

ESTTA Tracking number: **ESTTA277710**

Filing date: **04/13/2009**

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	Parfums Christian Dior, S.A.
Granted to Date of previous extension	04/12/2009
Address	33, Avenue Hoche Paris, 75008 FRANCE

Attorney information	Peter S. Sloane Leason Ellis LLP 81 Main Street, Suite 503 White Plains, NY 10601 UNITED STATES tmdocket@leasonellis.com, sloane@leasonellis.com Phone:914-821-9073
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Applicant Information

Application No	77473227	Publication date	10/14/2008
Opposition Filing Date	04/13/2009	Opposition Period Ends	04/12/2009
Applicant	Pussycat Dolls, LLC c/o UMG Recordings, Inc. 2220 Colorado Avenue Santa Monica, CA 90404 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Cosmetics; perfumes and fragrances; washing preparations and toiletries, namely, soaps, deodorants, anti-perspirants and body powders; skin care preparations and products, namely, face and body moisturizers, hand and arm creams, foot and leg creams, eye creams and gels, skin creams, moisturizers, gels and lotions, facial and body scrubs, astringents, face soaps, skin cleansers, skin toners, lip balm and facial masks; hair care preparations and products, namely, shampoos, conditioners, hair sprays, hair gels and hair mousse; and suntanning preparations and products, namely, suntan lotions and oils, sunblocks, sunblock sticks, self-tanning lotions and gels, after-sun moisturizers, lotions and gels, sunblock lip balms and suntan accelerating lotions

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1036544	Application Date	09/04/1975
Registration Date	03/30/1976	Foreign Priority Date	NONE
Word Mark	CD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1952/00/00 First Use In Commerce: 1952/00/00 PERFUMES, COLOGNES, TOILET WATERS, AFTER SHAVE LOTION, TALC, DUSTING POWDER, LIPSTICK, EYESHADOW, MASCARA, ROUGE, MAKE- UP BASE, MAKE-UP, EYE MAKE-UP REMOVER, SKIN LOTION, SKIN CLEANER, SKIN MOISTURIZER		

Attachments	00020364.PDF (5 pages)(201954 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	/peter sloane/
Name	Peter S. Sloane
Date	04/13/2009

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

In the Matter of Application Serial No. 77/473,227
Published in the Official Gazette on October 14, 2008

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PARFUMS CHRISTIAN DIOR, S.A.,	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
PUSSYCAT DOLLS, LLC	:	
C/O UMG RECORDINGS INC.,	:	
	:	
Applicant.	:	
	:	
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NOTICE OF OPPOSITION

Opposer, Parfums Christian Dior, S.A., a company organized and existing under the laws of France, having an address at 33, Avenue Hoche, 75008, Paris, France, believes that it would be damaged by the issuance of a registration for the trademark PCD as applied for in Application Serial No. 77/473,227, filed May 13, 2008, for “cosmetics; perfumes and fragrances; washing preparations and toiletries, namely, soaps, deodorants, anti-perspirants and body powders; skin care preparations and products, namely, face and body moisturizers, hand and arm creams, foot and leg creams, eye creams and gels, skin creams, moisturizers, gels and lotions, facial and body scrubs, astringents, face soaps, skin cleansers, skin toners, lip balm and facial masks; hair care preparations and products, namely, shampoos, conditioners, hair sprays, hair gels and hair mousse; and suntanning preparations and products, namely, suntan lotions and oils, sunblocks, sunblock sticks, self-tanning lotions and gels, after-sun moisturizers, lotions and gels, sunblock lip balms and suntan accelerating lotions” in Class 3, and therefore opposes the same. As grounds for its opposition,

Opposer, by its attorneys Leason Ellis LLP, alleges as follows:

1. Since well prior to the May 13, 2008 filing date of Applicant's intent-to-use application, Opposer has used the mark CD for fragrance, make-up and skin care products in commerce with the United States. Opposer has used the mark CD in U.S. commerce since at least as early as 1952.

2. Opposer has invested a substantial amount of time, effort and resources in promoting the mark CD, which is famous among the consuming public. As a result, the mark has become distinctive for fragrance, make-up and skin care products and has come to represent enormous goodwill for Opposer.

3. Opposer owns U.S. Trademark Registration No. 1,036,544, issued on March 30, 1976, of the mark CD for "perfumes, colognes, toilet waters, after shave lotion, talc, dusting powder, lipstick, eyeshadow, mascara, rouge, make-up base, make-up, eye make-up remover, skin lotion, skin cleanser, skin moisturizer" in Class 3. Opposer's registration date is well prior to the filing date of Applicant's intent-to-use application. Opposer's registration is valid, subsisting, in full force and effect, and incontestable.

4. On May 13, 2008, Applicant, Pussycat Dolls, LLC c/o UMG Recordings, Inc., filed the application at issue to register the mark PCD for "cosmetics; perfumes and fragrances; washing preparations and toiletries, namely, soaps, deodorants, anti-perspirants and body powders; skin care preparations and products, namely, face and body moisturizers, hand and arm creams, foot and leg creams, eye creams and gels, skin creams, moisturizers, gels and lotions, facial and body scrubs, astringents, face soaps, skin cleansers, skin toners, lip balm and facial masks; hair care preparations and products, namely, shampoos, conditioners, hair sprays, hair gels and hair mousse; and suntanning preparations and products, namely, suntan lotions and oils, sunblocks, sunblock

sticks, self-tanning lotions and gels, after-sun moisturizers, lotions and gels, sunblock lip balms and suntan accelerating lotions” in Class 3 based upon an intent-to-use.

5. The overall mark that Applicant seeks to register wholly incorporates Opposer’s earlier mark CD and will be used for goods that are the same as or closely related to the goods for which Opposer has previously used and registered its mark. Based upon the similarities of the marks and the goods, the public is likely to associate the goods offered by Applicant under the mark PCD with Opposer or with Opposer’s goods, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer, especially because the mark PCD is a natural abbreviation of Opposer’s company name Parfums Christian Dior.

6. For the above reasons, any use of the mark PCD by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods offered under the mark PCD emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and is also likely to cause dilution of Opposer’s famous mark CD in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

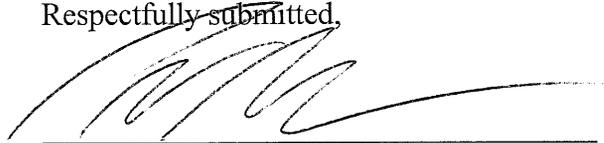
By reason of the foregoing, Opposer will be damaged by the registration of the mark PCD to Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by application Serial No. 77/473,227 be denied.

The opposition fee in the amount of \$300.00 for one class is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' deposit account No. 50-4570 be charged with any deficiency.

Date: April 13, 2009
White Plains, New York

Respectfully submitted,



Peter S. Sloane

LEASON ELLIS LLP
81 Main Street, Suite 503
White Plains, New York 10601
Tel.: (914) 821-9073

Attorneys for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by First-Class mail, postage prepaid, upon the attorney of record for Applicant, this 13th day of April, 2009, addressed as follows:

DeAnne Ozaki, Esq.
Universal Music Group
2220 Colorado Avenue
Santa Monica, California 90404

A handwritten signature in black ink, appearing to read 'Peter S. Sloane', written over a horizontal line.

Peter S. Sloane