

TTAB

January 6, 2006

BOX NO FEE  
Commissioner for Trademarks  
United States Patent and Trademark Office  
P.O. Box 1451  
Alexandria, VA 22313-1451  
ATTN: Trademark Trial and Appeal Board

Re: Opposition to Application for  
Mark: ORLEEN.COM  
Serial No.: 78/518,074  
Our Matter No.: 72029.1703

To Whom It May Concern:

On November 9, 2005, we submitted a Notice of Opposition to registration of the mark ORLEEN.COM and the fee of \$300 on behalf of Orlane S.A. A copy of the Notice of Opposition and the check are enclosed with this letter. On October 25, 2005, the Trademark Trial and Appeal Board ("TTAB") granted Orlane S.A.'s request for extension of time to oppose until February 15, 2006, meaning that we timely filed the Notice.

The United States Patent and Trademark Office ("PTO") website does not contain a record of the Notice of Opposition. We respectfully request that the TTAB initiate the opposition proceeding and post the Notice of Opposition.

Please feel free to contact me at (212) 837-6738 with any questions.

Respectfully submitted,



Russell W. Jacobs



Enclosures

01-09-2006

U.S. Patent & TMOc/TM Mail Rcpt Dt. #26

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

In the Matter of Application Serial No. 78/518,074  
Filed on November 16, 2004  
For the Mark ORLEEN.COM  
Published in the Official Gazette on October 18, 2005

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Orlane S.A.,	:	
	:	Opposition No. _____
Opposer,	:	
	:	Serial No. 78/518,074
-v-	:	Published: October 18, 2005
	:	Trademark: ORLEEN.COM
Daniel Vonachen,	:	
	:	
Applicant,	:	
-----	X	

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

**INSUFFICIENT FEE**

NOTICE OF OPPOSITION

Opposer, Orlane S.A. (hereinafter referred to as "Orlane" or "Opposer"), a corporation organized and existing under the laws of France, having an address at 12-14, Rond Point Des Champs Elysees, 75008 Paris, France, believes that it will be damaged by the registration of the mark ORLEEN.COM in the name of Daniel Vonachen ("Applicant"), published in the Official Gazette on October 18, 2005 (the "Applied-for Mark") and hereby opposes the same.

As grounds for this Opposition, Orlane relies upon the rights developed by it and related companies, including but not limited to Orlane Inc., a corporation organized and existing under the laws of New York, having an address at 555 Madison Avenue, New York, NY 10022, and alleges on knowledge as to itself and otherwise upon information and belief, as follows:

1. Orlane owns United States registrations for the mark ORLANE in connection with cosmetics, toiletries, and therapeutic services. Orlane first used the mark ORLANE in commerce in the United States in January 1954.

2. Prior to Applicant's filing of its applications, Opposer obtained the following registrations (hereinafter the "ORLANE Registrations," "ORLANE Marks" or "Opposer's Marks"):

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>	<u>Goods or Services</u>
ORLANE	617,607	December 13, 1955	(IC 003) Cosmetics-namely, cold cream, vanishing cream, face powder, rouge, skin tonic, hormone cream, skin lotions, camphor lotion, lipsticks, eye shadow
ORLANE	1,251,902	September 20, 1983	(IC 042) Health and therapeutic services-namely, hygienic and beauty care and studies related thereto

3. The ORLANE Registrations are valid and subsisting, unrevoked and uncancelled, and are prima facie evidence of the validity of Opposer's exclusive right to use the ORLANE Marks in commerce in connection with cosmetics, toiletries, and therapeutic services without condition or limitation, and constitute constructive notice of Opposer's ownership of the ORLANE Marks for the goods and services described in the registrations, namely cosmetics, toiletries, and therapeutic services, as provided for by §§ 7(b) and 22 of the Lanham Act, 15 U.S.C.A. §§ 1057(b) and 1072 (2005). The ORLANE Registrations are incontestable under § 15 of the Lanham Act, 15 U.S.C.A. §1065.

4. Opposer has expended substantial amounts of time and effort in advertising and promoting its cosmetics, toiletries, and therapeutic services under the ORLANE Marks. As a result of such advertising and promotional activities, the ORLANE Marks have become well

known and favorably received, the relevant public has come to associate and identify ORLANE with Opposer and Opposer derives substantial goodwill from such identification by consumers.

5. On November 16, 2004, Applicant filed a trademark application for the mark ORLEEN.COM. The application covers the following goods: "Essential oils for personal use; Essential oils for use in the manufacture of scented products, namely, eau de perfume, liquid perfumes, perfumes and perfume oils; Perfume oils for the manufacture of cosmetic preparations; Bleaching preparations for cosmetic purposes; Body and beauty care cosmetics; Cleansing creams; Cocoa butter for cosmetic purposes; Concealer for cosmetic purposes; Cosmetic creams; Cosmetic creams for skin care; Cosmetic oils; Cosmetic oils for the epidermis; Cosmetic preparations for skin renewal; Cosmetic preparations for body care; Cosmetic soaps; Cosmetic sun protecting preparations; Face creams for cosmetic use; Foundation for cosmetic use; Exfoliants for the skin, body and face; Non-medicated skin care preparations; Non-medicated skin creams; Skin clarifiers; Skin cleansers; Skin cleansing creams; Skin cleansing lotions; Skin conditioners; Skin creams; Skin creams in liquid and solid form; Skin lighteners; Skin lightening creams; Skin lotions; Skin masks; Skin moisturizers; Skin moisturizer masks; Skin soaps; Skin toners; Skin whitening creams; Skin whitening preparations; Wrinkle removing skin care preparations; Hair conditioners; Hair care creams; Hair care lotions; Hair care preparations; Hair oils; Hair rinses; Hair shampoo; Bath soaps in liquid, solid and gel form; Body cream soaps; Cosmetic soaps; Cream soaps; Disinfecting perfumed soaps; Hand soaps; Liquid soaps for hands, face and body; Medicated soaps; Perfumed soaps; Skin soaps; Soaps for whitening and lightening the skin; Soaps for body care; Compacts containing make-up; Eye makeup; Makeup foundation; Makeup removing preparations; Makeup pencils; Makeup

powders; Makeup products for the face and body; Makeup removers; Make-up removing milk, gel, lotions and creams” in International Class 3.

Count: Likelihood of Confusion

6. Opposer hereby incorporates by reference the allegations in Paragraphs 1 through 5 hereof as if fully set forth herein.

7. The Applied-for Mark, as set forth in the application opposed herein, is substantially similar in commercial impression to Opposer’s ORLANE Marks. The term “orleen” is nearly identical in sound and appearance to the term “orlane.” The suffix “.com” is generic, does not function as an indicator of source, and therefore is entitled to no trademark protection.

8. The Applied-for Mark and the ORLANE Marks cover the same goods, namely cosmetics and toiletries in International Class 3.

9. Accordingly, the Applied-for Mark is likely to cause confusion, mistake, or to deceive the public into believing that Applicant’s goods are somehow affiliated or associated with, connected to or sponsored by Opposer, in violation of Section 2(d) of the Lanham Act.

10. If Applicant is permitted to register or use the mark herein opposed, confusion would be likely as to the sponsorship of the goods, resulting in damage and injury to Opposer by reason of the similarity between the Applied-for Mark and Opposer’s Marks. Persons familiar with Opposer’s ORLANE Marks will be likely to purchase Applicant’s goods, believing them to be affiliated or associated with, connected to or sponsored by Opposer. Likewise, persons exposed to the Applied-for Mark who subsequently become acquainted with Opposer’s ORLANE Marks are likely to conclude that the goods and services offered by Opposer under its

marks are in some manner affiliated or associated with, connected to or sponsored by Applicant. Any such confusion as to sponsorship inevitably would result in damage and injury to Opposer.

11. Opposer will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the confusing and misleading use of the Applied-for Mark, and will give color of rights to Applicant in violation of Opposer's prior and superior statutory and common-law rights in the ORLANE Marks.

WHEREFORE, Orlane requests that this Opposition be sustained and that the application for registration of the mark ORLEEN.COM be denied in all respects.

Dated: New York, New York  
November 9, 2005

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: Perla M. Kuhn  
Perla M. Kuhn  
Russell W. Jacobs  
One Battery Park Plaza  
New York, New York 10004  
(212) 837-6000  
Attorneys for Opposer

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451

on November 9, 2005  
HUGHES HUBBARD & REED LLP

Dated: 11/9/05 By: Budger Dusa  
Name:

**HUGHES HUBBARD & REED LLP**

VENDOR: 020230 United States Patent

Check No.: 218683

REF #	INV. #	INV. DATE	INV. AMOUNT	INV. DESCRIPTION	AMT. PAID
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**HUGHES HUBBARD & REED LLP**

ATTORNEY BUSINESS ACCOUNT

One Battery Park Plaza, New York, NY 10004-1482

CITIBANK, N.A.  
PRIVATE BANKING DIVISION  
120 BROADWAY / 2ND FLOOR  
NEW YORK, NEW YORK 10271

**218683**

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Check Date

Nov 09, 2005

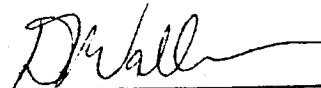
Amount

**\$300.00**

Pay: **THREE HUNDRED AND 00/100**

United States Patent  
& Trademark Office

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