

ATTORNEY DOCKET NO.: F557.2

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

Applicant : Sweet People Apparel, Inc.
Serial No. : 78/760331
Filed : November 23, 2005
For : MISS ME
Published : September 12, 2006

Commissioner for Trademarks
Box TTAB - Fee
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

The Opposer, Stella Cadente Sarl, with a place of business at 5 rue Eugène Ruppert L-2453 Luxembourg, believes that it would be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same pursuant to 15 USC § 1063 and 37 CFR § 2.104.

As grounds for opposition, it is alleged that:

(1) Stella Cadente Sarl has been engaged in the manufacturing, marketing and sale of a variety of goods including perfumes, eau de toilette, eau de Cologne, cosmetic products for various parts of the human body namely beauty creams, beauty serums, beauty milks, beauty lotions, tonic lotions for the face and body, beauty masks, beauty gels, cosmetic oils, make-up removing milks, make-up removing rinses, toilet soaps,

scrubbing and exfoliating preparations for the face and body, powders for the face and body, talcum powders, make-up preparations for the face and body, personal deodorants, hair care products in the nature of gels, waxes, mousses and sprays, hair lotions, hair shampoos, bath and shower preparations in the nature of gels, lotions, creams, oils, mousses and foams, products which refresh the skin in aerosol form, skin moisturizers, toiletries and scented products for babies, namely powders, creams, lotions, oils and soaps.

(2) Stella Cadente Sarl owns an International Bureau Registration No. 0846034 and has a Madrid Protocol priority date of May 14, 2004 for MISS ME STELLA CADENTE for the aforementioned goods in Paragraph 1.

(3) Stella Cadente Sarl has used the MISS ME STELLA CADENTE mark in commerce in the U.S.

(4) Stella Cadente is the owner of the following U.S. trademark application based on foreign priority under the Madrid Protocol:

MISS ME STELLA CADENTE

Serial No. 79/009,779

(5) Stella Cadente has a U.S. priority date of May 14, 2004 predating Applicant's filing date and date of alleged first use of September 1, 2004.

(6) Stella Cadente has used the MISS ME STELLA CADENTE mark in commerce extensively and has acquired a considerable and valuable goodwill and wide-scale recognition for its marks. The public has come to associate the marks with Opposer and Opposer's goods.

(7) Applicant's mark is confusingly similar to the Opposer's trademarks and is likely, when used in conjunction with the goods offered by the applicant, to cause confusion, or to cause mistake or to deceive. 15 USC § 1052(e). Applicant's mark makes a highly a similar commercial impression to Opposer's mark due to its similarity to Stella Cadente Sarl's MISS ME STELLA CADENTE mark. The Applicant, has in fact, varied from Opposer's trademark only by deleting the term "Stella Cadente" so as to cause confusion with the MISS ME STELLA CADENTE mark. Opposer already has common law rights to its mark MISS ME STELLA CADENTE based on use in the U.S. Additionally, the overall commercial impression of Applicant's mark, when applied to the same or similar goods offered by the Opposer, would cause confusion, or be likely to cause confusion, mistake, or deception.

(8) Further the actual impressions made by MISS ME STELLA CADENTE and MISS ME Make the marks virtually indistinguishable.

(9) Consumers encountering the Applicant's mark and goods will be likely to believe that such goods originate from or are authorized or sponsored by the Opposer, in

view of the similarity of the goods, similarity of the marks and indistinguishable differences between Opposer's mark and the Applicant's mark.

(10) Both the Applicant's mark and the Opposer's marks are applied to identical or highly related goods. Consumers would be likely to believe that the applicant's mark, as applied to its goods, would designate the Opposer as the source of those goods.

(11) On information and belief, both the Applicant's mark and Opposer's mark are likely to be sold through the same or similar channels of distribution.

(12) On information and belief, the applicant has adopted its MISS ME trademark with full knowledge of the Opposer's MISS ME STELLA CADENTE mark.

(13) Applicant's MISS ME mark so resembles Opposer's mark, MISS ME STELLA CADENTE as used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

(14) Opposer will be damaged monetarily, materially and adversely by registration of the Applicant's confusingly similar mark.

OPPOSER, Stella Cadente Sarl, prays that this application, Serial Number 78/760331, be refused. The Opposer respectfully requests that the opposition be sustained in favor of Stella Cadente Sarl.

Respectfully submitted for
Opposer,

By:


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JMC/TPG:sve

Enc.: Opposition Fee \$300.00
Duplicate Copy

Dated: November 13, 2006

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 03-2465.

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, Box TTAB - Fee, P.O. Box 1451, Arlington, Virginia 22313-1451.

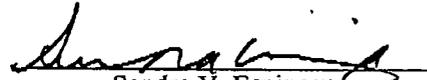
By:  _____ Dated: 11-13-06

CERTIFICATE OF SERVICE

I, Sandra V. Espinoza, do hereby certify that I caused a true copy of Notice of Opposition for serial number 78/760331 to be served upon the following via first class mail in the following form:

Kleinberg & Lerner, LLP
2049 Century Park East
Suite 1080
Los Angeles, CA 90067
Attn: Marvin H. Kleinberg

So certified on this 13th day of November, 2006.


Sandra V. Espinoza



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TELECOPY INFORMATION PAGE

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Date: February 1, 2007
To: Tyrone Craven
Fax No.: 571-273-4264
From: Thomas P. Gulick
RE: Serial No. 78/760331/Mark: MISS ME

Number of Pages including coversheet: 7

Dear Mr. Craven:

Pursuant to our telephone conversation earlier today enclosed please find our Notice of Opposition, which was filed with the TTAB and served to opposing counsel, Marvin H. Kleinberg, Esq., on November 13, 2006, for the above-referenced matter.

Should you have any questions or concerns, please let us know.

Thank you.

**Very truly yours,
COLLEN IP
Thomas P. Gulick**