

ESTTA Tracking number: **ESTTA296743**

Filing date: **07/22/2009**

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	Accantia Group Holding Limited
Granted to Date of previous extension	07/22/2009
Address	Chadwick House, Blenheim Court Fourth Floor Solihull, B91 2AA UNITED KINGDOM

Attorney information	Peter Riebling Katten Muchin Rosenman LLP 2900 K Street, NW, Suite 200 Washington, DC 20007 UNITED STATES peter.riebling@kattenlaw.com, rebecca.mcdougall@kattenlaw.com
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**Applicant Information**

Application No	77443714	Publication date	03/24/2009
Opposition Filing Date	07/22/2009	Opposition Period Ends	07/22/2009
Applicant	Simply Clean Skin 885 Woodstock Road, Suite 430-136 Roswell, GA 30075 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: Wet wipes, namely, make up remover wipes, baby wipes, facial cleansing wipes, deodorant wipes, sun protection wipes, and pre-moistened cosmetic wipes for refreshing/cooling
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1471864	Application Date	03/03/1986
Registration Date	01/12/1988	Foreign Priority Date	NONE
Word Mark	SIMPLE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1953/05/01 First Use In Commerce: 1966/07/01 ANTI-PERSPIRANTS

U.S. Registration No.	1599108	Application Date	06/30/1989
Registration Date	06/05/1990	Foreign Priority Date	NONE
Word Mark	SIMPLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1966/00/00 First Use In Commerce: 1966/00/00 NON-MEDICATED SKIN AND HAIR PREPARATIONS TALCUM POWDER, AND HAND AND BODY SOAPS		

U.S. Registration No.	3649111	Application Date	03/12/2004
Registration Date	07/07/2009	Foreign Priority Date	09/16/2003
Word Mark	SIMPLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Non-medicated skin moisturizing lotions and creams; non-medicated skin toning preparations; non-medicated shampoos and hair lotions; talcum powder; hand and body soaps		

U.S. Registration No.	3084376	Application Date	03/03/2003
Registration Date	04/25/2006	Foreign Priority Date	NONE
Word Mark	SIMPLE SKIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/09/30 First Use In Commerce: 2003/10/04 Skin care products, namely, skin lotion, skin creams, skin cleansers, exfoliators,		

	skin emollients, body oil
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U.S. Application No.	78816472	Application Date	02/16/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SIMPLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use:</p> <p>Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; hand care lotions; skin cleansing lotions; non-medicated moisturizing lotions; skin tonics in the nature of astringents for cosmetic purposes; hand care preparations in the nature of hand lotions and hand creams; non-medicated lotions for the hands and for the body; night creams; skin care preparations for protection from the effects of the sun, namely, sun screen preparations; body lotions and creams, all for use after exposure to the sun; sun tanning preparations for the skin in the form of creams, lotions and ointments; cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes; non-medicated lotions and creams, all for the care of the skin; non-medicated preparations for toning lotion for the skin; shampoos; hair conditioners; toilet soap; medicated soap; shaving preparations; post shave creams and balms; make-up removing preparations; non-medicated toiletries; cleansing wipes; wipes not included in any other class, namely, pre-moistened cosmetic wipes; baby wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene; antiperspirants; deodorants for personal use; facial cleansing wipes</p>		

U.S. Application No.	78816730	Application Date	02/16/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SIMPLE		
Design Mark			

Description of Mark	The mark consists of The word simple between two stylized arcs.
Goods/Services	Class 003. First use: Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; hand care lotions; skin cleansing lotions; non-medicated moisturizing lotions; skin tonics in the nature of astringents for cosmetic purposes; hand care preparations in the nature of hand lotions and hand creams; non-medicated lotions for the hands and for the body; night creams; skin care preparations for protection from the effects of the sun;, namely, sun screen preparations; body lotions and creams, all for use after exposure to the sun; sun tanning preparations for the skin in the form of creams, lotions and ointments; cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes; non-medicated lotions and creams, all for the care of the skin; non-medicated preparations for toning lotion for the skin; shampoos; hair conditioners; toilet soap; medicated soap; shaving preparations; post shave creams and balms; make-up removing preparations; non-medicated toiletries; cleansing wipes; wipes not included in any other class, namely, pre-moistened cosmetic wipes; baby wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene; antiperspirants; deodorants for personal care; facial cleansing wipes

U.S. Application No.	77036398	Application Date	11/03/2006
Registration Date	NONE	Foreign Priority Date	10/26/2006

Word Mark	SIMPLE
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Description of Mark	The mark consists of a semi-circular arc underneath the word "SIMPLE".
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Goods/Services	Class 003. First use: Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; hand care lotions; skin cleansing lotions; cosmetic moisturizing creams and lotions for the face, body, and skin; skin tonics; hand creams and hand lotions and hand soaps; non-medicated lotions for the hands and for the body; night creams; sun creams for protection from the effects of the sun; lotions and creams, all for use after exposure to the sun; cosmetic sun tanning preparations for the skin in the form of cosmetic creams, lotions for the face and body and cosmetic ointments; cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes; non-medicated lotions and creams all for the care of the skin, namely, beauty creams, moisturizing creams, hand moisturizing creams, face moisturizing creams, body moisturizing creams, skin firming creams, skin anti-wrinkle creams; non-medicated preparations for toning the skin; shampoos; hair conditioners; toilet soap; medicated soap; shaving preparations; post shave creams and balms; make-up removing preparations; non-medicated toiletries; pre-moistened cosmetic wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene; antiperspirants; deodorants; skin care products, namely, anti-perspirants and deodorants
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Attachments	76580638#TMSN.gif ( 1 page )( bytes ) 78816472#TMSN.jpeg ( 1 page )( bytes ) 78816730#TMSN.jpeg ( 1 page )( bytes ) 77036398#TMSN.jpeg ( 1 page )( bytes ) NoOpp SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS.pdf ( 6 pages ) (295483 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 J. Riebling/
Name	Peter Riebling
Date	07/22/2009

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

In the Matter of Application Serial No. Opposition to Serial No. 77/443,714  
For **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS**  
Published in the *Official Gazette* on March 24, 2009

<b>Accantia Group Holdings Limited</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
<b>v.</b>	)	<b>Opposition No. _____</b>
	)	
<b>Simply Clean Skin</b>	)	
	)	
<b>Applicant.</b>	)	

*Attorney Ref.: 330499.00121*

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

**NOTICE OF OPPOSITION**

Opposer, Accantia Group Holdings Limited (hereinafter "Accantia"), a United Kingdom corporation, with its principal place of business at Chadwick House, Blenheim Court, Fourth Floor, Solihull, B91 2AA, United Kingdom, hereby opposes registration of SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS that is the subject of Application Serial No. 77/443,714, published in the *Official Gazette* on March 24, 2009, and requests that registration to Applicant be refused. Accantia avers that it would be damaged and injured if a registration for SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS as set forth in U.S. App. Ser. No. 77/443,714 is issued to Applicant.

Pursuant to Sections 2(a), 2(d), and 13(a) of the Trademark Act of 1946, (as amended, the Lanham Act) 15 U.S.C. §§ 1052 and 1063, and as grounds in support of its opposition, Accantia asserts as follows:

1. Accantia owns federal registrations and applications for the following marks, which are collectively known herein as the “**SIMPLE Marks**”:

- **SIMPLE**, Reg. No. 1,471,864 for use with “antiperspirants” in International Class 3. The registration issued on January 12, 1988.
- **SIMPLE**, Reg. No. 1,599,108 for use with “non-medicated skin and hair preparations, talcum powder and hand and body soaps” in class 3. The registration issued on June 5, 1990.
- **SIMPLE & Design**, Reg. No. 3,649,111 for use with “non-medicated skin and hair preparations, talcum powder and hand and body soaps” in class 3. The registration issued on July 7, 2009.
- **SIMPLE SKIN**, Reg. No. 3,084,376 for use with “Skin care products, namely, skin lotion, skin creams, skin cleansers, exfoliators, skin emollients, body oil” in class 3. The registration issued on April 25, 2006.
- **SIMPLE**, Ser. No. 78/816,472 for use with “Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; hand care lotions; cleansing lotions; non-medicated moisturizing lotions; skin tonics; hand care preparations; non-medicated lotions for the hands and for the body; night creams; skin care preparations for protection from the effects of the sun; lotions and creams, all for use after exposure to the sun; sun tanning preparations for the skin in the form of creams, lotions and ointments; cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes; non-medicated lotions and creams, all for the care of the skin; non-medicated preparations for toning the skin; shampoos; hair conditioners; toilet soap; medicated soap; shaving preparations; post shave creams and balms; make-up removing preparations; toiletries; cleansing wipes; wipes not included in any other class; antiperspirants; deodorants; facial cleansing wipes; skin care products” in class 3. The constructive date of first use is February 16, 2006.
- **SIMPLE & Design**, Ser. No. 78/816,730 for use with “Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; hand care lotions; cleansing lotions; non-medicated moisturizing lotions; skin tonics; hand care preparations; non-medicated lotions for the hands and for the body; night creams; skin care preparations for protection from the effects of the sun; lotions and creams, all for use after exposure to the sun; sun tanning preparations for the skin in the form of creams, lotions and ointments; cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes; non-medicated lotions and creams, all for the care of the skin; non-medicated preparations for toning the skin; shampoos; hair conditioners; toilet soap; medicated soap; shaving preparations; post shave creams and balms; make-up removing preparations; toiletries; cleansing wipes; wipes not included in any other class; antiperspirants; deodorants; facial cleansing wipes; skin care products” in class 3. The constructive date of first use is February 16, 2006.

- **SIMPLE & Design**, Ser. No. 77/036,398 for use with “Soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices; hand care lotions; skin cleansing lotions; cosmetic moisturizing creams and lotions for the face, body, and skin; skin tonics; hand creams and hand lotions and hand soaps; non-medicated lotions for the hands and for the body; night creams; sun creams for protection from the effects of the sun; lotions and creams, all for use after exposure to the sun; cosmetic sun tanning preparations for the skin in the form of cosmetic creams, lotions for the face and body and cosmetic ointments; cotton sticks for cosmetic purposes, cotton wool for cosmetic purposes; non-medicated lotions and creams all for the care of the skin, namely, beauty creams, moisturizing creams, hand moisturizing creams, face moisturizing creams, body moisturizing creams, skin firming creams, skin anti-wrinkle creams; non-medicated preparations for toning the skin; shampoos; hair conditioners; toilet soap; medicated soap; shaving preparations; post shave creams and balms; make-up removing preparations; non-medicated toiletries; pre-moistened cosmetic wipes; disposable wipes impregnated with chemicals or compounds for personal hygiene; antiperspirants; deodorants; skin care products, namely, anti-perspirants and deodorants” in class 3. The constructive date of first use is November 3, 2006.

2. Upon information and belief, Applicant, Simply Clean Skin, is a Georgia limited liability company located at address at 885 Woodstock Road, Suite 430-136, Roswell, GA 30075.

3. Notwithstanding Accantia’s prior U.S. registered and common law rights in and to the **SIMPLE Marks**, Applicant filed, on April 9, 2008, an intent to use application for registration of SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS for use in connection with “wet wipes, namely, make up remover wipes, baby wipes, facial cleansing wipes, deodorant wipes, sun protection wipes, and pre-moistened cosmetic wipes for refreshing/cooling” in Class 3.

4. As set forth herein, Accantia registered and/or has rights to the **SIMPLE Marks** with soaps, deodorants, lotions, and multiple hair and skin care products, including cosmetic wipes and disposable wipes well prior to the Applicant’s filing date of its application, Ser. No. 77/443,714, for the SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS with the applied for goods.

5. There is no issue as to priority. The date of Applicant's filing of Ser. No. 77/443,714 is April 9, 2008, which is subsequent to Accantia's registration issuance dates, filing dates, and/or dates of first use for the **SIMPLE Marks**. Therefore, Accantia's rights to the **SIMPLE Marks** are prior, senior, and superior to any rights Applicant may have to **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS** that is the subject of Ser. No. 77/443,714.

6. The **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS** designation, when used in connection with the published goods set forth in App. Ser. No. 77/443,714, which include goods so closely related to or identical to the goods offered under the **SIMPLE Marks**, is likely to cause confusion, to cause mistake, or to deceive, in violation of 15 U.S.C. § 1052(d). Purchasers and potential purchasers of Applicant's goods, as set forth in App. Ser. No. 77/443,714 are also likely to erroneously, mistakenly, and falsely believe that there is some relationship, association, affiliation or connection between Accantia and Applicant, or that Accantia has authorized, sponsored, endorsed, approved, or licensed Applicant's use of the designation **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS**, in violation of 15 U.S.C. § 1052(d).

7. Applicant's **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS** designation, when used in connection with the published goods set forth in App. Ser. No. 77/443,714, which includes goods closely related to or identical to the goods offered under the **SIMPLE Marks**, so closely resembles the **SIMPLE Marks**, that Applicant's designation falsely suggests a connection with Accantia, in violation of 15 U.S.C. § 1052(a).

8. Registration of Applicant's designation **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS** as set forth in App. Ser. No. 77/443,714, will further damage Accantia, as such registration will give color of exclusive statutory rights to **SIMPLY CLEAN SKIN WHAT**

EVERY WOMAN WANTS to Applicant in derogation and violation of the prior rights of Accantia to the **SIMPLE Marks**.

9. Registration of Applicant's designation SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS as set forth in App. Ser. No. 77/443,714, will further damage Accantia, as any such concurrent registration by Applicant is likely to, and will, place a cloud on title to the **SIMPLE Marks** and erode the value of the goodwill associated with the **SIMPLE Marks**.

WHEREFORE, Opposer requests that its Opposition be sustained and that registration of Application No. 77/443,714 SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS for the goods specified in the application be denied.

The filing fees in the amount of \$300.00 for the filing of this opposition, and any additional fees should be charged to the Deposit Account of Katten Muchin Rosenman LLP, No. 50-1877.

Please address all communications to Peter J. Riebling, Esq. or Rebecca E. McDougall, Esq., Katten Muchin Rosenman LLP, 2900 K Street, N.W., Suite 200, Washington, D.C. 20007.

ACCANTIA GROUP HOLDINGS LIMITED

Dated: July 22, 2009

By: \_\_\_\_\_



Peter J. Riebling, Esq.  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

Filing Date: July 22, 2009

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** for the mark **SIMPLY CLEAN SKIN WHAT EVERY WOMAN WANTS** (U.S. Trademark Application No. 77/443,714) has been filed on behalf of Opposer, Accantia Group Holdings Limited, with the United States Patent and Trademark Office, Trademark Trial and Appeal Board on the date indicated above, and was served on Applicant's Correspondent of Record with the United States Patent and Trademark Office:

BEVERLIN HAMMETT  
SIMPLY CLEAN SKIN  
885 WOODSTOCK ROAD  
SUITE 430-136  
ROSWELL, GA 30075

Via first-class mail, postage prepaid, this 22nd day of July 2009.



Rebecca E. McDougall  
KATTEN MUCHIN ROSENMAN, LLP  
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Washington, D.C. 20007  
(202) 625-3500