

ESTTA Tracking number: **ESTTA195796**

Filing date: **03/03/2008**

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	Thierry Mugler Parfums S.A.S.
Granted to Date of previous extension	03/12/2008
Address	4 Rue Berteaux Dumas Neuilly-Sur-Seine, 922000 FRANCE

Domestic Representative	Mary Catherine Merz 1140 Lake Street, Suite 304 Chicago, IL 60301 UNITED STATES docket@merz-law.com Phone:(708) 383-8801
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Applicant Information

Application No	77187908	Publication date	11/13/2007
Opposition Filing Date	03/03/2008	Opposition Period Ends	03/12/2008
Applicant	Tupperware Products S.A. Route du Jura 37 Fribourg, CH-1700 SWITZERLAND		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: perfumes; eau de cologne; fragrances for personal use; deodorants and antiperspirants for personal use; talcum powder; non-medicated lotions for face and body

Grounds for Opposition

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mary Catherine Merz/
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Name	Mary Catherine Merz
Date	03/03/2008

Opposition Against "INSPIRATION ANGEL"
Serial No. 77/187,908

As grounds for the opposition, TMP alleges as follows.

1. Upon information and belief, applicant is a corporation organized under the laws of Switzerland, having a principal place of business at Route du Jura 37, Eribourg CH-1700, Switzerland. Applicant seeks to register "INSPIRATION ANGEL" in connection with the following goods:

perfumes; eau de cologne; fragrances for personal use;
deodorants and antiperspirants for personal use; talcum
powder; non-medicated lotions for face and body;

as evidenced by the publication of Serial No. 77/187,908 in the Official Gazette of November 13, 2007.

2. Upon information and belief, applicant filed its application on May 23, 2007 under Section 1(b) of the Trademark Act [15 U.S.C. §1051(b)], claiming an intent to use of the mark "INSPIRATION ANGEL" in commerce for goods in Class 3.

3. Since at least 15 years prior to applicant's intent-to-use application date for the mark "INSPIRATION ANGEL," TMP adopted and has continuously used for the United States the trademark "ANGEL" in connection with its perfumes. TMP has since created a family of marks containing "ANGEL" as an element for perfumes, such as "VIOLET ANGEL," "LILY ANGEL", "PEONY ANGEL and "LA ROSE ANGEL" (the "non-registered "ANGEL" marks), each mark representing a fragrance within the "ANGEL" family.

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4. TMP is the owner of U.S. Trademark Registration No. 3,051,023 for "ANGEL" for "bleaching preparations and detergents for laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes; face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders"; U.S. Trademark Registration No. 2,448,037 for "ANGEL MEN" for "toilet waters, skin moisturizing lotion, shampoo, and deodorants for personal use"; U.S. Trademark Registration No. 2,516,249 for "SECRET D'ANGEL" for "creams, milks, lotions, cosmetic gels, for the face and for the body"; and U.S. Trademark Registration No. 1,843,424 for "ANGEL" for "perfume" (collectively "TMP's registered 'ANGEL' marks").

6. Since at least as early as the respective dates of first use stated in its registrations, TMP has used TMP's registered "ANGEL" marks in connection with the sale of its goods covered by its "ANGEL" registrations. Such use has been valid and continuous, and has not been abandoned, with the exception of "SECRET D'ANGEL".

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7. Given TMP's continuous and extensive use of "ANGEL" alone as a mark and as the common trademark element in its family of "ANGEL" fragrance products, the purchasing public has come to associate TMP with the "ANGEL" trademark.

8. Applicant has no license, consent or permission from TMP to use or register "INSPIRATION ANGEL."

9. TMP has invested substantial amounts of time, effort and money in protecting and policing TMP's registered "ANGEL" marks and TMP's non-registered "ANGEL" marks throughout the United States. As such, in addition to the protection afforded TMP by its federal trademark registrations, TMP has extensive non-registered statutory and common law rights in its marks containing "ANGEL" as an element.

10. Applicant's mark "INSPIRATION ANGEL" so resembles TMP's "ANGEL" mark that, when used on or in connection with applicant's goods, it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that applicant's goods originate

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with TMP or otherwise are authorized, licensed or sponsored by
TMP.

11. By reason of all the foregoing, TMP will be gravely
damaged by the registration of applicant's "INSPIRATION ANGEL"
mark, because registration of that mark would be in violation of
TMP's trademark rights.

WHEREFORE, TMP prays that this Notice of Opposition be
sustained in favor of TMP and that Serial No. 77/187,908 be
denied registration. TMP submits herewith a payment to cover its
filing fee of \$300.00, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

THIERRY MUGLER PARFUMS S.A.S

Date: February 29, 2008

By: Mary Catherine Merz

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Attorneys for Opposer

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served on the applicant by First Class Mail this 29th day of February 2008, addressed to:

Kimberly K. Weate
Dart Industries Inc.
14901 S. Orange Blossom Trl.
Orlando, FL 32837-6600

Date:

February 29, 2008

By:

Mary Catherine Hez