

ESTTA Tracking number: **ESTTA49153**

Filing date: **10/18/2005**

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

### Notice of Opposition

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

#### Opposer Information

<b>Name</b>	Givaudan SA
<b>Granted to Date of previous extension</b>	10/19/2005
<b>Address</b>	Chemin de la Parfumerie 5 Vernier, CH-1214 SWITZERLAND

<b>Attorney information</b>	Kathryn E. Smith Wood, Herron & Evans, L.L.P. 441 Vine Street2700 Carew Tower Cincinnati, OH 45202-2917 UNITED STATES ksmith@whepatent.com Phone:(513) 241-2324
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#### Applicant Information

<b>Application No</b>	78403901	<b>Publication date</b>	06/21/2005
<b>Opposition Filing Date</b>	10/18/2005	<b>Opposition Period Ends</b>	10/19/2005
<b>Applicant</b>	SCENTS OF NATURE ENTERPRISES CORP. 8860 NW 24 TERR MIAMI, FL 33172		

UNITED STATES
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**Goods/Services Affected by Opposition**

Class 003.

All goods and services in the class are opposed, namely: Scented oils used to produce aromas when heated, perfume oils

<b>Attachments</b>	Notice of Opposition.pdf ( 3 pages )
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<b>Signature</b>	/Kathryn E. Smith/
<b>Name</b>	Kathryn E. Smith
<b>Date</b>	10/18/2005

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

<u>In re Application Serial No. 78/403,901</u>	)	Opposition No. _____
Givaudan SA	)	
	)	Mark: SCENTRUST
Opposer,	)	Published for Opposition:
v.	)	June 21, 2005
	)	
Scents of Nature Enterprises Corp.	)	
	)	
	)	
Applicant.	)	
_____	)	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, GIVAUDAN SA, is a corporation organized under the laws of the Country of Switzerland, having its principal place of business at 5 Chemin de la Parfumerie, 1214 Vernier, Switzerland. Opposer believes that will be damaged by registration of the designation "SCENTRUST," shown in Applicant's Application Serial No. 78/403,901, and hereby opposes same. This application, for the goods set forth therein, namely, "Scented oils used to produce aromas when heated, perfume oils," in International Class 3, was filed on an intent-to-use basis on April 19, 2004, and published in the Official Gazette of June 21, 2005. As grounds for the opposition, it is alleged that:

1. Opposer is the owner of United States Trademark Application Serial No. 79/001,964 for the mark **SCENTBURST** covering "Perfumery, namely, perfumes, cosmetics; soaps, namely, soaps for personal use, soaps for household use, detergent soaps and industrial soaps; and detergents, namely, detergents for household use, namely, laundry detergents, dish detergents, automatic dish washing detergents, detergents for car washing, floor and carpet detergents, bathroom, toilet bowl and shower detergents, window and glass detergents, and

kitchen countertop surface detergents, and detergents for industrial use,” in International Class 3. Said Application for Registration is valid and in good standing in the United States Patent and Trademark Office.

2. Upon information and belief, Scents of Nature Enterprises Corp. (“Applicant”) is the owner of U.S. Trademark Application Serial No. 78/403,901 for the designation “**SCENTRUST**,” as applied to “Scented oils used to produce aromas when heated, perfume oils” in International Class 3.

3. Upon information and belief, Applicant is a Florida corporation, doing business at 8860 NW 24 Terrace, Miami, Florida 33172.

4. Applicant was not entitled to use or register as a trademark the designation “**SCENTRUST**” for which it seeks registration in its Application Serial No. 78/403,901, either on April 19, 2004, the date of filing of said application, or on June 21, 2005, the date of publication thereof in the Official Gazette.

5. Applicant’s goods are identical and/or related to the goods of Opposer under its **SCENTBURST** mark and application, and will be sold to the same class of purchasers, and will be available for sale through the same or similar channels of trade.

6. The designation Applicant seeks to register, namely, “**SCENTRUST**”, so resembles Opposer’s **SCENTBURST** mark as to be likely, when applied to the goods of Applicant, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant’s goods originate with or come from Opposer, or are endorsed by, or are sponsored by, or are connected in some way with Opposer, and therefore, the registration thereof by Applicant would be injurious to Opposer.

7. Applicant knew or should have known of Opposer’s **SCENTBURST** mark when it adopted the designation “**SCENTRUST**.”

8. Applicant’s adoption and intent to use the designation “**SCENTRUST**” is without the license or permission of Opposer.

9. For the above reasons, any use of the designation “**SCENTRUST**” by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods offered under the designation “**SCENTRUST**” emanate from or are

otherwise sponsored or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

10. By reason of the foregoing, Opposer will be damaged by registration of the "SCENTRUST" mark to Applicant.

WHEREFORE, Opposer prays that said Application Serial No. 78/403,091 be rejected, and that registration of the designation "SCENTRUST" as a trademark to Applicant be refused and denied. Opposer requests such other and further relief as the Board may deem just and proper.

The Commissioner is authorized to charge the \$300.00 opposition filing fee, as well as any and all other fees associated with filing the Notice of Opposition to Deposit Account No. 23-3000.

Dated: October 18, 2005

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

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