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

Industrias Gane, S.A. de C.V.,	:	
	:	
Opposer,	:	Opposition No. _____
	:	Application Serial No. 78/172,024
v.	:	Mark: SUPER WET and Design
	:	Date of Publication: July 29, 2003
José Alberto Bailón Méndez,	:	
	:	
Applicant.	:	

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

04-08-2004
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #39

NOTICE OF OPPOSITION

Opposer, Industrias Gane, S.A. de C.V., a company of Mexico, with offices at Calzada González Gallo No. 2480, Col. El Rosario, Guadalajara, Jalisco, Mexico 44890, believing that it will be damaged by registration of the mark shown in trademark application Serial No. 78/172,024, hereby opposes registration of said mark by José Alberto Bailón Méndez ("Applicant").

As grounds of opposition, it is alleged that:

1. Opposer owns the trademarks SUPERWET, SUPERWET and Design, and SUPERWET PLUS and Design (hereinafter sometimes referred to as "Opposer's marks"), and has engaged, and is now engaged, in the production, distribution and sale of, inter alia, hair products bearing Opposer's marks in interstate commerce, in commerce between Mexico and the United States, and in Mexico through local

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distributors since well before the filing date of Applicant's application contested herein.

2. Opposer owns registrations for two of its marks in Mexico, Registration No. 388,890 issued December 28, 1990 and Registration No. 697,513 issued April 30, 2001, which are valid and subsisting, copies attached.

3. Opposer has expended substantial money, time, and effort in advertising, promoting, and popularizing Opposer's marks, and preserving the good will associated therewith. By virtue of these efforts and the excellence of its products, Opposer's marks have gained a valuable reputation.

4. Between March 1999 and July 2001, Applicant acted as a sales agent for Opposer, selling products bearing Opposer's marks.

5. Beginning January 1999, Opposer entered into management and consulting contracts with Asesores de Jalisco, S.C.P. de R.L., a Mexican company (hereinafter "Asesores") that, in relevant part, acknowledged Opposer's ownership of Opposer's marks, and provided that such contracts did not assign, license, transfer, or entitle Asesores to register, Opposer's marks, in Mexico or abroad.

6. On information and belief, in April 1999, Applicant became employed by Asesores, and subject to the terms of the contracts between Opposer and Asesores described in Paragraph 5.

7. On information and belief, Applicant was aware of Opposer's sales of products under Opposer's marks as a result of both his activities as Opposer's sales agent, and his employment with Asesores.

8. Applicant was terminated as a sales agent for Opposer in July, 2001.

9. On October 8, 2002, Applicant filed an intent to use application on the Principal Register for the mark SUPER WET & Design (hereinafter sometimes referred to as "Applicant's alleged mark") for "hair products, namely, hair gels, hair spray, hair mousse and hair lotion," in Class 3. This application was assigned Serial No. 78/172,024. A TARR copy is attached.

10. Opposer did not consent to Applicant's U.S. application for registration of Applicant's alleged mark.

11. In the application to register Applicant's alleged mark, Applicant submitted a sworn declaration that he believed he was entitled to registration of the mark sought to be registered, and that no other party had the right to use such mark in commerce as to be likely to cause confusion, or cause mistake, or to deceive.

12. On June 10, 2003, Opposer filed a Section 44(e) application for registration of its trademark SUPER WET & Design, based on Mexican Trademark Registration No. 388890. This application was assigned Serial No. 78/260,607. A TARR copy is attached. In a December 18, 2003 Office Action, the Trademark Examining Attorney stated that Opposer's Serial No. 78/260,607 would not be entitled to registration based on a likelihood of confusion with Applicant's alleged mark, should it mature to registration.

13. On August 19, 2003, Opposer filed a Section 44(e) application for registration of its trademark SUPER WET PLUS & Design, based on Mexican Trademark Registration No. 697513. This application was assigned Serial No. 78/289,025. A TARR copy is attached. In a March 12, 2004 Office Action, the Trademark

Examining Attorney stated that Opposer's Serial No. 78/289,025 would not be entitled to registration based on a likelihood of confusion with Applicant's alleged mark, should it mature to registration.

14. Applicant's alleged mark is identical to Opposer's mark that is the subject of Mexican Registration No. 388890, and that is the subject of Opposer's pending U.S. Application Serial No. 78/260,607.

15. Applicant's application Serial No. 78/172,024 was published for opposition in the *Official Gazette* of July 29, 2003, on page TM 224. Opposer timely sought successive extensions to oppose registration; the Board thereafter suspended the opposition period to allow consideration of a late-filed amendment, and on March 8, 2004 the Board resumed proceedings, granting Opposer until April 7, 2004 to file this Notice of Opposition.

16. On information and belief, in filing trademark application Serial No. 78/172,024, Applicant knowingly acted in bad faith with a fraudulent intent and with intent to deceive the United States Patent and Trademark Office in order to obtain registration for Applicant's alleged mark, by falsely alleging in the sworn declaration that he believed he was entitled to registration of the mark sought to be registered, and that no other party had the right to use such mark in commerce as to be likely to cause confusion, or cause mistake, or to deceive.

17. On information and belief, Applicant knew at the time it was made that the statement made in the application for registration of Applicant's alleged mark was false.

18. Application Serial No. 78/172,024 is void ab initio because Applicant was not entitled to registration of Applicant's alleged mark at the time that the application was filed.

19. Opposer will be damaged by registration of the mark shown in the opposed application because the PTO Examining Attorney has stated an intention to refuse registration to Opposer's marks that are the subject of its pending applications referenced above, should the mark that is the subject of Applicant's instant application mature to registration.

20. The mark SUPER WET & Design in Application Serial No. 78/172,024 so resembles the marks previously used by Opposer in commerce, as to be likely, when applied to the goods of the Applicant, to cause confusion, to cause mistake, or to deceive within the meaning of Section 2(d) of the Lanham Act.

21. Opposer has no control over the nature and quality of Applicant's products under the mark it seeks to register, and any dissatisfaction with Applicant's products by the affected public would reflect adversely on Opposer, thus damaging Opposer's valuable and established good will and reputation.

22. Registration of Applicant's alleged mark will impair Opposer's trademark rights; such registration will eventually result in the inability of Opposer's marks to function as an indication of origin.

23. Registration of Applicant's alleged mark would create statutory rights under the Trademark Act of 1946 in favor of Applicant, and would tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

A duplicate copy of this Notice of Opposition is enclosed herewith. Please charge any additional fees, or credit any overpayment to Greenebaum Doll & McDonald PLLC's Deposit Account, No. 50-2904, the account of Opposer's counsel noted below.

Please direct all correspondence to Louis K. Ebling, Esq., at Greenebaum Doll & McDonald PLLC, 2800 Chemed Center, 255 East Fifth Street, Cincinnati, Ohio 45202-4728, and all calls to the same at (513) 455-7644.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and registration of the mark as sought by Applicant be refused.

Respectfully submitted,

Louis K. Ebling, Esq
Marife Nazario-Yordan, Esq.
Attorneys for Applicant
Greenebaum, Doll & McDonald LLC
2800 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 455-7644
(513) 762-7944
lke@gdm.com

Date: April 7, 2004

CERTIFICATE OF MAILING

EXPRESS MAIL LABEL NO. EV 228704889 US:

I hereby certify that a copy of the foregoing Notice of Opposition is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514 this 7th day of April, 2004.

Nicole Reusing
(Signature)
Nicole Reusing
(Print Name)

596052.1

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-04-07 11:41:52 ET

Serial Number: 78172024

Registration Number: (NOT AVAILABLE)

Mark

(words only): SUPER WET

Standard Character claim: No

Current Status: Extension Of Time To Oppose Process - Terminated

Date of Status: 2004-03-08

Filing Date: 2002-10-08

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 112

Attorney Assigned:
MASTERSON ARETHA C Employee Location

Current Location: 845 -TTAB

Date In Location: 2004-03-20

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Jose Alberto Bailon Mendez

Address:
Jose Alberto Bailon Mendez
Ontario 1438 Esq. Bogota, Colonia ProvidenciaCodigo Postal 44631

Guadalajara, Jalisco
Mexico
Legal Entity Type: Individual
Country of Citizenship: Mexico
Phone Number: 770-671-1755
Fax Number: 770-671-1161

GOODS AND/OR SERVICES

hair gels, hair spray, hair mousse and hair lotion
International Class: 003
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 1(b)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-03-08 - Extension Of Time To Oppose Process - Terminated

2004-02-23 - Email Received

2003-09-27 - TEAS Change of Correspondence Received

2003-09-08 - Extension of time to oppose - Filed

2003-05-22 - PAPER RECEIVED

2003-07-29 - Published for opposition

2003-07-09 - Notice of publication

2003-05-29 - Approved for Pub - Principal Register (Initial exam)

2003-05-22 - Communication received from applicant

2003-03-24 - Non-final action e-mailed

2003-03-15 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)
Jason A. Bernstein (Attorney of record)

Jason A. Bernstein
Powell, Goldstein, Frazer & Murphy LLP
191 Peachtree St., NE, 16th Floor
Atlanta GA 30303
Phone Number: 404-572-6600
Fax Number: 404-572-6999

Domestic Representative
Jason A. Bernstein
Phone Number: 770-671-1755
Fax Number: 770-671-1161

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-04-07 11:41:37 ET

Serial Number: 78260607

Registration Number: (NOT AVAILABLE)

Mark

(words only): SUPER WET

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2003-12-18

Filing Date: 2003-06-10

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 108

Attorney Assigned:
COFIELD JULIA HARDY Employee Location

Current Location: L8D -TMEG Law Office 108 - Docket Clerk

Date In Location: 2003-12-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Industrias Gane, S.A. de C.V.

Address:

Industrias Gane, S.A. de C.V.
Calzada Gonzalez Gallo No. 2480, Col. El Rosario
Guadalajara 44890
Mexico
Legal Entity Type: Corporation
State or Country of Incorporation: Mexico

GOODS AND/OR SERVICES

Hair gels, hair sprays, hair mousse and hair lotions
International Class: 003
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 44(e)

ADDITIONAL INFORMATION

Foreign Registration Number: 388890
Foreign Registration Date: 1990-12-28
Country: Mexico
Foreign Expiration Date: 2010-12-28

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2003-12-18 - Non-final action e-mailed

2003-12-18 - Case file assigned to examining attorney

CONTACT INFORMATION

Correspondent (Owner)
Louis K. Ebling (Attorney of record)

Louis K. Ebling
Greenebaum Doll & McDonald PLLC
2800 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202-4728
Phone Number: 513.455.7644
Fax Number: 513.762.7944

Domestic Representative

Louis K. Ebling
Phone Number: 513.455.7644
Fax Number: 513.762.7944

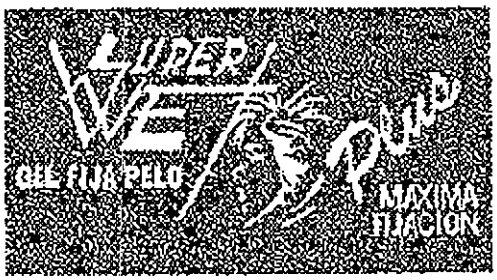
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2004-04-07 11:42:01 ET

Serial Number: 78289025

Registration Number: (NOT AVAILABLE)

Mark



(words only): SUPER WET GEL FIJA PELO PLUS MAXIMA FIJACION

Standard Character claim: No

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2004-03-12

Filing Date: 2003-08-19

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 111

Attorney Assigned:
BELLO ZACHARY R Employee Location

Current Location: M2D -TMO Law Office 111 - Docket Clerk

Date In Location: 2004-03-15

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Industrias Gane, S.A. de C.V.

Address:

Industrias Gane, S.A. de C.V.
Calzada Gonzalez Gallo No. 2480 Col. ElRosario
Guadalajara 44890
Mexico
Legal Entity Type: Corporation
State or Country of Incorporation: Mexico

GOODS AND/OR SERVICES

Hair gels, hair sprays, hair mousse and hair lotions
International Class: 003
First Use Date: (DATE NOT AVAILABLE)
First Use in Commerce Date: (DATE NOT AVAILABLE)

Basis: 44(e)

ADDITIONAL INFORMATION

Foreign Registration Number: 697513
Foreign Registration Date: 2001-04-30
Country: Mexico
Foreign Expiration Date: 2010-11-29

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-03-12 - Non-final action e-mailed

2004-03-06 - Case file assigned to examining attorney

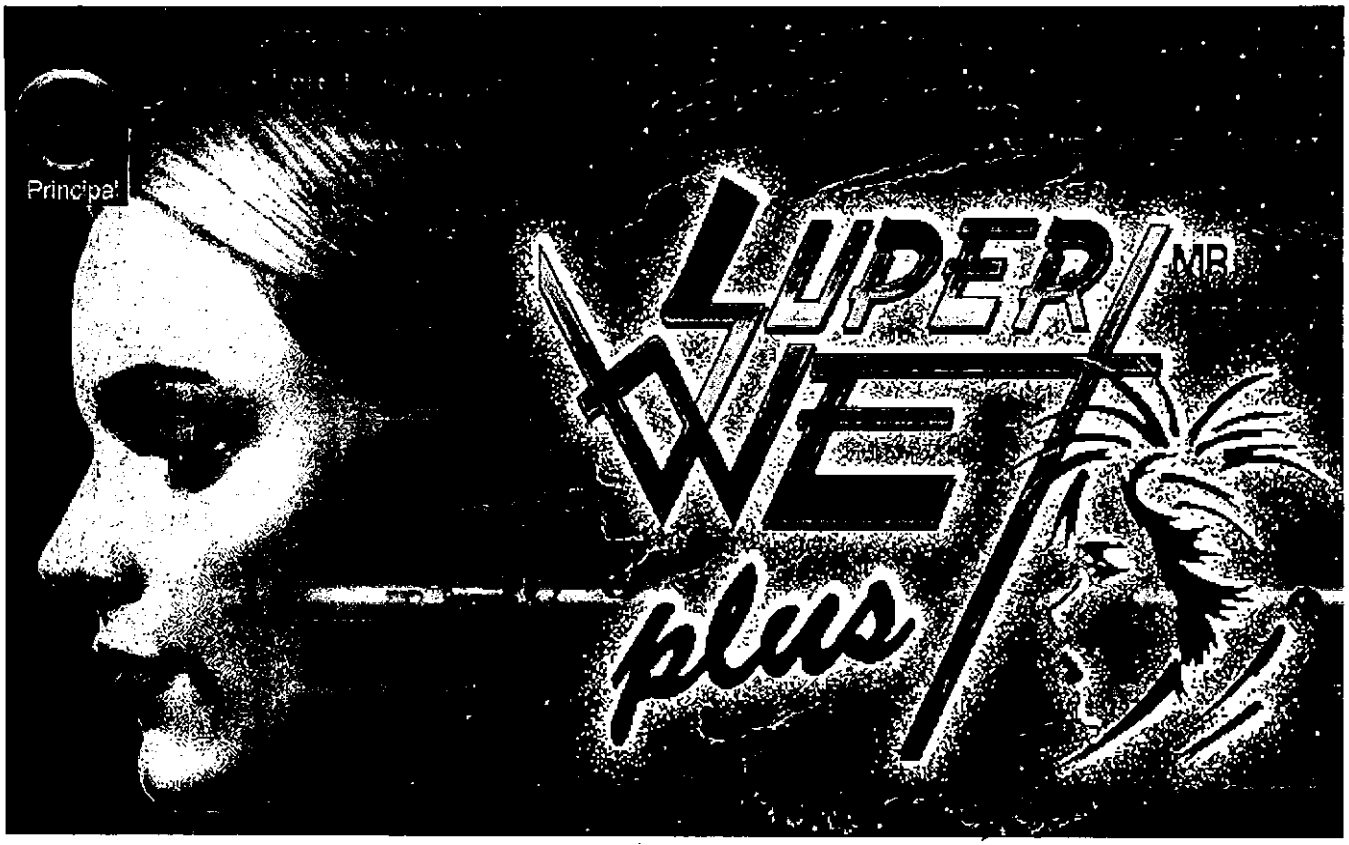
CONTACT INFORMATION

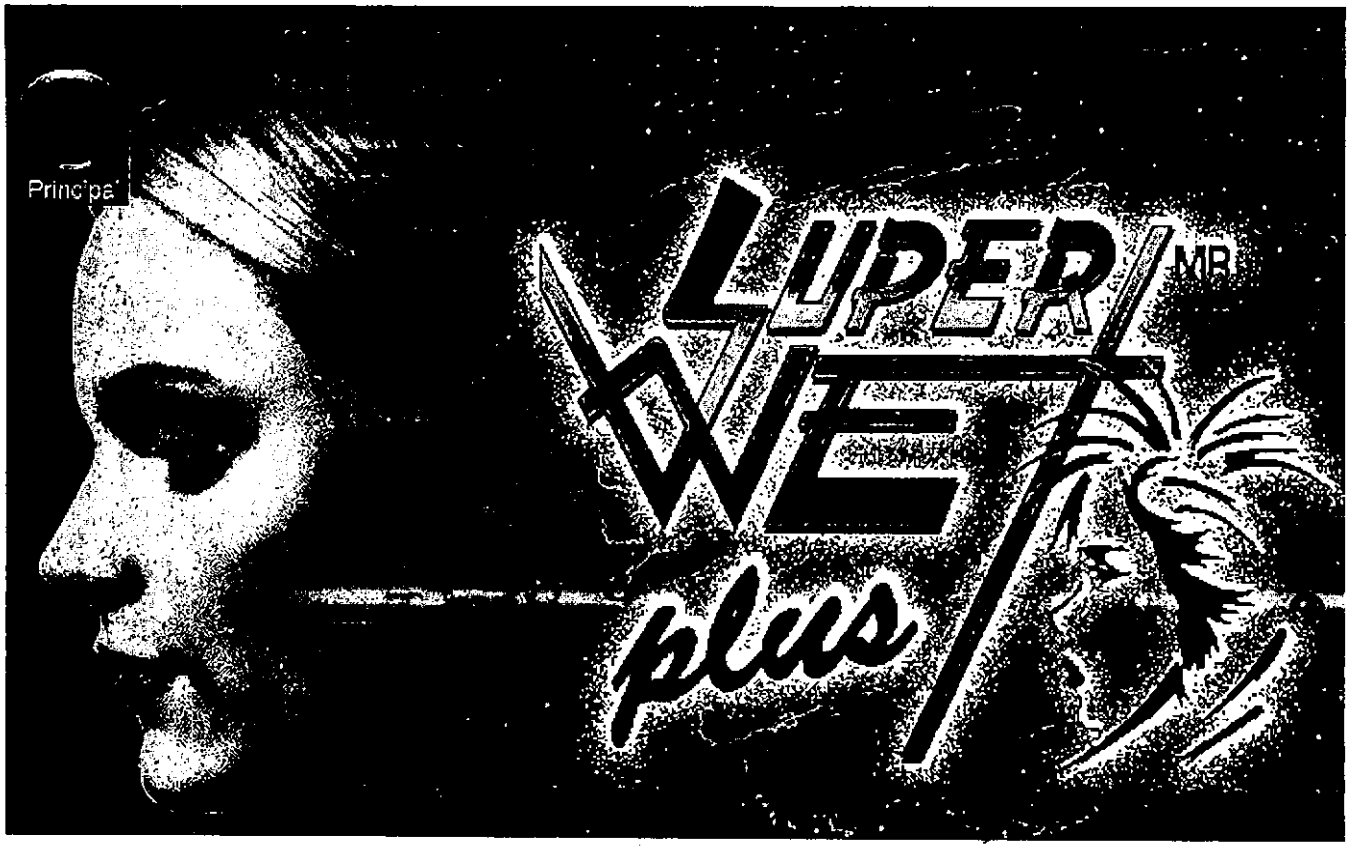
Correspondent (Owner)
Louis K Ebling (Attorney of record)

Louis K Ebling
GREENEBAUM DOLL & MCDONALD PLLC
2800 Chemed Center
255 East Fifth Street
Cincinnati, OH 45202-4728
Phone Number: 513.455.7644
Fax Number: 513.762.7944

Domestic Representative

Louis K. Ebling
Phone Number: 513.455.7644
Fax Number: 513.762.7944


Principal
SUPER WET
MR
plus


Principal
SUPER
WET
MR
plus

TITULO DE REGISTRO DE MARCA

Instituto Mexicano de la Propiedad Industrial

BECERRIL COC
BECERRIL, S. C
AGO. 22 2001
SERGIO DANIEL CABALLERO M
1181566

Titular INDUSTRIAS GANE, S.A. DE C.V.

Nacionalidad MEXICANA

Domicilio CALZADA GONZALEZ GALLO NO. 2480, COL. EL ROSARIO
GUADALAJARA, JAL. C.P. 44890 MEXICO

Establecimiento CALZADA GONZALEZ GALLO NO. 2480, COL. EL ROSARIO
GUADALAJARA, JAL. C.P. 44890 MEXICO

Marca 697513

Tipo de marca MIXTA

Signo distintivo SUPER WET y Diseño

Clase 3

Se aplica a FIJA PELO EN PRESENTACION LIQUIDA CON ATOMIZADOR Y GEL Y EN GENERAL PREPARACIONES PARA BLANQUEAR Y OTRAS SUBSTANCIAS PARA LA COLADA, PREPARACIONES PARA LIMPIAR, PULIR, DESENGRASAR Y RASPAR, JABONES, PERFUMERIA, ACEITES ESENCIALES, COSMETICOS, LOCIONES PARA EL CABELLO Y DENTIFRICOS.

Expediente 460513

Fecha de presentación NOV 29, 2000
Hora 15:05
Fecha de inicio de uso ENE 3, 1995

Instituto Mexicano de la Propiedad Industrial

Los efectos de este registro tienen una duración de diez años contados a partir de la fecha de presentación y el mismo es renovable de acuerdo a las disposiciones legales aplicables.

MEXICO, D.F. A 30 DE ABRIL DE 2001.

LA DIRECTORA DIVISIONAL DE MARCAS

FIRMA POR AUSENCIA

LIC. ESPERANZA RODRIGUEZ CISNEROS

2001009482 5

SUPER
WET
GEL FIJA PELO
CONTENIDO NETO: 250 g
MAXIMA
FIJACION

Con fundamento en el Artículo 6° Inciso g) del Acuerdo que delega Facultades en los Directores Generales Adjuntos, Coordinador, Directores Divisionales, Titulares de las Oficinas Regionales, Subdirectores Divisionales, Coordinadores Departamentales y otros subalternos del INSTITUTO MEXICANO DE LA PROPIEDAD INDUSTRIAL, Publicado en el Diario Oficial de la Federación el 15 de diciembre de 1999, el C. Coordinador Departamental del Archivo de Marcas

Instituto Mexicano de la Propiedad Industrial

01

LIC. JULIO PACHECO LANNOY - - - - -

- - - - - - - -CERTIFICA QUE:———

La presente copia fotostática compuesta de (01) fojas útiles, fue tomada del documento que obra en:

MR. 697513 (SEISCIENTOS NOVENTA Y SIETE MIL QUINIENTOS TRECE)

Y se extiende a petición del (a) C.

ROBERT YOUNG M.

México, D.F. a 18 de febrero del 2003.

1 - DATOS DE LA MARCA SOLICITUD FUNDADA EN LOS ARTICULOS 100 Y 101 DE LA LEY DE INVENCIONES Y MARCAS.

TIPO DE MARCA: NOMINATIVA ☐ INNOMINADA ☐ MIXTA ☒

DENOMINACION SUPER WET (y diseño)

PRODUCTOS O SERVICIOS QUE PROTEGE Fija pelo en presentación líquida con atomizador y gel y en general preparaciones para blanquear y otras substancias para la colada; preparaciones para limpiar, pulir, desengrasar y raspar; jabones, perfumería, aceites esenciales, cosméticos, lociones para el cabello, dentífricos.

21-J-91

CLASE 03

1 PRODUCTO ☐ DE 2 A 10 PRODUCTOS ☐ TODA LA CLASE ☒

SI LA MARCA SE HA USADO, INDIQUE FECHA DE INICIO 09 06 88 (DIA MES AÑO) NO SE HA USADO ☐

2 - DATOS DEL ESTABLECIMIENTO

TIPO: INDUSTRIAL ☒ COMERCIAL ☐ SERVICIOS ☐

UBICACION DEL ESTABLECIMIENTO _____ DOMICILIO (CALLE Y NUMERO)

COLONIA C.P. POBLACION Y ESTADO

PAIS CLAVE

UBICACION DEL ESTABLECIMIENTO Calz. Tlaquepaque ahora Gral. Marcelino García Barragán #1358. DOMICILIO (CALLE Y NUMERO)

COLONIA 44780 C.P. Guadalajara, Jal. POBLACION Y ESTADO

México PAIS MX CLAVE

3 - RECLAMACION DE PRIORIDAD (SI LA HAY)

PAIS FECHA DE PRESENTACION No. DE SERIE

4 - SE CONCEDE PRIORIDAD

SI ☐ NO ☐ FECHA EN QUE SE CONCEDE _____ DIA MES AÑO

NOMBRE Y FIRMA DE QUIEN CONCEDE LA PRIORIDAD

NOMBRE FIRMA

5 - DATOS DEL TITULAR

NOMBRE INDUSTRIAS GANE, S.A. DE C.V. CLAVE

México NACIONALIDAD MX CLAVE Calz. Tlaquepaque ahora Gral. Marcelino García Barragán No. 1358 DOMICILIO (CALLE Y NUMERO) COLONIA

44780 C.P. Guadalajara, Jal. POBLACION Y ESTADO México PAIS MX CLAVE

6 - DATOS DEL APODERADO

NOMBRE SERGIO L. OLIVARES A. CESAR RAMOS OLI- 6 9 0 2 1 3-001 CLAVE

Mexicana NACIONALIDAD MX CLAVE Moras No. 822 DOMICILIO (CALLE Y NUMERO) Acacias COLONIA

03230 C.P. México, D.F. POBLACION Y ESTADO México PAIS MX CLAVE

las impresiones anexas.

EXCLUSION DE LEYENDAS NO RESERVABLES Fija pelo gel.

8 ETIQUETA O ESPECIMEN DE LA MARCA	9 - DOCUMENTOS ANEXOS	PARA USO EXCLUSIVO DE LA D.G.I.M. y D.T. SI	NO
	— DOCUMENTOS QUE EL INTERESADO DEBERA ANEXAR A LA SOLICITUD		
	— 8 IMPRESIONES DE LA MARCA BLANCO Y NEGRO	X	
	— 8 IMPRESIONES DE LA MARCA A COLORES (EN SU CASO)		
	— CARTA PODER (CUANDO NO SE TRAMITE POR EL INTERESADO)	X	
	— TESTIMONIO QUE COMPRUEBE LAS FACULTADES DEL REPRESENTANTE DEL TITULAR #39933. (CUYO ORIGINAL OBRA EN:	X	
	(EN SU CASO) No. REG. GRAL. DE PODERES		

DIRECCION GENERAL DE DESARROLLO TECNOLOGICO

MEXICO, D.F. — LUGAR

JULIO 24 1990. — FECHA

LIC. SERGIO L. OLIVARES MB* — NOMBRE

FIRMA

10-REGISTRO DE MARCA

FECHA LEGAL: 24 DE JULIO DE 1990.

HORA: 13:07

NUMERO DE REGISTRO: 388890

LOS EFECTOS DE ESTE REGISTRO TIENEN UNA DURACION DE CINCO AÑOS CONTADOS A PARTIR DE LA FECHA LEGAL Y ES RENOVABLE DE ACUERDO A LAS DISPOSICIONES LEGALES APLICABLES.

MEXICO, D.F. 28 DE DICIEMBRE DE 1990.

POR ACUERDO DEL C. SECRETARIO DE COMERCIO Y FOMENTO INDUSTRIAL, EL C. DIRECTOR GENERAL DE INVENCIONES, MARCAS Y DESARROLLO TECNOLOGICO

SUFRAGIO EFECTIVO. NO REELECCION

EL DIRECTOR GENERAL

DR. ROBERTO VILLARREAL GONDA

SUBDIRECCION DE EXAMEN Y REGISTRO DE MARCAS, SIGNOS DISTINTIVOS Y CONSERVACION DE DERECHOS
DEPARTAMENTO DE CONSERVACION DE DERECHOS.

MARCA: 388890

Se comunica la renovación del registro de la marca que se indica.

México D.F., a 20 de Julio de 1995.

042519

JOSE LUIS SALGADO

MORAS 822, COL. ACACIAS
03230 MEXICO, D.F.

En relación con su escrito presentado el 6 Julio 1995, se le comunica que el presente registro marcario, ha quedado renovado con resolución No. 8524/95 por el término de diez años a partir del 24 de Julio de 1995, de conformidad con lo dispuesto en los Articulos 95, 130, 133 y 134 de la Ley de la Propiedad Industrial.

No obstante lo anterior, esta Autoridad se reserva las facultades que le confiere la Ley de la Materia para comprobar el cumplimiento de lo dispuesto en los Articulos 130 y 134 de dicha Ley.

El suscrito firma el presente oficio, con fundamento en los Articulos 6o. Fracción III, IV y 7 BIS 2 de la Ley de la Propiedad Industrial, 4o., 9o. Fracción XIII del Reglamento de este Organismo y Articulo 4o. inciso h) del Acuerdo que delega facultades en los Directores, Subdirectores, Jefes de Departamento y otros subalternos del Instituto Mexicano de la Propiedad Industrial, ordenamientos legales publicados en el Diario Oficial de la Federación de 2 de Agosto, 23 de Noviembre y 5 de Diciembre de 1994.

ATENTAMENTE
EL JEFE DEL DEPARTAMENTO.

J. ALBERTO MONJARAS OSORIO.

JRC/AMO/DM6.95.11

Oficial de la Federación el 15 de diciembre de 1999, el C. Coordinador Departamental del Archivo de Marcas

LIC. JULIO PACHECO LANNOY. - - - - - -

- - - - - - - -CERTIFICA QUE:———

La presente copia fotostática compuesta de (03) fojas útiles, fue tomada del documento que obra en:

MR 388890 (TRESCIENTOS OCHENTA Y OCHO MIL OCHOCIENTOS NOVENTA). - - - - - - - -

Y se extiende a petición del (a) C.

LIC. MANUEL M. SOTO.

MÉXICO, D.F. A DIECIOCHO DE FEBRERO DEL DOS MIL TRES.

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

Industrias Gane, S.A. de C.V.,	:	
	:	
Opposer,	:	Opposition No. _____
	:	Application Serial No. 78/172,024
v.	:	Mark: SUPER WET and Design
	:	Date of Publication: July 29, 2003
José Alberto Bailón Méndez,	:	
	:	
Applicant.	:	

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

NOTICE OF OPPOSITION

Opposer, Industrias Gane, S.A. de C.V., a company of Mexico, with offices at Calzada González Gallo No. 2480, Col. El Rosario, Guadalajara, Jalisco, Mexico 44890, believing that it will be damaged by registration of the mark shown in trademark application Serial No. 78/172,024, hereby opposes registration of said mark by José Alberto Bailón Méndez ("Applicant").

As grounds of opposition, it is alleged that:

1. Opposer owns the trademarks SUPERWET, SUPERWET and Design, and SUPERWET PLUS and Design (hereinafter sometimes referred to as "Opposer's marks"), and has engaged, and is now engaged, in the production, distribution and sale of, inter alia, hair products bearing Opposer's marks in interstate commerce, in commerce between Mexico and the United States, and in Mexico through local

GREENEBAUM
GREENEBAUM DOLL & MCDONALD PLLC

Louis K. Ebling
Direct (513) 455-7644 Fax (513) 762-7944 E-mail lke@gdm.com

TTAB

April 7, 2004

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re:	Applicant	:	Jose Alberto Mendez
	Trademark	:	SUPER WET & Design
	Class	:	3
	Serial No.	:	78/172,024
	Filing Date	:	October 8, 2002
	Publication Date:	:	July 29, 2003
	Opposer	:	Industrias Gane, S.A. de C.V.

Dear Commissioner:

We enclose:

- Notice of Opposition (original and duplicate copy)
- Check in the amount of $300.00 to cover the filing fee.

In the event the enclosed check is unacceptable and/or insufficient to cover the required fee, or omitted, the Commissioner is hereby authorized to charge our Deposit Account No. 50-2904.

Respectfully submitted,

GREENEBAUM DOLL & MCDONALD PLLC

Louis K. Ebling

LKE/jks

Enclosures

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