

ESTTA Tracking number: **ESTTA225437**

Filing date: **07/21/2008**

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	La Senza Corporation
Granted to Date of previous extension	07/20/2008
Address	1608 St. Regis Blvd. Dorval, QC H9P1H6 CANADA

Attorney information	George W. Lewis Jacobson Holman PLLC 400 7th Street NW Washington, DC 20004 UNITED STATES trademark@jhip.com, glewis@jhip.com, mcuccias@jhip.com, joyhenart@jhip.com Phone:202-638-6666
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Applicant Information

Application No	77071961	Publication date	01/22/2008
Opposition Filing Date	07/21/2008	Opposition Period Ends	07/20/2008
Applicant	Olympic Mountain and Marine Products, Inc. 8655 S 208th St Kent, WA 98031 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Scented oils used to produce aromas when heated; essential oils for household use
Class 021. All goods and services in the class are opposed, namely: Scent diffusers comprised of a container and wood rods used to diffuse oil scent poured in the container

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1800379	Application Date	11/30/1990
Registration Date	10/26/1993	Foreign Priority	NONE

		Date	
Word Mark	LA SENZA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: [perfume and cologne, cosmetics; namely, blush, eyebrow pencils, lipsticks, lipgloss, mascara, eyeliner, hair sprays,] conditioners and skin moisturizing creams; toilet soaps,[bath powder,] body, hand and face lotions, as well make-up bags sold empty. [shaving kits containing shaving cream, brushes, combs, and a razor and the case therefor]</p> <p>Class 008. First use: [manicure sets, moustache kits comprising manicuring scissors and the case therefor]</p> <p>Class 018. First use: [shoe and garment travel bags, make-up bags sold empty]</p> <p>Class 020. First use: [clothes hangers]</p> <p>Class 031. First use: [dried flowers]</p> <p>Class 042. First use: [retail store services in the field of cosmetic and beauty/personal accessories]</p>		

Attachments	I-5837 NOO.pdf (12 pages)(531239 bytes)
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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	/Matthew J. Cuccias/
Name	Matthew J. Cuccias
Date	07/21/2008

TRADEMARK

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

LA SENZA CORPORATION,

Opposer,

v.

OLYMPIC MOUNTAIN AND MARINE
PRODUCTS, INC.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

In the matter of an application to register a trademark under the Trademark Act of 1946, Serial No. 77/071,961, filed December 27, 22006, published for opposition in the TRADEMARK OFFICIAL GAZETTE of January 22, 2008, for the mark ESSENZA, in the name of Olympic Mountain and Marine Products, Inc. DBA Olympic Mountain Products, the Opposer, La Senza Corporation, believes it will be damaged by registration of said alleged trademark, and hereby opposes same. The grounds for opposition are as follows:

1. The Opposer, La Senza Corporation [hereinafter "La Senza"], is a corporation duly organized and existing under the laws of Canada, and having its place of business at 1608 St. Regis Blvd., Dorval, QUEBEC CANADA H9P 1H6.

2. Commencing prior to the filing date of the application opposed herein, Opposer has, and/or is now, engaged in the marketing, distribution and sale of ladies wearing apparel, lingerie, loungewear, skin care products, and related goods and accessories, including, but not limited to, body oils, bath oils and massage oils, in commerce with the United States, under and in connection with the trademark **LA SENZA**, alone and in combination with other words, designs and/or symbols to

identify and designate same as its products, and to distinguish them and La Senza's business from those of others.

3. Opposer Warre is the owner of, and will rely upon, the following U.S. Trademark registration for its **LA SENZA** name and mark:

<i>REGISTRATION NO.</i>	<i>ISSUE DATE</i>
1,800,379	October 26, 1993

Said registration is valid and subsisting, and constitutes conclusive evidence of Opposer's ownership of Opposer's **LA SENZA** mark, and exclusive right to use same in commerce in connection with the goods set forth in said registration, namely, conditioners and skin moisturizing creams; toilet soaps; body, hand and face lotions, as well make-up bags sold empty. Attached hereto as Exhibit 1 are printouts of information from the electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the registration.

4. Since Opposer's initial use of Opposer's **LA SENZA** mark, La Senza has used, and advertised, produced and offered its goods under and in connection with said mark to the public, through various channels of trade, and in commerce, with the result that La Senza's customers and the public in general have come to know and recognize said mark of Opposer, and associate same with Opposer, and/or goods produced, advertised, marketed, distributed, and sold directly or indirectly by Opposer La Senza. Opposer thus has built up goodwill in connection with the sale of its products under Opposer's **LA SENZA** mark.

5. On December 27, 2006, Applicant filed an application to register the mark **ESSENZA**. Said application was accorded Serial No. 77/071,961, and was published for opposition in the **TRADEMARK OFFICIAL GAZETTE** of January 22, 2008, for "scented oils used to produce aromas

when heated; essential oils for household use” in Class 3; and “scent diffusers comprised of a container and wood rods used to diffuse oil scent poured in the container” in Class 21.

6. The ESSENZA mark sought to be registered by Applicant includes, and is a colorable imitation of, and/or is confusingly similar to, Opposer’s prior and aforesaid **LA SENZA** mark.

7. On information and belief, the goods set forth in the application opposed herein are or may be found to be the same and/or similar and/or related to the goods in connection with which La Senza uses Opposer’s **LA SENZA** mark, and on information and belief, the goods set forth in the opposed application are and/or may be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which La Senza’s products are marketed and/or sold.

8. On information and belief, prior to the filing date of the application opposed herein, Applicant had actual notice of Opposer, Opposer’s registration of its **LA SENZA** mark, and the rights claimed by Opposer in said mark, and the claims of Opposer herein.

9. On information and belief, the registration of the ESSENZA mark as set forth in the opposed application, may be likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant’s goods as identified in the application sought to be registered by Applicant *vis a vis* Opposer’s **LA SENZA** mark, and/or may mislead purchasers of Applicant’s and/or Opposer’s goods, and/or the public in general, into believing that Applicant’s goods are sold by, emanate from, and/or in some way, directly or indirectly, as associated with La Senza, and/or Opposer’s **LA SENZA** mark, products, and/or business, or *vice versa*, to the damage and detriment of La Senza.

10. If Applicant is granted the registration opposed herein for the opposed goods, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

WHEREFORE, Opposer La Senza believes and alleges that it will be damaged by registration of the ESSENZA mark of application Serial No. 77/071,961, as aforesaid, and prays that:

- A. judgment in the present opposition be entered in favor of Opposer;
- B. the present opposition be sustained; and
- C. registration of application Serial No. 77/071,961 be rejected and refused.

Respectfully submitted,

LA SENZA CORPORATION

By:



George W. Lewis
Matthew J. Cuccias
JACOBSON HOLMAN, PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Dated: July 21, 2008
Atty. Dkt. I-5837

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July, 2008, the foregoing Notice of Opposition was served by first-class mail, postage prepaid, on the following:

Clark A. Puntigam
Jensen & Puntigam, P.S.
2033 6th Ave Ste 1020
Seattle, WA 98121-2527

A handwritten signature in cursive script, reading "Judy S. Olenak", is written over a horizontal line.

TRADEMARK

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

LA SENZA CORPORATION,

Opposer,

v.

OLYMPIC MOUNTAIN AND MARINE
PRODUCTS, INC.,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Exhibit 1



United States Patent and Trademark Office

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Typed Drawing

Word Mark LA SENZA
Translations The word "LA" translates from Italian to the English word "the". The word "SENZA" translates from Italian to the English word "without".
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: [perfume and cologne, cosmetics; namely, blush, eyebrow pencils, lipsticks, lipgloss, mascara, eyeliner, hair sprays,] conditioners and skin moisturizing creams; toilet soaps,[bath powder,] body, hand and face lotions, as well make-up bags sold empty. [shaving kits containing shaving cream, brushes, combs, and a razor and the case therefor]

 (CANCELLED) IC 008. US 023 028 044. G & S: [manicure sets, moustache kits comprising manicuring scissors and the case therefor]

 IC 018. US 001 002 003 022 041. G & S: [shoe and garment travel bags, make-up bags sold empty]

 (CANCELLED) IC 020. US 002 013 022 025 032 050. G & S: [clothes hangers]

 (CANCELLED) IC 031. US 001 046. G & S: [dried flowers]

 (CANCELLED) IC 042. US 100 101. G & S: [retail store services in the field of cosmetic and beauty/personal accessories]

Mark Drawing Code (1) TYPED DRAWING
Serial Number 74121287
Filing Date November 30, 1990
Current Filing Basis 44E
Original Filing Basis 1B;44D
Published for Opposition May 25, 1993
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration 1800379

Number
Registration Date October 26, 1993
Owner (REGISTRANT) LA SENZA INC. CORPORATION CANADA 1370 DUNDAS STREET EAST SUITE 210
 MISSISSAUGA, ONTARIO CANADA L4Y 4G4

 (LAST LISTED OWNER) LA SENZA CORPORATION (3209893) CORPORATION UNDER THE NOVA SCOTIA
 COMPANIES ACT CANADA 1608 ST. REGIS BLVD. DORVAL, QUEBEC CANADA H9P 1H6
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Simor L. Moskowitz
Priority Date May 30, 1990
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Affidavit Text PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20040110.
Renewal 1ST RENEWAL 20040110
Live/Dead Indicator LIVE

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Serial Number: 74121287 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1800379

Mark (words only): LA SENZA

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-01-10

Filing Date: 1990-11-30

Transformed into a National Application: No

Registration Date: 1993-10-26

Register: Principal

Law Office Assigned: LAW OFFICE 11

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2007-09-12

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. LA SENZA CORPORATION (3209893)

Address:

LA SENZA CORPORATION (3209893)
1608 ST. REGIS BLVD.
DORVAL, QUEBEC H9P 1H6
Canada

Legal Entity Type: CORPORATION UNDER THE NOVA SCOTIA COMPANIES ACT

State or Country Where Organized: Canada

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

conditioners and skin moisturizing creams; toilet soaps, body, hand and face lotions, as well make-up bags sold empty.

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 008**Class Status:** Section 8 - Cancelled**Basis:** 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class: 018****Class Status:** Active**Basis:** 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class: 020****Class Status:** Section 8 - Cancelled**Basis:** 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class: 031****Class Status:** Section 8 - Cancelled**Basis:** 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)**International Class: 042****Class Status:** Section 8 - Cancelled**Basis:** 44(e)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Translation: The word "LA" translates from Italian to the English word "the". The word "SENZA" translates from Italian to the English word "without".

Foreign Application Number: 658954**Foreign Registration Number:** TMA398210**Foreign Registration Date:** 1992-05-15**Country:** Canada**Foreign Filing Date:** 1990-05-30**Foreign Expiration Date:** 2007-05-15

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-05-14 - Automatic Update Of Assignment Of Ownership

2007-09-12 - Case File In TICRS

2004-01-10 - First renewal 10 year

2004-01-10 - Section 8 (10-year) accepted/ Section 9 granted

2003-10-22 - Combined Section 8 (10-year)/Section 9 filed

2000-03-23 - Partial Section 8 (6-year) accepted

1999-10-25 - Section 8 (6-year) filed

1993-10-26 - Registered - Principal Register

1993-09-09 - Notice of Allowance canceled

1993-09-09 - ITU claim deleted

1993-08-17 - Notice of allowance - mailed

1993-05-25 - Published for opposition

1993-04-23 - Notice of publication

1993-03-09 - Approved for Pub - Principal Register (Initial exam)

1993-03-04 - Examiner's amendment mailed

1993-03-04 - Previous allowance count withdrawn

1993-02-08 - Communication received from applicant

1993-02-03 - Approved for Pub - Principal Register (Initial exam)

1992-05-03 - Communication received from applicant

1993-01-29 - Examiner's amendment mailed

1992-11-19 - Reinstated

1992-02-10 - Abandonment - Failure To Respond Or Late Response

1991-06-20 - Non-final action mailed

1991-03-19 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Simor L. Moskowitz

Correspondent

<http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=74121287>

7/21/2008

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400 SEVENTH STREET, N.W.
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