

ESTTA Tracking number: **ESTTA96855**

Filing date: **08/29/2006**

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

Name	Chanel, Inc.
Granted to Date of previous extension	09/03/2006
Address	9 West 57th Street New York, NY 10019 UNITED STATES

Attorney information	Susan Upton Douglass Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza New York, NY 10017 UNITED STATES sdouglass@frosszelnick.com Phone:212-813-5995
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Applicant Information

Application No	78622580	Publication date	03/07/2006
Opposition Filing Date	08/29/2006	Opposition Period Ends	09/03/2006
Applicant	DLC Dermacare LLC Suite 240 4835 E. Cactus Road Scottsdale, AZ 85254 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Cosmetics
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Attachments	060829-0607481-Notice of Opposition-DERMALLURE-DLC Dermacare LLC-ss.pdf (3 pages)(73814 bytes)
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Signature	/Susan Upton Douglass/
Name	Susan Upton Douglass
Date	08/29/2006

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

Opposer's Ref:
CNI USA TC-06/07481

In the Matter of Application Serial No. 78/622,580
Published in the Official Gazette on March 7, 2006
Mark: DERMALLURE

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Chanel, Inc. :
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 Opposer, :
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 - against - : Opposition No. _____
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DLC Dermacare LLC :
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 Applicant. :
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NOTICE OF OPPOSITION

Chanel, Inc., a New York corporation organized and existing under the laws of the State of New York, located and doing business at 9 West 57th Street, New York, New York 10019, believes that it would be damaged by the issuance of a registration for the trademark shown in Application Serial No. 78/622,580 for the mark DERMALLURE in Class 3, and therefore opposes the same. As grounds for its opposition, Opposer, alleges as follows:

1. Opposer is the owner of the trademark ALLURE for an array of fragrance and toiletries products, including perfume, eau de toilette, body lotion, moisturizer, soaps, cleansing gel, hair care products, after shave and deodorant. The mark has been used by Opposer since at least as early as March 15, 1996, and there have been extensive sales under the ALLURE trademark throughout the United States.

2. As a result of Opposer's use in commerce of the ALLURE mark for various Class 3 goods for more than a decade, the ALLURE mark has acquired enormous value and has become famous and well-known to the consuming public and the trade as identifying and distinguishing goods exclusively from Opposer.

3. Opposer is the owner of the following registrations:

- ALLURE (Stylized), Reg. No. 635,700, registered 1956 for perfume (by Opposer's predecessor-in-interest).
- ALLURE, Reg. No. 2,025,798, registered 1996 for perfume, eau de toilette, body lotion, and moisturizer.
- ALLURE, Reg. No. 2,598,290, registered 2002 for hair care, fragrance and toiletry products, namely, hair spray; soap and cleansing gel.
- ALLURE HOMME, Reg. No. 2,370,933, registered 2000 for fragrances and toiletries, namely, eau de toilette, after shave, skin moisturizer, personal deodorant, toilette soap and shower gel for cleaning hair and body.

These registrations are valid and subsisting and Reg. Nos. 635,700, 2,025,798 and 2,370,933 have become incontestable under Section 15 of the Trademark Act.

3. On May 4, 2005, Applicant filed an intent-to-use application to register the mark DERMALLURE for "cosmetics."

4. On information and belief, no use of the mark DERMALLURE was made by the Applicant prior to the filing date of May 4, 2005.

5. The mark DERMALLURE sought to be registered by Applicant is strikingly similar in sound, appearance, meaning and commercial impression to Opposer's registered and long-used trademark ALLURE. The goods covered in the Applicant's application are identical to or closely related to Opposer's ALLURE products now in use and covered by its registrations.

6. The mark DERMALLURE sought to be registered by Applicant is so similar to Opposer's mark ALLURE, with both marks for goods classified as cosmetics in Class 3, as to be

likely to cause confusion, or to cause mistake, or to deceive the purchasing public by creating the erroneous impression that Applicant's goods are authorized, licensed or sponsored by Opposer, or in some other way connected with Opposer, all to Opposer's great injury and harm.

7. Because Opposer's ALLURE mark is famous, Applicant's use and registration of the mark DERMALLURE for cosmetics will dilute the distinctiveness of Opposer's mark by blurring.

8. The registration of Applicant's DERMALLURE mark for cosmetics is inconsistent with Opposer's prior rights in the ALLURE mark and is inconsistent with Opposer's statutory grant of exclusivity of use of the registered ALLURE mark, and would destroy Opposer's investment and good will in its ALLURE mark. Accordingly, Applicant's use and registration of the mark DERMALLURE for cosmetics is in violation of Sec. 43(c) of the Federal Trademark Act, 15 U.S.C. §1125 (c).

WHEREFORE, Opposer requests that its Notice of Opposition be granted and that registration of the mark DERMALLURE for cosmetics in Class 3 be denied.

Dated: New York, New York
August 29, 2006

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 
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