

ESTTA Tracking number: **ESTTA103628**

Filing date: **10/11/2006**

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	Aesthetica Ltd.
Granted to Date of previous extension	10/11/2006
Address	Dorchester House7 Church Street Hamilton, HM 11 BERMUDA

Attorney information	Daiva K. Tautvydas Christensen O'Connor Johnson Kindness PLLC 1420 5th AvenueSuite 2800 Seattle, WA 98101 UNITED STATES daiva@cojk.com Phone:206-695-1727
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Applicant Information

Application No	78715167	Publication date	06/13/2006
Opposition Filing Date	10/11/2006	Opposition Period Ends	10/11/2006
Applicant	COVALENCE INC. 460 S. BENSON LANE CHANDLER, AZ 85224 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and sevicees in the class are opposed, namely: SPECIFIC FORM OF THIOREDOXIN TO BE USED AS AN ANTIOXIDANT INGREDIENT IN FORMULATING SKIN CARE PREPARATIONS, NAMELY, CREAMS, SPRAYS, BALMS, SERUMS AND OINTMENTS
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Attachments	2908_Notice_Opposition.pdf (4 pages)(27465 bytes)
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Signature	/Daiva K. Tautvydas/
Name	Daiva K. Tautvydas
Date	10/11/2006

1 Bermuda, and a place of business in the United States at 8125 North Hayden Road, Scottsdale,
2 Arizona 85258, believes that it will be damaged by registration of the mark REDOXYN-S,
3 shown in U.S. Trademark Application Serial No. 78/715,167, filed on September 17, 2005, and
4 hereby opposes the same.

5 As grounds for the opposition, Opposer alleges as follows:

6 1. On information and belief, CoValence Inc. (hereinafter "Applicant") is an Arizona
7 corporation, having an address of 460 S. Benson Lane, Chandler, Arizona 85224.

8 2. On information and belief, Applicant is the owner of U.S. Trademark Application
9 Serial No. 78/715,167, filed on September 17, 2005, for the mark REDOXYN-S, for a specific
10 form of thioredoxin to be used as an antioxidant ingredient in formulating skin care preparations,
11 namely, creams, sprays, balms, serums and ointments, in International Class 5.

12 3. U.S. Trademark Application Serial No. 78/715,167 was filed based on Applicant's
13 intention to use the mark REDOXYN-S in commerce in the United States.

14 4. Upon information and belief, Applicant has not yet used the mark REDOXYN-S
15 in commerce in the United States.

16 5. Opposer is the owner of the trademark RELOXIN, in the United States, and
17 U.S. Trademark Registration No. 2,920,018 therefor, filed on June 25, 2003, and issued on
18 January 18, 2005.

19 6. The mark RELOXIN was first used by Opposer in the United States, through its
20 predecessor in interest, at least as early as September 29, 2004, and was first used by Opposer in
21 commerce in the United States, through its predecessor in interest, at least as early as
22 September 29, 2004.

23 7. Opposer itself, and through its predecessor in interest, has used the mark
24 RELOXIN in commerce in the United States in connection with pharmaceutical preparations for
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1 the treatment of glabellar lines, facial wrinkles, asymmetries and defects and conditions of the
2 human skin, since a date long prior to any date upon which Applicant can rely.

3 8. Upon information and belief, the goods of Applicant will be offered to similar
4 customers as the goods of Opposer, and promoted in similar channels of trade.

5 9. The mark REDOXYN-S, shown in U.S. Trademark Application Serial
6 No. 78/715,167, so resembles Opposer's mark RELOXIN in sight, sound and commercial
7 impression, as to be likely, when applied to the goods of Applicant, to cause confusion or to
8 cause mistake or to deceive, within the meaning of Section 2(d) of The Lanham Act, 15 U.S.C.
9 § 1052(d).

10 10. Additionally, the mark REDOXYN-S, shown in U.S. Trademark Application
11 Serial No. 78/715,167, so resembles Opposer's mark RELOXIN, as to falsely suggest a
12 connection with Opposer when applied to the goods of Applicant, within the meaning and in
13 violation of Section 2(a) of The Lanham Act, 15 U.S.C. § 1052(a).

14 11. Opposer will be damaged by the registration sought by Applicant insofar as the
15 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership
16 of the mark REDOXYN-S, and Applicant's exclusive right to use the mark REDOXYN-S when,
17 in fact, Applicant is not entitled to such rights by virtue of Opposer's prior and continuous use of
18 the RELOXIN mark and Opposer's prior rights established in and to the RELOXIN mark for an
19 anti-wrinkle preparation.

20 12. Based upon the foregoing, registration of the mark REDOXYN-S, shown in
21 U.S. Trademark Application Serial No. 78/715,167, is likely to cause injury and damage to
22 Opposer.

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

Applicant: CoValence Inc.

International Class: 5

Serial No.: 78/715,167

Published for Opposition: June 13, 2006

Filed: September 17, 2005

Mark: REDOXYN-S

Attorney Docket No.: ASTH62908

Goods: Specific form of thioredoxin to be used as an antioxidant ingredient in formulating skin care preparations, namely, creams, sprays, balms, serums and ointments.

Aesthetica Ltd.,

Opposition No. _____

Opposer,

NOTICE OF OPPOSITION

v.

CoValence Inc.,

Applicant.

NOTICE OF OPPOSITION

Seattle, Washington 98101

October 10, 2006

TO THE COMMISSIONER FOR TRADEMARKS
TRADEMARK TRIAL AND APPEAL BOARD:

Aesthetica Ltd. (hereinafter "Opposer"), a corporation organized under the laws of Bermuda, having a place of business at Dorchester House, 7 Church Street, Hamilton, HM 11,