated January 15, 2003 6. Return Postcard from U.S. Trademark Office acknowledging receipt of documents dated January 15, 2003. <p>Please do not hesitate to contact me should you need additional information. Best Regards, Scott L. Harper</p>	
C/M# ATIG1.0266OP	Logged Date: March 26, 2003 Beatrice Velez
<p>Please contact us at 972.367.2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</p>	<p><i>This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i></p>

Ms. Harrison,

Pursuant to our conversation, enclosed are to the following documents evidencing the filing of the above-referenced Notice of Opposition:

- 1. Transmittal letter
- 2. Notice of Opposition
- 3. Copy of Check
- 4. Copy of Express Mail Receipt
- 5. Certificate of Mailing dated January 15, 2003
- 6. Return Postcard from U.S. Trademark Office acknowledging receipt of documents dated January 15, 2003.

Please do not hesitate to contact me should you need additional information.

Best Regards, Scott L. Harper

C/MII

ATIGL0266OP

Logged Date: March 26, 2003

Beatrice Velez

Please contact us at 972.367.2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.

This Facsimile is intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.

TRANSACTION REPORT

DATE START	RECEIVER	TX TIME	PAGES TYPE	NOTE	# DP
MAR-26 11:09 AM	170330893331000	2'36"	10 SEND	OK	148
TOTAL : 2M 36S PAGES: 10					
MAY-23-2003 FRI 08:45 AM	CARSTENS, YEE & CAHOON		FAX NO. 972 367 2002		P. 04
MAR-26-2003 WED 11:12 AM					P. 01

EV162980597US

January 15, 2003
David W. Carstens

Re: Notice of Opposition
Mark: "ROOT BOOSTER"
File: ATIGL0266 OP

On the date stamped hereon, the U.S. Patent and Trademark Office received the following:

1. Transmittal Document in duplicate
2. Notice of Opposition in triplicate
3. Check in the amount of \$300.00
4. Certificate of Mailing by Express Mail
5. Postcard Acknowledgement

January 15, 2003
David W. Carstens



Re: Notice of Opposition
Mark: "ROOT BOOSTER"
File: ATIGL0266

01-15-2003
U.S. Patent & TMO/TM Mail Rcpt Dt #72

On the date stamped hereon, the U.S. Patent and Trademark Office received the following:

1. Transmittal Document in duplicate
2. Notice of Opposition in triplicate
3. Check in the amount of \$300.00
4. Certificate of Mailing by Express Mail
5. Postcard Acknowledgement

CARSTENS, YEE & CAHOON, L.L.P.
ATTORNEYS AND COUNSELORS

David W. Carstens
Telephone: 972.367.2001
Facsimile: 972.367.2002
E-Mail: carstens@cyclaw.com

13760 Noel Road
Suite 900
Dallas, Texas 75240

Mailing Address
Post Office Box 802334
Dallas, Texas 75380

January 15, 2003

Via Express Mail Label

BOX TTAB -- FEE
Assistant Commissioner For Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Re: Notice of Opposition
Toni & Guy (USA) Limited v. Artec Systems Group, Inc.
Our File: ATIGI.0226

Dear Sir:

Enclosed for filing is one original and two (2) copies of a Notice of Opposition in connection with the above-referenced matter.

Also enclosed is our firm check in the amount of \$300 to cover the filing fees. If it is determined that additional fees are due, please charge such fees to our DEPOSIT ACCOUNT NO. 50-0392. This letter is being sent in duplicate should this be necessary.

Please date stamp and return the enclosed self-addressed, postage prepaid postcard to confirm receipt of this filing.

If you have any questions, please contact the undersigned.

Very truly yours,



David W. Carstens

Enclosures
cc: Tamara Dickerson (w/encl.)

As grounds of opposition, it is alleged that:

1. Opposer manufactures and distributes various hair care products in connection with the trademark ROOT BOOST™.

2. Opposer's ROOT BOOST trademark is well known and famous. Opposer has been using its ROOT BOOST mark in connection with its hair products namely, hair shampoo, hair conditioner, hair tonic, hair gel, hair gel, hair spray, hair mousse, hair pomade, hair dye, hair color gel, hair sculpting gel and hair lotion since at least as early as September 30, 1997.

3. Opposer is the owner of pending application for United States trademark registration for the mark ROOT BOOST, Serial No. 76/404,672, which was filed on May 8, 2002, and is used in connection with "hair care products, namely, hair shampoo, hair condition, hair tonic, hair gel, hair spray, hair mousse, hair pomade, hair dye, hair color gel, hair sculpting gel and hair lotion" in International Class 3.

4. On information and belief, Applicant Artec Systems Group, Inc. is the owner of record of an intent to use United States trademark application for the mark ROOT BOOSTER Serial No. 76/328,038, which was filed on October 22, 2001, for alleged use in connection with "hair care products, namely, shampoo, conditioner, pomades; hair shine enhancer products, namely hair lotions and hair scrums; permanent and non-permanent hair color preparations, namely hair dyes and pigments; hair lightening and bleaching preparations; hair spray, hair mousse and gels; hairstyling lotions; permanent waving preparations and hair relaxers" in International Class 3.

5. Opposer believes that it is likely to be damaged by Applicant's use and registration of ROOT BOOSTER in connection with "" within the meaning of Section 13(a) of the Trademark Act (15 U.S.C. §1063(a)).

6. On information and belief, Applicant has not yet commenced use of ROOT BOOSTER in connection with "hair care products, namely, shampoo, conditioner, pomades; hair shine enhancer products, namely hair lotions and hair serums; permanent and non-permanent hair color preparations, namely hair dyes and pigments; hair lightening and bleaching preparations; hair spray, hair mousse and gels; hairstyling lotions; permanent waving preparations and hair relaxers", and based upon such information and belief, Opposer is the senior user of the ROOT BOOST mark.

7. The sound, appearance and commercial and visual impression engendered by ROOT BOOSTER is confusingly similar to that of Opposer's ROOT BOOST mark. Applicant's hair care products, namely, shampoo, conditioner, pomades; hair shine enhancer products, namely hair lotions and hair serums; permanent and non-permanent hair color preparations, namely hair dyes and pigments; hair lightening and bleaching preparations; hair spray, hair mousse and gels; hairstyling lotions; permanent waving preparations and hair relaxers are closely related to Opposer's hair care products, namely, hair shampoo, hair condition, hair tonic, hair gel, hair spray, hair mousse, hair pomade, hair dye, hair color gel, hair sculpting gel and hair lotion all of which are identified as goods set forth in International Class 3.

8. Applicant's mark so resembles Opposer's ROOT BOOST mark as to be likely, when used in connection with said apparel and other goods described herein, to cause confusion, or to cause mistake, or to deceive. Consumers are likely to believe that Applicant's use of ROOT BOOSTER is in some way associated or connected with or sponsored, authorized or warranted by Opposer. Any objection or fault found with Applicant's goods marketed in connection with ROOT BOOSTER would reflect upon and seriously injure the reputation that Opposer has established for its goods sold in connection with its ROOT BOOST marks.

9. Applicant's use and registration of ROOT BOOSTER is likely to dilute the distinctive quality of the ROOT BOOST marks.

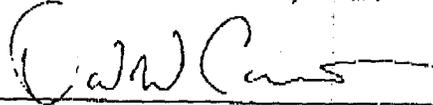
10. If Applicant is granted registration of ROOT BOOSTER in connection with "hair care products, namely, shampoo, conditioner, pomades; hair shine enhancer products, namely hair lotions and hair serums; permanent and non-permanent hair color preparations, namely hair dyes and pigments; hair lightening and bleaching preparations; hair spray, hair mousse and gels; hairstyling lotions; permanent waving preparations and hair relaxers" it would thereby obtain at least a prima facie exclusive right to the use of this mark for such goods. Such registration will be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. §1063), Opposer Toni & Guy (USA) Limited prays that this Opposition be sustained and that ROOT BOOSTER, the subject of Application Serial No. 76/328,038, be refused registration in connection with the goods identified in said application.

The required fee of three hundred dollars (\$300) is enclosed. A duplicate copy of the Notice of Opposition is filed herewith.

Dated: January 15, 2003

Respectfully submitted,
CARSTENS, YEE & CAHOON, L.L.P.

By: 

David W. Carstens
Scott L. Harper
CARSTENS, YEE & CAHOON, L.L.P.
P.O. Box 802334
Dallas, TX 75380
Phone (972) 367-2001
Facsimile (972) 367-2002
ATTORNEYS FOR OPPOSER
TONI & GUY (USA) LIMITED

TONI & GUY (USA) LIMITED'S
NOTICE OF OPPOSITION TO
APPLICATION SERIAL NO. 76/328,038

Page 4

Docket No. ATIGI.0266

Notice of Opposition

CERTIFICATE OF MAILING

I hereby certify that the documents listed below are being deposited with the United States Postal Service Express Mail Service via Mail Label E-V16298059745, addressed to Assistant Commissioner of Trademarks, Box TTAB - Fee, 2900 Crystal Drive, Arlington VA 22202-3513, on January 15, 2003.

Beatrice Velez

Beatrice Velez

Enclosures: Transmittal Letter in Duplicate
Notice of Opposition in Triplicate
Check in the amount of \$300.00
Certificate of Mailing by Express Mail
Postcard Acknowledgement

CARSTENS, YEE & CAHOON, LLP

OPERATING ACCOUNT
P.O. BOX 802334
DALLAS, TX 75380

BANK ONE, NA
DALLAS, TEXAS 75201
32-61-1110

1/15/2003

PAY TO THE ORDER OF Director, U.S. PTO

\$ **300.00

Three Hundred and 00/100*****

DOLLARS

Director, U.S. PTO

MEMO

ATIGL0226 - TM Filing Fee



⑈011125⑈ ⑆111000614⑆

1889985121⑈

ARSTENS, YEE & CAHOON, LLP

OPERATING ACCOUNT

Fees: Trademark Fees

ATIGL0226 - TM Filing Fee

1/15/2003

11125

300.00

Bank One

ATIGL0226 - TM Filing Fee

300.00

ARSTENS, YEE & CAHOON, LLP

OPERATING ACCOUNT

Fees: Trademark Fees

ATIGL0226 - TM Filing Fee

1/15/2003

11125

300.00

Bank One

ATIGL0226 - TM Filing Fee

300.00