

ESTTA Tracking number: **ESTTA314675**

Filing date: **11/02/2009**

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

Proceeding	91190788
Party	Plaintiff Clinique Laboratories, LLC
Correspondence Address	Clinique Laboratories, LLC 767 Fifth Avenue New York, NY 10153 UNITED STATES uspto@estee.com
Submission	Motion to Strike
Filer's Name	Lesley A. Moradian
Filer's e-mail	uspto@estee.com, jheiss@estee.com
Signature	/LAM/
Date	11/02/2009
Attachments	Motion to Strike Answer.pdf (6 pages)(155756 bytes) Motion to Strike - Exhibit 1.pdf (52 pages)(1320835 bytes) Motion to Strike - Exhibit 2.pdf (45 pages)(1804030 bytes)

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

In the Matter of Trademark Application Serial No. 77/642,853
For the Mark CLIQUE

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CLINIQUE LABORATORIES LLC, :
 :
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 Opposer, :
 :
 :
 - against - : Opposition No. 91190788
 :
 STEVEN ROSENHAUS, :
 :
 :
 Applicant. :
 :
-----X

**OPPOSER’S MOTION TO STRIKE APPLICANT’S ANSWER TO NOTICE OF
OPPOSITION PURSUANT TO FED. R. CIV. P. 12(F) AND TRADEMARK
RULES 2.106 AND 2.127 AND TO EXTEND ALL DEADLINES**

Opposer, Clinique Laboratories LLC (“Clinique”), pursuant to Fed. R. Civ. P. 12(f) and Trademark Rules of Practice 2.106 and 2.127, 37 C.F.R. §§ 2.106 and 2.127, hereby moves to strike Applicant Steven Rosenhaus’s Answer to Opposer’s Notice of Opposition in its entirety and to extend all deadlines in this case. The basis for Opposer’s Motion is set forth below.

STATEMENT OF FACTS

Clinique is the prior owner of numerous trademark registrations that include the word CLINIQUE in International Class 3. On June 25, 2009, Clinique filed a Notice of

Opposition against Steven Rosenhaus's ("Applicant") application Serial No. 77/642,853 to register CLIQUE for goods identical or closely related to those in Clinique's earlier registrations. Clinique's Notice of Opposition, which seeks relief solely under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), sets forth a short and plain statement showing why Clinique believes it would be damaged by the registration of the opposed mark, stated the grounds for its opposition, and made its averments in numbered paragraphs. A copy of the Notice of Opposition is attached as Exhibit 1.

On October 16, 2009, Applicant filed his "Response to Notice of Opposition" ("Response"). In his Response, Applicant failed to "admit or deny the averments on which the opposer relies" or to state that he lacks knowledge or information sufficient to form a belief as to the averments. Further, Applicant has added gratuitous commentary to his Response which does not constitute any recognizable affirmative defense. Applicant's Response is attached as Exhibit 2.

ARGUMENT

Federal Rule of Civil Procedure 12(f) states in part that "upon motion made by a party within 20 days after the service of the pleading upon the party ... the court may order stricken from any pleading any insufficient defense or any redundant [or] immaterial ... matter." Here, Applicant's Response fails to comply with the relevant Federal Rules and Trademark Rules of Practice, therefore it must be stricken in its entirety.

Trademark Rule of Practice 2.106(b)(1) states in part that:

[a]n answer shall state in short and plain terms the applicant's defenses to each claim asserted and shall admit or deny the averments upon which the opposer relies. If the applicant is without knowledge or information sufficient to form a belief as to the truth of an averment, applicant shall so state and this will have the effect of a denial....

See also Fed. R. Civ. P. 8(b). TBMP § 311.01(a) further states that “[t]he answer *must* contain admissions and/or denials of the allegations in the complaint and may include any defenses to those allegations” (emphasis added).

Applicant's Response does not comply with the Federal Rules of Civil Procedure, with Trademark Rule of Practice 2.106(b)(1) or with TBMP §§ 311.01(a). It does not “state in short and plain terms the applicant's defenses to *each* claim asserted.” Trademark Rule 2.106(b)(1) (emphasis added). It does not admit, deny, or deny knowledge of “the averments upon which the opposer relies.” *Id.*; Fed. R. Civ. P. 8(b). It does not “contain admissions and/or denials of the allegations in the complaint,” TBMP § 311.01(a). Instead, it ignores claims or improperly seeks to argue the merits of the opposition in violation of TBMP § 311.02(a). While it is true that “[i]f a defendant intends in good faith to controvert all of the allegations contained in a complaint, the defendant may do so by general denial, subject to the obligations set forth in Fed. R. Civ. P. 11,” TBMP § 311.02(a), Applicant has not provided a denial. Instead he seems to admit some averments, deny others, and ignore most. Applicant cannot pick and choose what to respond to in the Opposition. His answer must be directly responsive to all the allegations in the Notice of Opposition, not those he sees fit to address. The fact that the Applicant is representing himself in this proceeding does not exempt him from

complying with the Trademark Rules of Practice. If he chooses to represent himself, he must familiarize himself with the rules governing this proceeding and comply with them.

Since Applicant's Response fails to admit, deny, or state a lack of knowledge of the averments in the numbered paragraphs of Opposer's Notice of Opposition, the Response should be stricken in its entirety. Alternatively, Application should be deemed to have admitted each allegation not specifically denied. Fed. R. Civ. P. 8(d); TBMP § 311.02(a); *see, e.g., Westfield High School L.I.F.E. Club v. City of Westfield*, 249 F. Supp.2d 98, 102 n.4 (D. Mass. 2003) (treating defendant's failure to deny plaintiff's averments as admissions).

Because Applicant's Response fails to comply with the Rules, Clinique further requests that the dates in this case, starting with the deadline for the discovery conference, be extended for 30 days from the date by which Applicant is required to submit a proper answer to the proceedings. Until a proper answer has been submitted in connection with this case, the Parties cannot properly conduct a discovery conference or serve discovery addressed to the allegations, claims and defenses actually raised by the Parties.

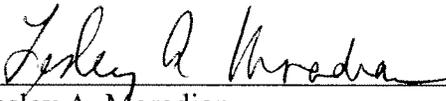
CONCLUSION

For the reasons set forth above, Clinique's motion should be granted and Applicant's Response should be stricken in its entirety. If the Board grants Applicant leave to file an amended answer, and if that answer once again fails to comply with the requirements of the relevant Federal Rules and Trademark Rules of Practice, Clinique

respectfully requests that the Board refuse to accept the deficient answer and enter judgment in this Opposition for Clinique. Finally, Clinique requests that the discovery conference, opening of discovery, deadline for initial disclosures and all other discovery and trial dates in this case be reset based on the deadline for Applicant to submit a proper answer to the Opposition.

Dated: New York, New York
November 2, 2009

CLINIQUE LABORATORIES LLC

By: 

Lesley A. Moradian
Jessica L. Heiss
Attorneys for Opposer
The Estee Lauder Companies Inc.
767 Fifth Avenue
New York, New York 10153
(212) 277-2321

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and correct copy of the foregoing MOTION AND MEMORANDUM TO STRIKE APPLICANT'S ANSWER TO NOTICE OF OPPOSITION PURSUANT TO FED. R. CIV. P. 12(F) AND TRADEMARK RULES 2.106 AND 2.127 AND TO EXTEND ALL DEADLINES to be served upon Applicant by serving Applicant's correspondent of record:

Steven Rosenhaus
212 E. 47th St., Apt. 20C
New York, New York 10017-2125

By placing the same in an envelope properly sealed and addressed with postage pre-paid and depositing the same with the United States Postal Service on this 2nd day of November, 2009.


Jessica Heiss

EXHIBIT 1

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

In the Matter of Application Serial No. 77/642,853
Mark: CLIQUE
Published in the *Official Gazette* on April 28, 2009
Filed: January 3, 2009

-----X
CLINIQUE LABORATORIES LLC, :
 :
Opposer, :
 :
- against - : Opposition No. _____
 :
STEVEN ROSENHAUS, :
 :
Applicant. :
 :
-----X

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

BOX TTAB – FEE

NOTICE OF OPPOSITION

Opposer, CLINIQUE LABORATORIS LLC (“Opposer”), a Delaware limited liability company with offices at 767 Fifth Avenue, New York, New York 10153, believes that it would be damaged by the issuance of a registration for the trademark CLIQUE, applied for in intent-to-use application Serial No. 77/642,853 for “cosmetics, namely, perfume, cologne, lipstick, nail varnish, blush, lipgloss, mascara, eye liner, eye shadow; hair products, namely, hair styling mousse, hair styling gel, hair shampoo and hair conditioner” in International Class 3 and therefore opposes same. As grounds for the opposition, Opposer, by its attorneys, alleges as follows:

1. Opposer is one of the world's leading manufacturers and marketers of prestige skincare, makeup and fragrance products.
2. The CLINIQUE brand was first launched in 1968 with skincare and makeup products that are allergy tested and 100% fragrance free. CLINIQUE branded products have been designed to address individual skin types and needs based on research and related expertise of leading dermatologists.
3. CLINIQUE branded products are sold in better department and specialty stores throughout the United States and the world. Currently, there are in excess of 2,500 locations in the United States alone that sell CLINIQUE branded products.
4. Opposer has more than 800 different product SKU's under the CLINIQUE mark in the U.S. ranging from skincare to makeup to fragrance to hair care to sun and body care and men's care. All of Opposer's products prominently bear the CLINIQUE mark.
5. CLINIQUE branded products are the subject of significant media attention and are often singled out by fashion editors as being among the top skin care and makeup products. In 2007, Clinique Superdefense Triple Action Moisturizer SPF 25, Clinique's Turnaround Concentrate Visible Skin Renewer and Clinique's non-streak bronzer were all listed in In Style as among the Best Beauty Buys for 2007. Also in 2007, various Clinique products received the 2007 Excellence in Beauty Awards from Siempre Mejor; Reader's Choice Awards from Essence and Allure; and "Glammy Awards" from Glamour magazine. Opposer has been receiving awards for its products since a date prior to any date on which Applicant can rely.

6. Over the last three decades, hundreds of millions of units of CLINIQUE branded products have been sold in the U.S. alone, and sales of CLINIQUE branded products in the U.S. over the last (5) years exceed 2 billion dollars.

7. Opposer advertises products under the CLINIQUE mark through major national print media, t.v., radio, newspapers, direct advertising and the Internet. Opposer has spent more than one hundred million dollars in advertising and promoting the CLINIQUE mark over the last five years.

8. Opposer owns dozens of registrations and pending applications for the CLINIQUE marks or marks that include CLINIQUE. These registrations include but are not limited to:

Mark	Reg'n No.	First Use Date	Class and Goods
* CLINIQUE	1,626,589	September 30, 1968	IC 3: cosmetics, cleansers, moisturizers, face marks, foundation, blush, nail enamel, sunblock, shampoo, perfume, deodorant, hair rinse, hair spray
* CLINIQUE	904,834	1938	IC 3: astringent
* CLINIQUE	878,877	September 3, 1968	IC 3: facial soap
* CLINIQUE & Design	859,445	March 15, 1968	IC 3: cleaning cream
* C CLINIQUE & Design	892,987	March 15, 1968	IC 3: cosmetic creams, lotions and oils, cleansing creams, moisturizing lotions, makeup, antiperspirant, hair spray
CLINIQUE CX	2,886,914	April 1, 2004	IC 3: non-medicated skincare preparations
CLINIQUE SUPERBALANCED	2,916,548	July 31, 1997	IC 3: cosmetics
* CLINIQUE HAPPY	2,734,904	March 1998	IC 3: body creams, lotions and gels, body washes, exfoliators, body creams, body powders, aftershave balm
CLINIQUE HAPPY HEART	2,783,299	January 6, 2003	IC 3: cosmetics and cleaning preparations, perfumery, namely cologne, eau de parfum,

			eau de toilette, essential oils for personal use and perfume; toiletries, namely, body cleansers, body creams, body exfoliating preparations, body lotion, body washes
* CLINIQUE MOISTURE IN CONTROL	2,203,237	August 1997	IC 3: cosmetics and cleaning preparations

All of the registrations set forth above are valid, subsisting and in full force and effect; all serve as prima facie evidence of Opposer's exclusive rights in and to the registered marks; all establish that Opposer's rights in marks that include in whole or in part CLINIQUE are long-prior to any rights on which Applicant can rely; and all serve to place Applicant on notice of Opposer's rights. See attached Exhibit "A." In addition, those registrations marked with an asterick are incontestable and, as such, constitute conclusive evidence of Opposer's exclusive right to use the identified mark on the goods specified in the registrations pursuant to §§ 7 and 33 of the Lanham Act, 15 U.S.C. § 1057, 1115(b).

9. In addition to providing fragrance, skin care and beauty products under the CLINIQUE mark, Opposer has used the CLINIQUE mark in connection with a variety of services and events. Opposer provides beauty workshops throughout the country under the CLINIQUE mark. In partnership with Weill Cornell Medical College, it established the Clinique Skin Wellness Center at Weil Cornell to advance the understanding of skin from clinical, scientific and cosmetic points of view. It established the Clinique Nursing Scholarship program to encourage women to seek careers in the health care field and to serve as a platform to address the shortage of nurses nationwide. Opposer also sponsors such events as the Latin GRAMMY® Awards and the Ford Ironman Races and

Championships. As a result of this use, the CLINIQUE trademark is famous among a wide group of consumers.

10. For almost 40 years, Clinique has provided quality products including skin care, color cosmetics and fragrances. Opposer's customized approach and quality products, all of which are tested and carefully formulated with the latest science, have made Clinique a leading skin care and cosmetic authority and have made the CLINIQUE brand one of the most recognized and famous brands of skin care, cosmetics and fragrance products in the world.

11. Through the years of use and advertising of the CLINIQUE mark by Opposer and as a result of the expenditure of significant resources by Opposer to promote CLINIQUE branded products and the CLINIQUE mark, Opposer has established strong rights in the CLINIQUE mark. The CLINIQUE mark has come to be associated uniquely with Opposer, represent enormous goodwill of Opposer and identifies and distinguishes goods manufactured, approved of or licensed by Opposer from those of others.

12. As a result of the long use, registration and renown of the CLINIQUE mark, Opposer's CLINIQUE mark and the registrations for marks that include, in whole or in part, CLINIQUE are entitled to an extremely broad scope of protection.

13. Upon information and belief, Applicant is an individual residing in New York, New York at 212 East 47th St., Suite 20C.

14. On or about January 3, 2009, Applicant applied to register CLIQUE for "cosmetics, namely, perfume, cologne, lipstick, nail varnish, blush, lipgloss, mascara, eye liner, eye shadow; hair products, namely, hair styling mousse, hair styling gel, hair

shampoo and hair conditioner” in International Class 3 based on an intent to use the mark.

15. Upon information and belief, Applicant has not commenced use of the mark in the U.S. in connection with the goods identified in Class 3.

16. The application filing date is long after Opposer first used and registered the CLINIQUE mark and after the CLINIQUE mark became famous.

17. As a matter of law, by virtue of Opposer’s registrations, Applicant had constructive knowledge of Opposer’s prior rights in the CLINIQUE mark prior to adopting or seeking to register CLIQUE. In addition, upon information and belief, in light of the fame of Opposer’s marks, Applicant was on actual notice of Opposer’s prior rights in the CLINIQUE mark.

18. Opposer’s rights in the CLINIQUE mark long predate and are superior to any rights Applicant may claim in the mark CLIQUE.

19. The mark CLIQUE is highly similar to Opposer’s long-used and registered CLINIQUE mark and presents a similar appearance and commercial impression.

20. Applicant seeks to register the opposed mark in International Class 3 for goods identical or highly related to those long-provided by Opposer under the CLINIQUE mark and for which Opposer has registrations, including incontestable registrations.

21. The application herein opposed is not limited with respect to channels of trade or consumers for goods to be sold under the CLIQUE mark. As a matter of law, Applicant’s goods will be deemed to be sold to all customers and through all channels of trade that are customary for such products. Given that Opposer intends to sell the

identical type of products, the channels of trade for Opposer's and Applicant's products will be identical and the consumers for such goods also will overlap.

22. Given the renown of Opposer's CLINIQUE mark, Applicant's registration and use of a mark that is very similar to Opposer's CLINIQUE mark for the identical or highly related goods is likely to cause confusion among consumers who are likely to believe that Applicant's goods come from or are otherwise associated with Opposer or otherwise believe that there is some relationship between Applicant and Opposer.

23. Registration of Applicant's mark is inconsistent with Opposer's prior rights in its CLINIQUE mark, is inconsistent with Opposer's statutory grant of exclusivity of use of the registered CLINIQUE marks and would destroy Opposer's investment and goodwill in its CLINIQUE mark.

CLAIM FOR RELIEF UNDER SECTION 2(d)

24. Opposer repeats and re-alleges each and every allegation contained in paragraphs 1 through 23 as it fully sets forth herein.

25. The CLINIQUE mark is associated exclusively with Opposer and has been used continuously and registered by Opposer since a date long prior to any date on which Applicant can rely.

26. By virtue of the use of the CLINIQUE mark by Opposer, the goodwill associated with Opposer's CLINIQUE marks, the registrations owned by Opposer for the CLINIQUE mark, and the fame of the CLINIQUE mark, registration by Applicant of CLIQUE, a mark that is similar in appearance and impression to CLINIQUE, for goods in International Class 3 that are identical or highly related to the goods offered by Opposer under the CLINIQUE mark, is likely to create the erroneous impression that

Applicant's Class 3 goods originate, come from or are otherwise associated with Opposer or that Applicant's use of CLIQUE on such goods is licensed by or its products are endorsed or in some way connected with Opposer. Registration of the mark CLIQUE in connection with the International Class 3 goods set forth in Application S.N. 77/642853 is likely to cause confusion, cause mistake, or to deceive the public into the belief that the cosmetic, fragrance and hair care products offered by Applicant under the mark herein opposed come from or are otherwise sponsored by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

27. By reason of the foregoing, Opposer is likely to be harmed by registration of Application S.N. 77/642853 for the mark CLIQUE.

WHEREFORE, it is respectfully requested that this opposition be sustained and that registration of the mark shown in Application S.N. 77/642853 be refused.

Dated: New York, New York
June 25, 2009

CLINIQUE LABORATORIES LLC

By: Lesley A. Moradian
Name: Lesley/A. Moradian
Title: Vice President and Senior Trademark
Counsel

767 Fifth Avenue
New York, New York 10153
(212) 277-2321

Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certified that I caused a true and correct copy of the foregoing NOTICE OF OPPOSITION to be served upon Applicant by serving Applicant's correspondent of record:

Steven Rosenhaus
212 E. 47th St., Apt 20C
New York, New York 10017-2125

by placing the same in an envelope properly sealed and addressed with postage pre-paid and depositing the same with the United States Postal Service on this 5th day of June, 2009.



Jessica Heiss

EXHIBIT “A”

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:15:47 ET

Serial Number: 74038780 Assignment Information Trademark Document Retrieval

Registration Number: 1626589

Mark (words only): CLINIQUE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-04-09

Filing Date: 1990-03-15

Transformed into a National Application: No

Registration Date: 1990-12-11

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 2007-10-11

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

cosmetics - namely, cleansers, moisturizers, face tonics, face masks, face powder, foundation, blushers, mascara, eyeshadow, eyeliner, eyemakeup remover, lipstick, lip pencil, nail enamel, nail treatment, sun block, after sun balm, hair shampoo, hair cream rinse, hair spray, deodorant and anti-perspirant, perfume and cologne

Basis: 1(a)

First Use Date: 1968-09-30

First Use in Commerce Date: 1968-09-30

ADDITIONAL INFORMATION

Prior Registration Number(s):

859445

878877

892987

904834

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.

2007-10-11 - Case File In TICRS

2001-04-09 - First renewal 10 year

2001-04-09 - Section 8 (10-year) accepted/ Section 9 granted

2000-11-29 - Combined Section 8 (10-year)/Section 9 filed

1996-06-25 - Section 8 (6-year) accepted & Section 15 acknowledged

1995-12-15 - Section 8 (6-year) and Section 15 Filed

1990-12-11 - Registered - Principal Register

1990-09-18 - Published for opposition

1990-08-18 - Notice of publication

1990-07-19 - Approved for Pub - Principal Register (Initial exam)

1990-07-10 - Examiner's amendment mailed

1990-06-29 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

LESLEY A. MORADIAN, ESQ.

ESTEE LAUDER INC.

767 FIFTH AVENUE

NEW YORK, NY 10153



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)**Assignments on the Web > Trademark Query****Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [74038780](#)**Filing Dt:** 03/15/1990**Reg #:** [1626589](#)**Reg. Dt:** 12/11/1990**Registrant:** Clinique Laboratories, Inc.**Mark:** CLINIQUE**Assignment: 1****Reel/Frame:** [3142/0928](#)**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [CLINIQUE LABORATORIES, INC.](#)**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Search Results as of: 06/25/2009 02:15 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2[HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

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This page was generated by the TARR system on 2009-06-25 14:16:13 ET

Serial Number: 72363799 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 904834

Mark (words only): CLINIQUE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-06-22

Filing Date: 1970-06-29

Transformed into a National Application: No

Registration Date: 1970-12-22

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 700 -Intent To Use Section

Date In Location: 2008-11-13

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC

767 FIFTH AVENUE

NEW YORK, NY 10153

United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

U.S. Class: 051 (International Class 003)

Class Status: Active

ASTRINGENT

Basis: 1(a)

First Use Date: 1928-00-00

First Use in Commerce Date: 1928-00-00

ADDITIONAL INFORMATION

Prior Registration Number(s):859445

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.

2008-09-26 - Case File In TICRS

2001-06-22 - Second renewal 10 year

2001-06-22 - Section 8 (10-year) accepted/ Section 9 granted

2001-05-21 - Response received to Post Registration action - Sections 8 & 9

2001-04-27 - Post Registration action mailed Sections 8 & 9

2000-12-07 - Combined Section 8 (10-year)/Section 9 filed

1990-11-28 - First renewal 10 year

1990-09-20 - Section 9 filed/check record for Section 8

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LESLEY A. MORADIAN

CorrespondentLESLEY A. MORADIAN
ESTEE LAUDER COMPANIES
767 5TH AVE
NEW YORK NY 10153



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: [72363799](#)

Filing Dt: 06/29/1970

Reg #: [904834](#)

Reg. Dt: 12/22/1970

Registrant: [CLINIQUE LABORATORIES, INC.](#)Mark: [CLINIQUE](#)**Assignment: 1**Reel/Frame: [0350/0341](#)

Received:

Recorded: 06/13/1979

Pages: 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: [CLINIQUE LABORATORIES, INC.](#)

Exec Dt: 03/03/1979

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: [CLINIQUE LABORATORIES, INC.](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10022

Correspondent: [BAKER & MCKENZIE](#)

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 2Reel/Frame: [0540/0696](#)

Received:

Recorded: 10/16/1986

Pages: 1

Conveyance: MERGER AND CHANGE OF NAME

Assignors: [CLINIQUE LABORATORIES INC. MERGED INTO](#)

Exec Dt: 09/05/1986

Entity Type: CORPORATION

Citizenship: NEW YORK

Exec Dt: 00/00/0000

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

[CLIVIEN CORP. CHANGED TO](#)Assignees: [CLIVIEN CORP. CHANGED TO](#)[CLINIQUE LABORATORIES, INC.](#)Correspondent: [BAKER AND MCKENZIE](#)

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 3Reel/Frame: [3142/0928](#)

Received: 08/16/2005

Recorded: 08/16/2005

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [CLINIQUE LABORATORIES, INC.](#)

Exec Dt: 07/01/2005

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: [LESLEY A. MORADIAN](#)

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:17:19 ET

Serial Number: 72310308 Assignment Information Trademark Document Retrieval

Registration Number: 878877

Mark (words only): CLINIQUE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-01-17

Filing Date: 1968-10-23

Transformed into a National Application: No

Registration Date: 1969-10-14

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 830 -Post Registration

Date In Location: 2009-01-17

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

U.S. Class: 052 (International Class 003)

Class Status: Active

FACIAL SOAP

Basis: 1(a)

First Use Date: 1968-09-03

First Use in Commerce Date: 1968-09-03

ADDITIONAL INFORMATION

Prior Registration Number(s):

859445

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.

2009-01-17 - First renewal 10 year

2009-01-17 - Section 8 (10-year) accepted/ Section 9 granted

2009-01-12 - Assigned To Paralegal

2009-01-07 - TEAS Section 8 & 9 Received

2008-11-12 - Case File In TICRS

1989-10-14 - First renewal

1989-07-03 - Section 9 filed/check record for Section 8

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LESLEY A. MORADIAN

Correspondent

LESLEY A. MORADIAN
ESTEE LAUDER COMPANIES
767 5TH AVE.
NEW YORK NY 10153
Phone Number: 212-277-2321



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: 72310308

Filing Dt: 10/23/1968

Reg #: 878877

Reg. Dt: 10/14/1969

Registrant: CLINIQUE LABORATORIES, INC.

Mark: CLINIQUE

Assignment: 1Reel/Frame: 0350/0341

Received:

Recorded: 06/13/1979

Pages: 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: CLINIQUE LABORATORIES, INC.

Exec Dt: 03/03/1979

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: CLINIQUE LABORATORIES, INC.

767 FIFTH AVENUE

NEW YORK, NEW YORK 10022

Correspondent: BAKER & MCKENZIE

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 2Reel/Frame: 0540/0696

Received:

Recorded: 10/16/1986

Pages: 1

Conveyance: MERGER AND CHANGE OF NAME

Assignors: CLINIQUE LABORATORIES INC. MERGED INTO

Exec Dt: 09/05/1986

Entity Type: CORPORATION

Citizenship: NEW YORK

Exec Dt: 00/00/0000

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

CLIVIEN CORP. CHANGED TOAssignees: CLIVIEN CORP. CHANGED TOCLINIQUE LABORATORIES, INC.

Correspondent: BAKER AND MCKENZIE

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 3Reel/Frame: 3142/0928

Received: 08/16/2005

Recorded: 08/16/2005

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: CLINIQUE LABORATORIES, INC.

Exec Dt: 07/01/2005

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: CLINIQUE LABORATORIES, LLC

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:17:38 ET

Serial Number: 72294595 Assignment Information Trademark Document Retrieval

Registration Number: 859445

Mark



(words only): C CLINIQUE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2008-01-24

Filing Date: 1968-04-01

Transformed into a National Application: No

Registration Date: 1968-10-29

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 2009-02-06

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

U.S. Class: 051 (International Class 003)

Class Status: Active
CLEANSING CREAM

Basis: 1(a)

First Use Date: 1968-03-15

First Use in Commerce Date: 1968-03-15

ADDITIONAL INFORMATION

Design Search Code(s):

26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

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.

2009-02-06 - Case File In TICRS

2008-01-24 - Second renewal 10 year

2008-01-24 - Section 8 (10-year) accepted/ Section 9 granted

2008-01-22 - Assigned To Paralegal

2008-01-17 - TEAS Section 8 & 9 Received

1988-10-29 - First renewal

1988-10-03 - Section 9 filed/check record for Section 8

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lesley A. Moradian

Correspondent

Lesley A. Moradian

Estee Lauder Companies Inc.

767 Fifth Avenue

New York NY 10153

Phone Number: (212) 277-2321



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 3**Serial #:** 72294595**Filing Dt:** 04/01/1968**Reg #:** 859445**Reg. Dt:** 10/29/1968**Registrant:** CLINIQUE LABORATORIES, INC.**Mark:** C CLINIQUE**Assignment: 1****Reel/Frame:** 0350/0341**Received:****Recorded:** 06/13/1979**Pages:** 1**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL**Assignor:** CLINIQUE LABORATORIES, INC.**Exec Dt:** 03/03/1979**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Assignee:** CLINIQUE LABORATORIES, INC.

767 FIFTH AVENUE

NEW YORK, NEW YORK 10022

Correspondent: BAKER & MCKENZIE

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 2**Reel/Frame:** 0540/0696**Received:****Recorded:** 10/16/1986**Pages:** 1**Conveyance:** MERGER AND CHANGE OF NAME**Assignors:** CLINIQUE LABORATORIES INC. MERGED INTO**Exec Dt:** 09/05/1986**Entity Type:** CORPORATION**Citizenship:** NEW YORK**Exec Dt:** 00/00/0000**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARECLIVIEN CORP. CHANGED TO**Assignees:** CLIVIEN CORP. CHANGED TOCLINIQUE LABORATORIES, INC.**Correspondent:** BAKER AND MCKENZIE

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 3**Reel/Frame:** 3142/0928**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** CLINIQUE LABORATORIES, INC.**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** CLINIQUE LABORATORIES, LLC

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:17:58 ET

Serial Number: 72325842 Assignment Information Trademark Document Retrieval

Registration Number: 892987

Mark



(words only): C CLINIQUE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2001-01-27

Filing Date: 1969-04-29

Transformed into a National Application: No

Registration Date: 1970-06-16

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

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: 2008-11-17

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

U.S. Class: 051 (International Class 003, 005)

Class Status: Active

COSMETIC CREAMS, LOTIONS AND OILS-NAMELY, CLEANSING CREAMS, LOTIONS AND OILS; MOISTURIZING LOTIONS AND CREAMS; MAKE-UP-NAMELY, FACE POWDER, FOUNDATION MAKE-UP BASES; ROUGES; EYE MAKE-UP PREPARATIONS-NAMELY, MASCARA, EYE LINER, EYE SHADOW, EYEBROW PENCIL, AND EYE MAKEUP REMOVER; LIPSTICKS; ANTIPERSPIRANTS; HAIR SPRAYS

Basis: 1(a)

First Use Date: 1968-03-15

First Use in Commerce Date: 1968-03-15

ADDITIONAL INFORMATION

Design Search Code(s):

26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)

26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal

Prior Registration Number(s):

859445

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.

2008-11-17 - Case File In TICRS

2001-01-27 - Second renewal 10 year

2001-01-27 - Section 8 (10-year) accepted/ Section 9 granted

2000-04-19 - Combined Section 8 (10-year)/Section 9 filed

1990-05-23 - First renewal 10 year

1990-04-12 - Section 9 filed/check record for Section 8

ATTORNEY/CORRESPONDENT INFORMATION

Correspondent

LESLEY A. MORADIAN
C/O ESTEE LAUDER INC.
767 5TH AVE

NEW YORK NY 10153-0023



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Trademark Assignment Abstract of Title

Total Assignments: 3Serial #: [72325842](#)

Filing Dt: 04/29/1969

Reg #: [892987](#)

Reg. Dt: 06/16/1970

Registrant: CLINIQUE LABORATORIES, INC.

Mark: C CLINIQUE

Assignment: 1Reel/Frame: [0350/0341](#)

Received:

Recorded: 06/13/1979

Pages: 1

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: [CLINIQUE LABORATORIES, INC.](#)

Exec Dt: 03/03/1979

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: NEW YORK

Assignee: [CLINIQUE LABORATORIES, INC.](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10022

Correspondent: BAKER & MCKENZIE

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 2Reel/Frame: [0540/0696](#)

Received:

Recorded: 10/16/1986

Pages: 1

Conveyance: MERGER AND CHANGE OF NAME

Assignors: [CLINIQUE LABORATORIES INC. MERGED INTO](#)

Exec Dt: 09/05/1986

Entity Type: CORPORATION

Citizenship: NEW YORK

Exec Dt: 00/00/0000

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

[CLIVIEN CORP. CHANGED TO](#)Assignees: [CLIVIEN CORP. CHANGED TO](#)[CLINIQUE LABORATORIES, INC.](#)

Correspondent: BAKER AND MCKENZIE

PRUDENTIAL PLAZA

CHICAGO, IL 60601

Assignment: 3Reel/Frame: [3142/0928](#)

Received: 08/16/2005

Recorded: 08/16/2005

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [CLINIQUE LABORATORIES, INC.](#)

Exec Dt: 07/01/2005

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: LIMITED LIABILITY COMPANY

Citizenship: DELAWARE

Assignee: [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

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This page was generated by the TARR system on 2009-06-25 14:18:18 ET

Serial Number: 76215314 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2886914

Mark (words only): CLINIQUE CX

Standard Character claim: No

Current Status: Registered.

Date of Status: 2004-09-21

Filing Date: 2001-02-23

Transformed into a National Application: No

Registration Date: 2004-09-21

Register: Principal

Law Office Assigned: LAW OFFICE 106

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: 900 -File Repository (Franconia)

Date In Location: 2004-10-01

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

NON-MEDICATED SKIN CARE PREPARATIONS

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

International Class: 005

Class Status: Active

MEDICATED SKIN CARE PREPARATIONS

Basis: 1(a)

First Use Date: 2004-04-01

First Use in Commerce Date: 2004-04-01

ADDITIONAL INFORMATION

Prior Registration Number(s):

1212072

1626589

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.

2004-09-21 - Registered - Principal Register

2004-06-09 - Allowed for Registration - Principal Register (SOU accepted)

2004-06-09 - Assigned To Examiner

2004-06-08 - Statement of use processing complete

2004-06-08 - Extension 5 granted

2004-05-26 - Amendment to Use filed

2004-05-26 - Extension 5 filed

2004-06-03 - Case File In TICRS

2004-05-26 - TEAS Statement of Use Received

2004-05-26 - TEAS Extension Received

2003-11-06 - Extension 4 granted

2003-11-06 - Extension 4 filed

2003-11-06 - TEAS Extension Received

2003-07-02 - Extension 3 granted

2003-05-13 - Extension 3 filed

2003-04-28 - Extension 2 granted
2003-01-13 - Extension 2 filed
2002-10-10 - Extension 1 granted
2002-08-26 - Extension 1 filed
2003-05-13 - TEAS Extension Received
2003-04-28 - Petition To Revive-Granted
2002-11-21 - Petition To Revive-Received
2003-01-29 - Abandonment - No use statement filed
2003-01-13 - TEAS Extension Received
2002-11-21 - PAPER RECEIVED
2002-02-26 - Noa Mailed - SOU Required From Applicant
2001-12-04 - Published for opposition
2001-11-14 - Notice of publication
2001-07-12 - Approved for Pub - Principal Register (Initial exam)
2001-07-02 - Examiner's amendment mailed
2001-06-25 - Assigned To Examiner
2001-06-25 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lesley A. Moradian

Correspondent

LESLEY A. MORADIAN
C/O ESTEE LAUDER INC.
767 FIFTH AVENUE
NEW YORK, NEW YORK 10153



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** [76215314](#)**Filing Dt:** 02/23/2001**Reg #:** [2886914](#)**Reg. Dt:** 09/21/2004**Registrant:** CLINIQUE LABORATORIES, INC.**Mark:** CLINIQUE CX**Assignment: 1****Reel/Frame:** [3142/0928](#)**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [CLINIQUE LABORATORIES, INC.](#)**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Entity Type: LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Correspondent:** LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Search Results as of: 06/25/2009 02:18 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2

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Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:18:39 ET

Serial Number: 78403865 Assignment Information Trademark Document Retrieval

Registration Number: 2916548

Mark

**CLINIQUE
SUPERBALANCED**

(words only): CLINIQUE SUPERBALANCED

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2005-01-04

Filing Date: 2004-04-19

Transformed into a National Application: No

Registration Date: 2005-01-04

Register: Principal

Law Office Assigned: LAW OFFICE 105

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: 650 -Publication And Issue Section

Date In Location: 2005-01-04

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Cosmetics

Basis: 1(a)

First Use Date: 1997-07-31

First Use in Commerce Date: 1997-07-31

ADDITIONAL INFORMATION

Prior Registration Number(s):

878877

904834

1626589

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.

2005-01-04 - Registered - Principal Register

2004-10-12 - Published for opposition

2004-09-22 - Notice of publication

2004-08-09 - Law Office Publication Review Completed

2004-08-03 - Assigned To LIE

2004-07-30 - Assigned To LIE

2004-07-14 - Approved for Pub - Principal Register (Initial exam)

2004-07-14 - Assigned To Examiner

2004-04-28 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lesley A. Moradian

Correspondent

Lesley A. Moradian

Estee Lauder Companies, Inc.

767 Fifth Avenue

New York, NY 10153

Phone Number: (212) 572-6609

Fax Number: (212) 572-6743



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** 78403865**Filing Dt:** 04/19/2004**Reg #:** 2916548**Reg. Dt:** 01/04/2005**Registrant:** Clinique Laboratories, Inc.**Mark:** CLINIQUE SUPERBALANCED**Assignment: 1****Reel/Frame:** 3142/0928**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** CLINIQUE LABORATORIES, INC.**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** CLINIQUE LABORATORIES, LLC

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Entity Type: LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Correspondent:** LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Search Results as of: 06/25/2009 02:19 PM

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Web interface last modified: October 18, 2008 v.2.0.2| [.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:19:17 ET

Serial Number: 78158685 Assignment Information Trademark Document Retrieval

Registration Number: 2734904

Mark (words only): CLINIQUE HAPPY

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-08-31

Filing Date: 2002-08-28

Transformed into a National Application: No

Registration Date: 2003-07-08

Register: Principal

Law Office Assigned: LAW OFFICE 116

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: 830 -Post Registration

Date In Location: 2008-08-31

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Toiletries, namely body creams, lotions, body washes and aftershave

Basis: 1(a)

First Use Date: 1998-03-00

First Use in Commerce Date: 1998-03-00

ADDITIONAL INFORMATION

Prior Registration Number(s):
2191594

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.

2008-08-31 - Section 8 (6-year) accepted & Section 15 acknowledged

2008-07-17 - Assigned To Paralegal

2008-07-08 - TEAS Section 8 & 15 Received

2008-05-15 - Case File In TICRS

2003-07-08 - Registered - Principal Register

2003-04-15 - Published for opposition

2003-03-26 - Notice of publication

2003-01-31 - Approved for Pub - Principal Register (Initial exam)

2003-01-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lesley A. Moradian

Correspondent

Lesley A. Moradian

The Estee Lauder Companies, Inc.

767 Fifth Avenue

New York NY 10153

Phone Number: (212) 277-2321

Fax Number: (212) 572-6743



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** [78158685](#)**Filing Dt:** 08/28/2002**Reg #:** [2734904](#)**Reg. Dt:** 07/08/2003**Registrant:** Clinique Laboratories, Inc.**Mark:** CLINIQUE HAPPY**Assignment: 1****Reel/Frame:** [3142/0928](#)**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [CLINIQUE LABORATORIES, INC.](#)**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
 Search Results as of: 06/25/2009 02:19 PM
 Web interface last modified: October 18, 2008 v.2.0.2

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This page was generated by the TARR system on 2009-06-25 14:19:44 ET

Serial Number: 78140772 Assignment Information Trademark Document Retrieval

Registration Number: 2783299

Mark (words only): CLINIQUE HAPPY HEART

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-11-24

Filing Date: 2002-07-02

Transformed into a National Application: No

Registration Date: 2003-11-11

Register: Principal

Law Office Assigned: LAW OFFICE 102

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: 830 -Post Registration

Date In Location: 2008-11-24

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company
State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

Perfumery, namely cologne, eau de parfum, eau de toilette, essential oils for personal use and perfume; toiletries, namely, body cleansers, body creams, body exfoliating preparations, body lotions, body washes

Basis: 1(a)

First Use Date: 2003-01-06

First Use in Commerce Date: 2003-01-06

ADDITIONAL INFORMATION

Prior Registration Number(s):

878877
892987
904834
1626589
2191594

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.

2008-11-24 - Section 8 (6-year) accepted & Section 15 acknowledged
2008-11-20 - Assigned To Paralegal
2008-11-11 - TEAS Section 8 & 15 Received
2003-11-11 - Registered - Principal Register
2003-09-17 - Allowed for Registration - Principal Register (SOU accepted)
2003-09-16 - Assigned To Examiner
2003-09-13 - Case File In TICRS
2003-08-15 - Statement of use processing complete
2003-06-30 - Amendment to Use filed
2003-07-09 - Extension 1 granted
2003-07-01 - Extension 1 filed
2003-06-30 - TEAS Statement of Use Received
2003-06-30 - TEAS Extension Received
2003-04-22 - Noa Mailed - SOU Required From Applicant
2003-01-28 - Published for opposition
2003-01-08 - Notice of publication

2002-11-27 - Approved for Pub - Principal Register (Initial exam)

2002-11-19 - Examiners amendment e-mailed

2002-11-07 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Lesley A. Moradian

Correspondent

Lesley A. Moradian

The Estee Lauder Companies, Inc.

767 Fifth Avenue,

New York NY 10153

Phone Number: (212) 277-2321

Fax Number: (212) 572-6743



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** [78140772](#)**Filing Dt:** 07/02/2002**Reg #:** [2783299](#)**Reg. Dt:** 11/11/2003**Registrant:** Clinique Laboratories, Inc.**Mark:** CLINIQUE HAPPY HEART**Assignment: 1****Reel/Frame:** [3142/0928](#)**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [CLINIQUE LABORATORIES, INC.](#)**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

NEW YORK, NEW YORK 10153

Correspondent: LESLEY A. MORADIAN

767 FIFTH AVENUE

THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Search Results as of: 06/25/2009 02:19 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2| [HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-06-25 14:20:10 ET

Serial Number: 75230821 Assignment Information Trademark Document Retrieval

Registration Number: 2203237

Mark (words only): CLINIQUE MOISTURE IN CONTROL

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2008-01-25

Filing Date: 1997-01-24

Transformed into a National Application: No

Registration Date: 1998-11-10

Register: Principal

Law Office Assigned: LAW OFFICE 106

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: 830 -Post Registration

Date In Location: 2008-01-25

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

1. CLINIQUE LABORATORIES, LLC

Address:

CLINIQUE LABORATORIES, LLC
767 FIFTH AVENUE
NEW YORK, NY 10153
United States

Legal Entity Type: Limited Liability Company

State or Country Where Organized: Delaware

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

skin care lotions

Basis: 1(a)

First Use Date: 1997-08-00

First Use in Commerce Date: 1997-08-00

ADDITIONAL INFORMATION

Prior Registration Number(s):

859445
892987
1626589

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.

2008-01-25 - First renewal 10 year

2008-01-25 - Section 8 (10-year) accepted/ Section 9 granted

2008-01-22 - Assigned To Paralegal

2008-01-17 - TEAS Section 8 & 9 Received

2007-08-02 - Case File In TICRS

2004-01-21 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-11-10 - Section 8 (6-year) and Section 15 Filed

2003-11-11 - TEAS Section 8 & 15 Received

1998-11-10 - Registered - Principal Register

1998-09-10 - Allowed for Registration - Principal Register (SOU accepted)

1998-08-20 - Assigned To Examiner

1998-08-14 - Statement of use processing complete

1998-08-14 - Extension 1 granted

1998-07-27 - Amendment to Use filed

1998-07-27 - Extension 1 filed

1998-02-10 - Noa Mailed - SOU Required From Applicant

1997-11-18 - Published for opposition

1997-10-17 - Notice of publication

<http://tarr.uspto.gov/tarr?regser=registration&entry=2203237>

6/25/2009

1997-09-16 - Approved for Pub - Principal Register (Initial exam)

1997-09-09 - Examiner's amendment mailed

1997-09-03 - Previous allowance count withdrawn

1997-09-02 - Approved for Pub - Principal Register (Initial exam)

1997-08-29 - Assigned To Examiner

1997-08-16 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

LESLEY A MORADIAN

Correspondent

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767 FIFTH AVENUE
NEW YORK NY 10153
Phone Number: (212) 277-2321



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Assignments on the Web > Trademark Query

Trademark Assignment Abstract of Title

Total Assignments: 1**Serial #:** [75230821](#)**Filing Dt:** 01/24/1997**Reg #:** [2203237](#)**Reg. Dt:** 11/10/1998**Registrant:** CLINIQUE LABORATORIES, INC.**Mark:** CLINIQUE MOISTURE IN CONTROL**Assignment: 1****Reel/Frame:** [3142/0928](#)**Received:** 08/16/2005**Recorded:** 08/16/2005**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [CLINIQUE LABORATORIES, INC.](#)**Exec Dt:** 07/01/2005**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** LIMITED LIABILITY COMPANY**Citizenship:** DELAWARE**Assignee:** [CLINIQUE LABORATORIES, LLC](#)

767 FIFTH AVENUE

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THE ESTEE LAUDER COMPANIES INC

NEW YORK, NY 10153

Search Results as of: 06/25/2009 02:20 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
Web interface last modified: October 18, 2008 v.2.0.2| [.HOME](#) | [INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)

EXHIBIT 2

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing Response to the Notice of Opposition against U.S. Serial No. 77/642,853) has been served on Leslie Moradian, Sr. Trademark Council, Estee Lauder Companies by mailing said copy on October 16, 2008 via First Class Mail, postage prepaid to:

Leslie Moradian, Sr. Trademark Council,
Estee Lauder Companies Inc
767 Fifth Avenue
New York, N.Y.10153

October 16, 2009

 10/16/2009

STEVEN ROSENHAUS

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First- Class mail in an envelope addressed to:

Commissioner for Trademarks

PO Box 1451

Alexandria, VA 22313-1451

On October, 16, 2009

 10/16/09

STEVEN ROSENHAUS

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

In the matter of USPTO Application No.77/642,853

Mark: **CLIQUE**

Published in the Official Gazette on April 28, 2009 Filed: January 3, 2009

CLINIQUE LABORATORIES INC

Opposer -against

STEVEN ROSENHAUS

applicant

Commissioner for Trademarks

P.O. BOX 1451

Alexandria, VA 22313-1451

RESPONSE TO NOTICE OF OPPOSITION / No. 91190788

I have been in The Cosmetics, Fragrance & Beauty Business creatively for 20 years. I have worked at the highest levels with The World's most prestigious cosmetics companies. In addition, I have worked closely with The Most Successful Cosmetics/ Fragrance Companies and NBC /Universal Pictures, developing products based on my U.S. Trademarks. That said, I am quite knowledgeable about Clinique, its' image, its' advertising and its' heritage. In fact, I was approached several times to Creatively Head Clinique. I am friends with former Estee Lauder Presidents, many existing Estee Lauder Sr. Executives and Management. As such, I feel that I am qualified to respond to this opposition myself. Although frankly, I am The David against The Goliath, I know I am in the right. Please excuse me if my response is in a rather` **unique**` format.

The English Dictionary clearly states: **CLIQUE** (KLIK) as a narrow exclusive circle of persons.

Example: a high school clique of popular teenagers.

Clinique is a French word and **not a word in the English language** . The French/English Dictionary translates the word **Clinique** to mean **Clinic... the very word** it immediately resembles visually and phonetically. The French Dictionary translates the word Clinique as "a class of medical instruction, A facility for diagnosis and treatment, (I emphasize the word treatment and I will explain later.), a facility in which several physicians work cooperatively.

`Clinic' translates to a distinct word in every language for example: in French: Clinique, in Spanish: Clinica, Italian: Clinica. In English, looking at the word Clinique, the immediate word that comes to mind is **Clinic**, certainly not **CLIQUE**.

Clinique Laboratories, the name of the brand, has defined their products to consumers as laboratory tested, formulated, as scientific and treatment oriented, a genre which **could not be more removed** from the word **CLIQUE** and it's instantly understood definition as an exclusive narrow group of persons, as in a **teenage High School Clique**.

In the more than 20 applications for product trademarks under the Clinique laboratories, **not once** state on their USPTO applications that Clinique is a **foreign word (FRENCH)**, nor do they reveal it's translation to English is **CLINIC**. This in itself is deceptive.

Under USPTO law and the doctrine of foreign equivalents, marks with foreign words **must be translated into English to determine similarity of connotation with English words**. Had Clinique followed USPTO protocol, the so called `confusion' with the word **CLIQUE** would have been **even more diluted**. In fact, it would have raised questions regarding existing brands using the name **CLINIC** or **CLINICAL**.

The Opposer states **CLIQUE** is highly similar to The French word Clinique. It is **not**.

Sound

CLIQUE is pronounced **KLIK**

Clinique is pronounced **KLIN-EEK** and is similar and synonymous **ONLY** to the word `Clinic' which is in fact its' direct meaning.

They are **not** phonetically similar

Structure

CLIQUE is a Noun **not** a descriptive. As a Noun it is a unique 'thing', with a **uniquely identifiable meaning, appearance and structure**.

CLIQUE is a **one syllable** word with a **distinct meaning**.

Clinique is a **2 syllable** word **CLIN -IQUE** in which **neither syllable is a word nor understood**.

CLIQUE, is an **instantly identifiable, readable, understood and uniquely defined word in the English Language**.

VISUAL ELEMENTS

The letters of a logo **do not exist** as individual hieroglyphic symbols, the letters are meant to be visually combined and **read**. The English word **CLIQUE**, is instantly identifiable and understood as a uniquely,

American Cultural Phenomenon that exists in the consciousness of anyone **who ever went to High School, watched television or went to the movies.**

HISTORY

The Opposer goes on at length about 40 years of Clinique(Clinic) history, yet fails to mention that the word **CLIQUE**, is a distinct English word, instantly read and understood and that **'it' has occupied a unique place in the English language for almost 100 years.**

It seems the Opposer has a long history of citing conflicts with Clinique. In fact, they challenged two separate trademark applications for **Unique**, serial numbers/ 75197628 & 76121788 citing a **direct conflict** with Clinique. **Unique** is an adjective and a descriptive. It does not stand on its' own. **Clique** is a widely known noun with a distinct meaning that in no way resembles the English word Clinic or Clinique. The Opposer seems to have problems with **anything ending in "nique"** (pronounced **neek**).

Now they object to an instantly understood **Iconic English word** ending in **"ique"** (pronounced **klik**, not **'neek'**). The Opposer no doubt would convolute a conflict with a USPTO application for **Technique**.

The Opposer's mark is a **French word (Clinic)** and visually and phonetically tied to the English word **Clinic**, should all English words ending 'nique 'let alone 'ique' be considered a conflict? I believe in this case, **CLIQUE** is undeniably unique in the English language and **tied historically and directly to Popular American Culture.**

Should launching a product with a French word preclude an American Trademark application for an English word that bears no relationship whatsoever in meaning or sound with the Opposer's foreign word? I think not. Particularly when it was **never disclosed** to the USPTO as being Foreign, French or translated to mean 'CLINIC'?

The fact is, the history of the word **CLIQUE** far pre-dates the existence of **any** Clinique product. **CLIQUE** has been a unique part of American culture for **more than 80 years**. In countless books, magazines and in film, beginning in the 1930s with the Mickey Rooney & Judy Garland High School teenager film series and continuing decade after decade with such teenage films as Rebel Without a Cause, Grease, Fame, The Breakfast Club, Pretty In Pink, Porkies, Carrie, Ferris Bueller, Clueless, Mean Girls and High School Musical to such iconic television series as Welcome Back Kotter, Saved By The Bell, The Facts of Life to **Beverly Hills 90210** and **Gossip Girl**. The point, **CLIQUE** is **immediately identified and understood by hundreds of millions of people.**

CLIQUE has become a unique part of American consciousness and culture and in fact The Global success and impact of these films and television series have clearly made **CLIQUE** part of **Global Pop Culture.**

CLIQUE AS AN AMERICAN CULTURAL PHENOMENON

In fact, the popularity of the word **CLIQUE** has also translated to books and music. Note the phenomenal The success of **The Clique Book Series**, the first novel was on The New York Times Best Seller List for **over 50 weeks** selling more than **9,000,000 copies**, subsequently the tremendously

successful book series has been turned into a series **movie** produced and promoted by Tyra Banks on **television nationally to millions and millions of people** .

Please note the nationally and promoted **Special CLIQUE Gift Sets**, that include **The CLIQUE Beauty Bag** containing **5 'CLIQUE Signature' Lip Glosses** .These have already been marketed to millions of people on Amazon.com, Barnes & Noble, Overstock.com, Teen Vogue.Com, **The Official CLIQUE Website** among others.

I provided such materials and other examples to the Opposer last January clearly demonstrating existing **CLIQUE** cosmetics being marketed and sold throughout The Country. Has Clinique been irreparably harmed? Has the Clinique consumer become dazed and confused? Of course not, **CLIQUE** has its' own unmistakable identity and has **NO** relationship at all to the French word Clinique (Clinic).

In addition, **Michael Eisner**, former head of **Disney** and promoter of the hugely successful **Jonas Brothers** is now globally marketing the sensational **CLIQUE GIRLZ**, a teen girl pop group. They are all over You Tube, Teen.com, My Space, Twitter etc. This all **reinforces** the unique, iconic identity and understanding of the word **CLIQUE** and clearly separates it from the French word Clinique/Clinic.

See Exhibit A

The opposing side, Clinique Laboratories cites the millions of dollars they have spent on advertising, yet they chose **not to provide** the USPTO with examples of their advertising .This is because the Clinique advertising, i.e. the image they have spent millions to visually market Clinique to the public, **so obviously separates and removes** Clinique from **any** connection to **CLIQUE** as to be ludicrous (**see attachment**).

The foundation of the Clinique Brand is clinical science, treatment, non allergenic and prevention. From the packaging, advertising, visuals and copy, they have reinforced an image that is a million miles away from any confusion with the word **CLIQUE**. After reviewing the attached Clinique public image in advertising and packaging, it is quite clear that there is **no confusion** with the word **CLIQUE** or **the world within 'it' exists in American Culture**.

In fact, **there already are** existing products in the marketplace that are a **direct conflict** with Clinique, in the same category of goods highlighting the word **clinic** and **clinical**. Have these direct conflicts 'damaged' the Clinique brand and caused mass confusion with its' customers? The answer is **no** . Furthermore, the opposing side **does not reveal** that the Clinique is a Department Store Brand and is sold behind **clearly marked** Clinique counters with professionally trained sales people. As many of the Clinique products are made for different skin types, numerous color shades and formulations, the customer asks the Clinique salesperson for assistance. Clinique it is **not sold** at Wallgreens, Walmart, Target, Supermarkets or Duane Reade, standing on shelves next to **Vaseline Intensive Care**. This further separates any confusion with **CLIQUE** as they would **never be sold near each other**.

See Exhibit B

A Non English speaking person reading the French word 'Clinique' would immediately think of **clinic** and most certainly not **CLIQUE**. To assume that anyone reading the instantly recognizable and understood

English Word **CLIQUE** would relate it to Clinique is false. The Opposer states," The mark CLIQUE is 'highly 'similar to Opposer's long-used and registered mark Clinique."

" Highly similar"?

In sound? **No** In meaning ? **No** In structure? **No** In instant readability and understanding? **No**
In American consciousness and culture? **No** As an Iconic English word? **No**

The Opposer goes on and on about a so called confusion, attaching USPTO Application after Application as proof of **what?** The Opposer never details, explains or proves what the 'so called' conflict is.

It is not sound, it is not structure, it is not meaning, it is not instant readability and understanding of the English word **CLIQUE**.

Please find attached photos of existing products in identical categories in the marketplace that clearly show the Opposer's position to be convoluted and false.

See exhibit C

IN SUMMATION

I believe that I have shown that the instantly identifiable, understood, distinct English word **CLIQUE** is **not** similar to, or a confusion with, the French word Clinique (Clinic)in meaning, in sound, in structure, in visual transmission, in public perception , in its' relevance , in its' history or in **its' totally 'unique' place in modern American Culture.**

In conclusion, The most important fact is: It was researched and determined by the highly trained, expert examiners at the **USPTO** that the English word **CLIQUE** represented **No conflicts** and **was approved to move forward.**

WHEREFORE, In light of all of the above, I respectfully request that 'the opposition' to my USPTO Trademark Application S.N. 77/642853 be denied.

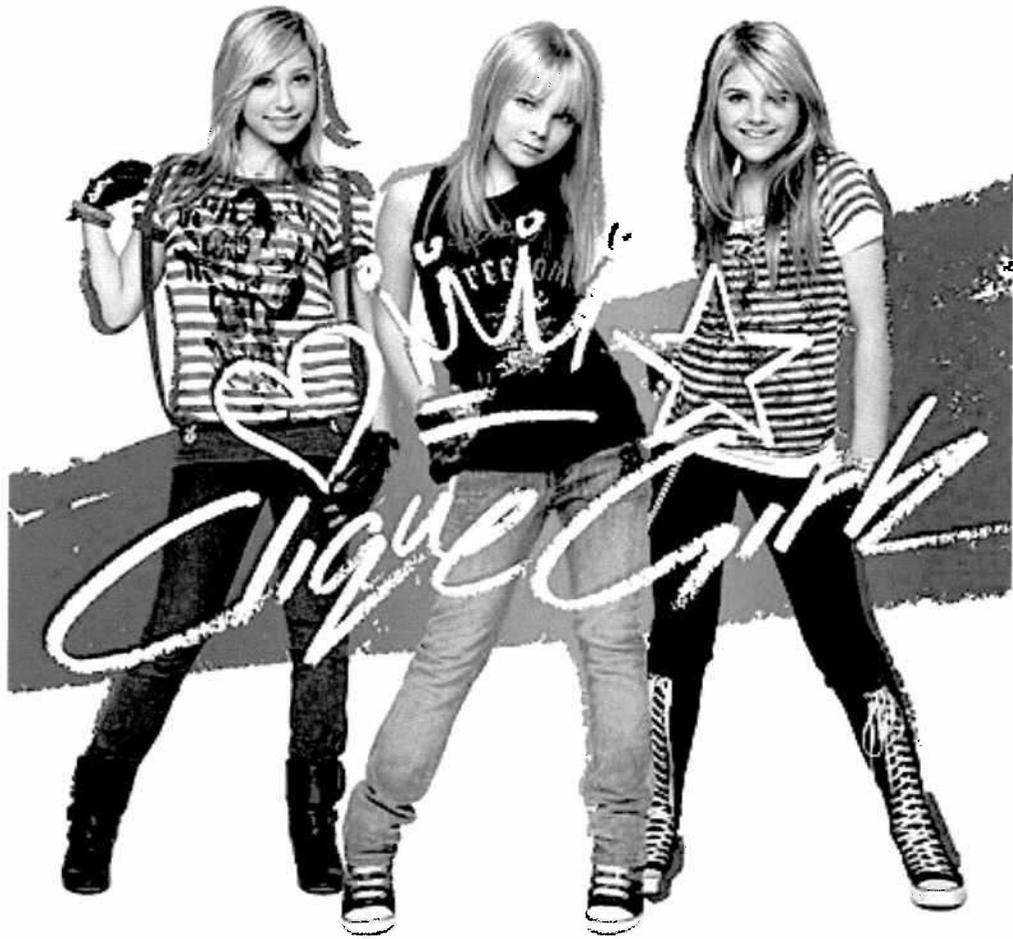
Dated: Oct.16, 2009

STEVEN ROSENHAUS

 10/16/09

Trademark Applicant/S.N.77/642853

Exhibit A



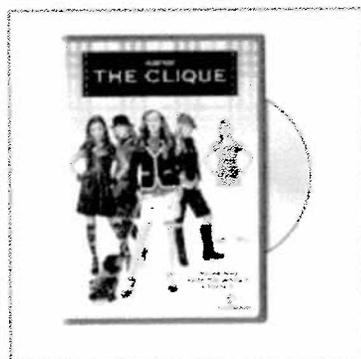


THE CLIQUE
A NOVEL BY LISI HARRISON

THE #1 NEW YORK TIMES BESTSELLING SERIES



page1.jpg
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0316701297_01_LZZZZZZZ.jpg
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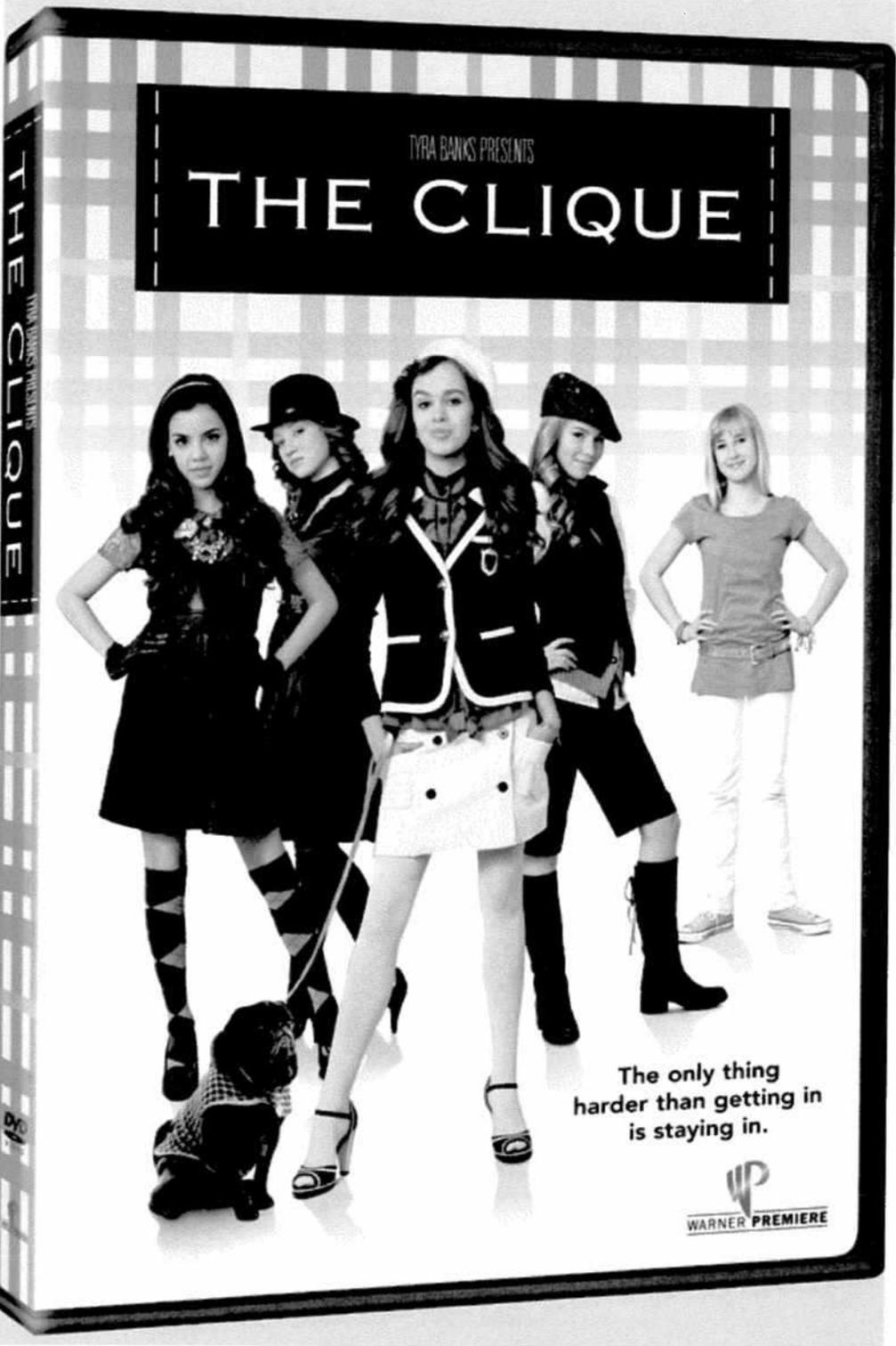


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cliqgrlcovfeat.jpg
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TYRA BANKS PRESENTS

THE CLIQUE



The only thing
harder than getting in
is staying in.





clique gift set - Bing

Web Images Videos Shopping News Maps More MSN Hotmail

Bing

clique gift set



ALL RESULTS

ALL RESULTS

1-10 of 404,000 results · [Advanced](#)

SEARCH HISTORY

clique gift set

[See all](#)

[Clear all](#) | [Turn off](#)

[Amazon.com: The **Clique** Ah-mazing Collector's Gift Set \(9780316030014 ...](#)

The Pretty Committee is spending the summer apart, but they're never far from drama. . . . Five girls. Five stories. One Ah-mazing **Gift Set**. This one-of-a-kind deluxe **gift set** ...

User rating: 4/5 · Paperback · 16 reviews

www.amazon.com/Clique-Ah-mazing-Collectors-Gift-Set/dp/0316030015 · [Cached page](#)

[The **Clique** Ah-Mazing Collector's Gift Set, **Clique** Series, Lisi ...](#)

The Pretty Committee is spending the summer apart, but they're never far from drama. . . . Five girls. Five stories. One Ah-mazing **Gift Set**. This one-of-a-kind deluxe **gift set** ...

User rating: 5/5 · Paperback · 14 reviews

search.barnesandnoble.com/The-Clique-Ah-Mazing-Collectors-Gift-Set/Lisi-Harrison/e/... · [Cached page](#)

[The **Clique** Ah-mazing Collector's Gift Set \(Paperback\) | Overstock.com](#)

Buy **The Clique** Ah-mazing Collector's Gift Set (Paperback) at the lowest price, guaranteed! \$2.95 shipping and customer reviews on all products.

www.overstock.com/Books-Movies-Music-Games/The-Clique-Ah-mazing-Collectors-Gift-Set... · [Cached page](#)

[The **Clique** Store - The **Clique** Ah-mazing Collector's Gift Set](#)

Availability: Usually ships in 24 hours Ships from and sold by Amazon.com. 32 new or used available from \$21.35. Average customer review:

astore.amazon.com/theclique-20/detail/0316030015 · [Cached page](#)

[The **Clique** Ah-Mazing Collector's Gift Set \[With Lip Gloss and Makeup ...](#)

booksamillion.com offers The **Clique** Ah-Mazing Collector's Gift Set [With Lip Gloss and Makeup Bag and Jewelry Box] by Lisi Harrison at a discount (9780316030014, (Paperback)).

www.booksamillion.com/product/9780316030014 · [Cached page](#)

[The **Clique** Ah-mazing Collector's Gift Set - Hachette Book Group](#)

Read detailed information about the book The **Clique** Ah-mazing Collector's Gift Set by Lisi Harrison from the publisher, Hachette Book Group US (ISBN: 9780316030014). Includes ...

www.hachettebookgroup.com/teens_books_9780316030014.htm · [Cached page](#)

[The **Clique** Ah-mazing Collector's Gift Set: Harrison, Lisi ...](#)

eCampus.com: The **Clique** Ah-mazing Collector's Gift Set: Harrison, Lisi: 9780316030014 : \$21.77: :

www.ecampus.com/book/9780316030014 · [Cached page](#)

[The **Clique** Ah-mazing Collector's Gift Set - 9780316030014 - Lisi ...](#)

0316030015, **The Clique** Ah-mazing Collector's Gift Set, 9780316030014, Lisi Harrison, Paperback, **The Clique** Summer Collection

www.borders.com/online/store/TitleDetail?sku=0316030015 · [Cached page](#)

[Christmas Teen Box Sets, Teen Box Set Gifts - Barnes & Noble](#)

Catch up on your favorite series with brilliant boxed **sets**! From the Inheritance Cycle to **The Clique** collections, these **sets** make the perfect **gift** for teen fantasy and fiction buffs

www.barnesandnoble.com/u/christmas-gifts-teen-box-sets/379000372 · [Cached page](#)

[Clique Boxed Set #1 \(Clique Series\), **Clique** Series, Lisi Harrison ...](#)

HOME & GIFT Decorative Accents Journals & Notebooks Lighting & Furniture Reading ... A boxed **set** of three books (**The Clique** #1, **The Clique** #2: Best Friends for Never, **The Clique** #3 ...

search.barnesandnoble.com/Clique-Boxed-Set-1/Lisi-Harrison/

Product Details

 [Shopping Cart](#)

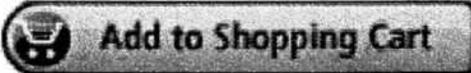


The Clique Ah-mazing Collector's Gift Set

From Poppy

List Price: ~~\$39.99~~

Price: **\$26.39** & eligible for FREE Super Saver Shipping on orders over \$25. [Details](#)

 Add to Shopping Cart

Availability: Usually ships in 24 hours
Ships from and sold by Amazon.com

32 new or used available from \$21.35

Average customer review: 

Product Description

The Pretty Committee is spending the summer apart, but they're never far from drama. . . . Five girls. Five stories. One Ah-mazing Gift Set.

This one-of-a-kind deluxe gift set includes:

- All five bestselling Clique Summer Collection novellas: Massie, Dylan, Alicia, Kristen, and Claire.
- A special edition CLIQUE jewelry box with mirror and lift-out tray
- Five signature flavored lip glosses
- Stylish CLIQUE makeup bag

Product Details

- Amazon Sales Rank: #20551 in Books

THE CLIQUE



The only thing
harder than getting in
is staying in.



A black and white promotional graphic for the Clique Girlz. On the left, three young women are posed against a dark background with white stars. The woman on the left wears a striped t-shirt and dark pants. The woman in the middle wears a dark t-shirt with a graphic and dark pants. The woman on the right wears a striped t-shirt and dark pants. In the center, the 'Clique Girlz' logo is written in a stylized, cursive font, with a heart, a crown, and a star above it. To the right of the women, the text 'TUNE INTO Radio Disney TO HEAR OUR NEW SINGLE THEN I WOKE UP' is displayed. Below this, a link is provided: 'Click here to request it on Radio Disney NOW'. At the bottom left, the text 'Request Clique Girlz at 1-888-327-7018' is shown.

TUNE INTO
Radio Disney
TO HEAR OUR
NEW SINGLE
THEN I WOKE UP

Click here
to request it on
Radio Disney
NOW

Request Clique Girlz at
1-888-327-7018

**DOWNLOAD THE NEW SONG
FROM THE**

Clique Girls
incredible

**AS HEARD
IN THE NEW
PRINCESS BRIDE
GAME**



Contests! Prizes! Win! Contests! Prizes! Win! Contests! Prizes! Win!

Six 78th



Clique Girlz
Big Voices and
Unstoppable Talent

**We're Casting
You're Starring**
Send Us Your Pics!

WAIT!
Don't Ditch
That H.W.

**ANNOYING
PEOPLE**
...What To Do?
We Have The Answers

To The **Season**

Holiday Gifts Guide
An idea for everyone on your list

\$4.99 USA



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Exhibit B







CLINIQUE
Liquid facial soap
mild
savon visage doux

CLINIQUE
clearing
lotion
clairifiante **2**

CLINIQUE
dramatically different
moisturizing lotion
émulsion hydratante
ultra-douce





CLINIQUE
acne solutions
cleansing foam
mousse nettoyante

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acne solutions
clarifying lotion
lotion clarifiante

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daily moisture
hydrant purifiant



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dramatically different
moisturizing lotion
émulsion hydratante
tellement différente

Breast Cancer
Research
Foundation

CLINIQUE
e
e





3

RESTORE MOISTURE BALANCE

Hydrated skin is essential for skin's overall health and function. It's the only way to protect against external aggressors.

Maintaining optimal moisture balance is the dermatologist-developed formula. Works 24 hours, day and night, to restore the natural moisture balance of your skin. It's the only way to live well.

Discover the difference the power of Clinique's All-Weather Moisture Balance. It's the only way to work what you buy and take the moisture back and moisture. It's the difference that makes the difference.

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Wrinkle Concentrate

Wrinkle Concentrate
for eye and eye
concentré
anti-rides profondes
pour les yeux

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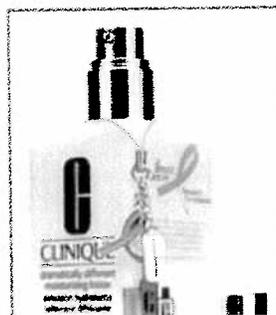
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UC Davis Bookstore - Clinique Counter
Location: Located on the left side of the main Bookstore, near the TechHUB. Phone: (530) 754-8775: Email: clinique@ucdavis.edu: Hours:
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Clinique
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Exhibit C

Clinic

family



MILD SHAMPOO

for frequent use



CLINICAL
BASIC SKIN CARE

SOOTHING
MOISTURE MASQUE

Recommended for
dry, sensitive
normal and stressed skin

8 FL. OZ. (236 ml)



Clinical Skincare

ANATURAL DIFFERENCE

Tuntury Nourishing Crème

30g



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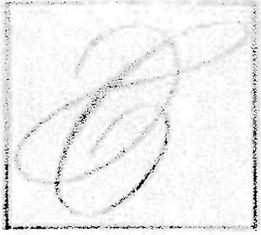
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