

ESTTA Tracking number: **ESTTA133573**

Filing date: **04/04/2007**

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	Skin Sense, Inc.		
Entity	Corporation	Citizenship	North Carolina
Address	5922A Six Forks Road Raleigh, NC 27609 UNITED STATES		

Correspondence information	Howard Jacobson Vice President Skin Sense, Inc. 5922A Six Forks Road Raleigh, NC 27609 UNITED STATES howard@skinsense.com Phone:9196459779
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Applicant Information

Application No	78931144	Publication date	03/06/2007
Opposition Filing Date	04/04/2007	Opposition Period Ends	04/05/2007
Applicant	Street, Marcy L 2900 Hannah Blvd, Suite 114 East Lansing, MI 48823 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 2006/07/01 First Use In Commerce: 2006/07/01
All goods and services in the class are opposed, namely: Magazines in the field of skin care for dermatology patients

Attachments	Opposition - Trademark - Doctors Approach Skin Sense.pdf (3 pages)(86487 bytes)
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Signature	/Howard Jacobson/
Name	Howard Jacobson
Date	04/04/2007

lotions, sun protection lotions, sponges, brushes, makeup and numerous other products applied to the skin.

4. Opposer also uses Opposer's Mark and has regularly used Opposer's Mark on and in connection with written communications with its clients on subjects related to skin and body care, skin care products, and related topics.

5. As a day spa, Opposer is in the business of providing skin care services and communicating verbally and in writing with clients regarding skin care and has continually been in this business in interstate commerce since 1991.

6. Upon information and belief, notwithstanding Opposer's rights in Opposer's Mark, Applicant filed an application for the alleged trademark DOCTOR'S APPROACH SKIN SENSE ("Applicant's Alleged Mark"). Said application was assigned Serial No. 78-931144 and was published for opposition in the *Official Gazette*.

7. Applicant's Alleged Mark is a simulation and colorable imitation of, and so resembles Opposer's Mark, as to be likely when applied to the proposed goods of Applicant to cause confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

8. Upon information and belief, Opposer's and Applicant's goods and services will be sold in close proximity and purchased and consumed by the same general class of purchasers.

9. Opposer, upon information and belief, avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's proposed goods to be marketed under Applicant's Alleged Mark and misled into believing that such goods are produced by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

10. Opposer, upon information and belief, avers that it will be damaged by the registration by Application of Applicant's Alleged Mark in that the mark is substantially similar to Opposer's service

mark and common law rights and will be used in connection with goods substantially related to the goods and services offered to the public by Opposer.

WHEREFORE, this Opposer, Skin Sense, Inc., believes and avers that it is being and will continue to be damaged by registration of Applicant's Alleged Mark as aforesaid, and prays that said Application Serial No. 78-931144 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

By: /Howard A. Jacobson/
Howard A. Jacobson
Vice President

Date: April 3, 2007