

ESTTA Tracking number: **ESTTA5484**

Filing date: **02/09/2004**

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

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	Ferrara Pan Candy Co., Inc.
Granted to Date of previous extension	02/21/2004
Address	Ferrara Pan Candy Co., Inc. 7301 West Harrison Street Forest Park, IL 60130 UNITED STATES

Attorney information	Anthony P. Janik One East Wacker Drive Suite 3800 Chicago, IL 60601 UNITED STATES apjanik@aol.com Phone:312-644-8500
-----------------------------	--

Applicant Information

Application No	76465585	Publication date	12/23/2003
Opposition Filing Date	02/09/2004	Opposition Period Ends	02/21/2004
Applicant	Insights Included, Inc.		
Address	4445 McFarlin Dallas, TX 75205 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Hair care products and skin care preparations, namely shampoo and conditioner, hair spray, styling lotion, styling gel, hair color, mousse, hair wax, body lotion, body wash, bar soap, body mist, and exfoliating body scrub

Attachments

135340_1.txt (1 page)

As grounds for opposition, Opposer alleges:

1. Opposer owns the following trademark registrations issued by the United States Patent and Trademark Office (collectively Opposer's Registrations or Opposer's marks):

a) 781,824 issued December 15, 1964 for the mark "Lemonhead" in International Class 30;

b) 1,763,119 issued April 6, 1993 for the mark "Ferrara Pan Lemonhead" in International Class 30;

c) 2,205,620 issued November 24, 1998 for the mark "Lemonhead" in International Class 21;

d) 2,205,625 issued November 24, 1998 for the mark "Lemonhead" in International Class 25;

e) 2,205,626 issued November 24, 1998 for the mark "Lemonhead" in International Class 25;

f) 2,669,337 issued December 31, 2002 for the mark "Lemonhead" in International Class 25;

g) 2,727,336 issued June 17, 2003 for the mark "Lemonhead" in International Class 25.

2. Applicant's mark is confusingly similar to Opposer's marks.

Applicant's use of its mark is likely to cause confusion, deception and mistake and damage to Opposer, its business, the trade and the consuming public by, among other things, supporting and assisting Applicant in the confusing and misleading use of its mark and giving statutory rights to Applicant in violation and derogation of prior and superior rights of Opposer.

3. Opposer's marks are inherently distinctive and strong trademarks and represent and symbolize a valuable business and goodwill which belong exclusively to Opposer.