

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

In the matter of Application Serial No. 76/479,733  
Filed on December 30, 2003  
For the Mark ZEN MOMENT  
Published in the Official Gazette on August 5, 2003

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SHISEIDO COMPANY, LTD., )  
 )  
 )  
Opposer, ) Opposition No. 91157649  
 )  
v. )  
 )  
TREVCO, INC., )  
 )  
Applicant. )  
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Trademark Trial and Appeal Board  
Box TTAB Fee  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

**ANSWER OF APPLICANT TREVCO, INC.**

Applicant, Trevco, Inc. ("Trevco"), hereby responds to the Opposition of Shiseido Company, Ltd. ("Opposer"), in the paragraphs below which are numbered to correspond to those set forth in the Notice of Opposition:

1. Trevco is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1.
2. Trevco is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2.

3. Trevco admits only that the records of the U.S. Patent and Trademark Office reveal Opposer's U.S. Trademark Registration, Registration No. 867259, for the word mark "ZEN" for "makeup foundation, face powder, rouge, eye shadow, eye liner, mascara, lipstick, nail enamel and polish, hand and skin moisturizing creams and lotions, skin cleansing creams and lotions, lubricating night creams and lotions, perfumes, eau de cologne, bath oils, dusting powder, hair grooming oils, hair and scalp conditioning oils, permanent wave solutions, hair dyes, hair lacquer, hair rinse, depilatories, hair bleaches, personal deodorants, and dentifrices and toilet soaps," in International Classes 3 and 5. Trevco is, however, without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3.

4. Trevco is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4.

5. Trevco admits only that the records of the U.S. Patent and Trademark Office reveal Opposer's U.S. Trademark Registration, Registration No. 867259, for the word mark "ZEN" for "makeup foundation, face powder, rouge, eye shadow, eye liner, mascara, lipstick, nail enamel and polish, hand and skin moisturizing creams and lotions, skin cleansing creams and lotions, lubricating night creams and lotions, perfumes, eau de cologne, bath oils, dusting powder, hair grooming oils, hair and scalp conditioning oils, permanent wave solutions, hair dyes, hair lacquer, hair rinse, depilatories, hair bleaches, personal deodorants, and dentifrices and toilet soaps," in International Classes 3 and 5. Trevco is, however, without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5.

6. Trevco admits only that the records of the U.S. Patent and Trademark Office reveal that Opposer's U.S. Trademark Registration No. 867,259, Registered on March 25, 1969

is incontestable under 15 U.S.C. § 1051 *et seq.* Trevco is, however, without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6.

7. Trevco is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7.

8. Trevco is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8.

9. Trevco is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9.

10. Applicant admits that it is a Michigan corporation with an address of 1950 Stephenson Highway, Troy, Michigan 48083.

11. Applicant denies the allegations set forth in paragraph 11.

12. Applicant denies the allegations set forth in paragraph 12.

13. Applicant denies the allegations set forth in paragraph 13.

14. Applicant denies the allegations set forth in paragraph 14.

15. Applicant denies the allegations set forth in paragraph 15.

16. Applicant denies the allegations set forth in paragraph 16.

17. Applicant denies the allegations set forth in paragraph 17.

#### AFFIRMATIVE DEFENSES

Trevco reserves the right to allege affirmative defenses that it becomes aware of during the course of discovery.

**CONCLUSION**

Trevco, Inc. requests that the Notice of Opposition be dismissed and that Application Serial No. 76/479733 be passed to registration.

Respectfully submitted,

Bodman, Longley & Dahling LLP

Dated: October 10, 2003  
*Correct October 31, 2003*

By: *Susan M. Kornfield*  
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ER283241515US

### Certificate of Service

I hereby certify that the foregoing corrected Answer to Notice of Opposition was filed with the Trademark Trial and Appeal Board, Box TTAB Fee, 2900 Crystal Drive, Arlington, Virginia 22202-3514, by Express Mail (No. ER283241515US) and a copy served on Opposer by depositing same with the United States Postal Service, First Class Mail postage prepaid, on October 31, 2003, in an envelope addressed to:

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Re: Shiseido Company, Ltd., v. Trevco, Inc.  
Opposition No. 91157649



10-31-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Ladies and Gentlemen:

We represent Applicant Trevco, Inc. I spoke today with Robert Golden, counsel for Opposer Shiseido Company, Ltd. Shiseido has filed three oppositions to three applications filed by Trevco.

Mr. Golden informed me that one of Applicant's Answers referenced the wrong Opposition number. The Answer was timely filed. I am writing to request acceptance by the TTAB of the corrected Answer of Applicant Trevco, Inc. to the Notice of Opposition filed by Shiseido Company, Ltd., Opposition No. 91157649 (Serial No. 76/479733), attached.

Mr. Golden of Lackenbach Siegel, LLP has agreed to accept service of the corrected Answer.

Sincerely yours,

Susan M. Kornfield

cc: Howard N. Aronson  
Geoffrey I. Landau  
Robert Golden