

ESTTA Tracking number: **ESTTA116234**

Filing date: **12/21/2006**

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	Bliss World LLC
Granted to Date of previous extension	12/27/2006
Address	75 Varick Street New York City, NY 10013 UNITED STATES
Attorney information	michelle foxman fross zelnick lehrman & Zissu 866 UN Plaza 6th Floor New York City, NY 10017 UNITED STATES mfoxman@frosszelnick.com, cwilliams@frosszelnick.com, dehrllich@frosszelnick.com Phone:212-813-5990

Applicant Information

Application No	78640596	Publication date	08/29/2006
Opposition Filing Date	12/21/2006	Opposition Period Ends	12/27/2006
Applicant	Britta Spilsbury P.O. Box 1746 Makawao, HI 96768 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and sevicees in the class are opposed, namely: Perfume, fragrance oil used for the body, body lotion, bath and shower gels, bubble bath, bath oils, bath salts, body creams, body oils, and body scrubs

Attachments	Statement of Claim for Notice of Opposition - MISS BLISS.pdf (2 pages)(56678 bytes)
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Signature	/michelle foxman/
Name	michelle foxman
Date	12/21/2006

STATEMENT OF CLAIM FOR NOTICE OF OPPOSITION

1. Opposer owns and operates a highly successful chain of day spas under the marks BLISS or BLISS SPA across the United States with three spas in New York, one in Chicago, two in California, one in Texas, as well as one in London, England. Opposer also offers a successful line of cosmetics and toiletry products bearing the BLISS mark which are sold at Opposer's spas, at high-end retail establishments, such as Bloomingdale's, Sephora, Neiman Marcus, Bergdorf Goodman and Saks, and through Opposer's mail-order and e-commerce business at www.blissworld.com. All of these types of uses by Opposer of the BLISS and BLISS SPA marks pre-date the filing date of the opposed Application.

2. Opposer also uses the mark MISS BLISS in connection with advisory and consultation services in the field of cosmetics, spa services and beauty and hygiene services and its date of first use of this mark also pre-dates the filing date of the opposed Application.

3. Opposer owns U.S. Reg. No. 2,116,892 for BLISS for "health spa services"; U.S. Reg. No. 2,327,749 for BLISS SPA for "cosmetics, namely, skin moisturizer, body scrubs, skin soap, shower gel and body firming gels and lotions"; U.S. Reg. No. 3,011,661 for BLISS for "eye makeup, hair care and non-medicated scalp care preparations, hair shampoo, foot crème, perfume, cologne, eau de toilette scented body spray, sun block, body oil"; U.S. Reg. No. 2,913,434 for BLISS for "skin moisturizer, body scrubs, skin soap, shower gel, body firming gels and lotions, skin masks, makeup, hand cream, facial cleansers, skin toners, exfoliating body scrubs, personal deodorants"; U.S. Reg. No. 2,679,408 for BLISS SPA for "mail order services, on-line retail store services and retail shops, all featuring cosmetics, toiletries, spa skin and beauty care products, sunglasses, clothing and footwear," as well as Application Serial No.

78/946,989 for MISS BLISS for “advisory and consultation services in the field of cosmetics, spa services, beauty and hygiene services” based on a date of first use of May, 2000.

4. On May 31, 2005, Applicant filed U.S. Application Serial Number 78/640,596, based on intent-to-use, to register the mark MISS BLISS for “perfume, fragrance oil used for the body, body lotion, bath and shower gels, bubble bath, bath oils, bath salts, body creams, body oils, and body scrubs” in International Class 3. Upon information and belief, Applicant has no basis to claim an earlier priority than Opposer.

5. Applicant’s mark is identical to Opposer’s MISS BLISS mark, and otherwise so resembles Opposer’s BLISS and BLISS-variant marks as to be likely, when applied to the goods of Applicant -- which are identical in type to those of Opposer under its BLISS and BLISS variant marks and closely related to the services offered under its MISS BLISS mark -- to cause confusion, or to cause mistake, or to deceive.

6. Opposer would be injured by the granting to Applicant of a Certificate of Registration for MISS BLISS because this mark would tend to damage Opposer's goodwill in its marks.

7. By reason of the foregoing, Applicant is not entitled to register MISS BLISS in the Application herein opposed.

WHEREFORE, Opposer respectfully prays that this Opposition be sustained and that the Application be denied.