

ESTTA Tracking number: **ESTTA358260**

Filing date: **07/16/2010**

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	Reckitt Benckiser (Switzerland) AG
Granted to Date of previous extension	07/18/2010
Address	Richtistrasse 5, CH-8304 Wallisellen Zurich, SWITZERLAND

Attorney information	Mark Lerner Satterlee Stephens Burke & Burke LLP 230 Park Avenue Suite 1130 New York, NY 10169-0079 UNITED STATES mlerner@ssbb.com,pcarey@ssbb.com Phone:2128189200
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Applicant Information

Application No	77747664	Publication date	01/19/2010
Opposition Filing Date	07/16/2010	Opposition Period Ends	07/18/2010
Applicant	Georgia-Pacific Consumer Products LP GA030-41N 133 Peachtree Street NE Atlanta, GA 30303 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Hand soaps

Grounds for Opposition

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

U.S. Registration No.	3740680	Application Date	05/07/2008
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	I-MOTION		

Design Mark	<h1>I-MOTION</h1>
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 2008/12/30 First Use In Commerce: 2008/12/30 Perfuming preparations for the atmosphere, namely, room fragrances and room perfume sprays</p> <p>Class 005. First use: First Use: 2008/12/30 First Use In Commerce: 2008/12/30 Air freshening preparations;, namely, room air fresheners; preparations for perfuming or fragancing the air, household and room deodorants</p> <p>Class 011. First use: First Use: 2008/12/30 First Use In Commerce: 2008/12/30 Electric and battery powered dispensing units for scenting, purifying or freshening the atmosphere and parts and fittings for the aforesaid goods</p>

U.S. Application No.	77125275	Application Date	03/08/2007
Registration Date	NONE	Foreign Priority Date	09/13/2006

Word Mark	E-MOTION
Design Mark	<h1>E-MOTION</h1>
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: (Based on 44(d) Priority Application pursuant to Malta Foreign Application Number 45473) Perfuming preparations for the atmosphere, namely room fragrances; potpourri; essential oils; preparations for perfuming or fragancing the air, namely incense, incense cones, incense sticks, incense sachets, incense sprays, potpourri and room perfume sprays</p> <p>Class 005. First use: (Based on 44(d) Priority Application pursuant to Malta Foreign Application Number 45474) Air freshening preparations; air purifying preparations in the nature of air deodorizers; preparations for perfuming or fragancing the air, namely room air fresheners; household and room deodorants; odor neutralizing</p>

	preparations for use on carpets, textiles and in the air Class 011. First use: (Based on 44(d) Priority Application pursuant to Malta Foreign Application Number 45475) Electric and battery powered dispensing units for scenting, purifying or freshening the atmosphere
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U.S. Application No.	77579441	Application Date	09/26/2008
Registration Date	NONE	Foreign Priority Date	07/16/2008

Word Mark	I MOTION
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Design Mark	
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Description of Mark	The mark consists of a stylized lower case letter "i" encircled by an eye design followed by the stylized word "MOTION".
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Goods/Services	Class 003. First use: Perfuming preparations for the atmosphere, namely, room fragrances; essential oils; preparations for perfuming or fragancing the air, namely, incense, incense cones, incense sticks, incense sachets, incense sprays, potpourri and room perfume sprays Class 005. First use: Air freshening preparations; air purifying preparations in the nature of air deodorizers; preparations for perfuming or fragancing the air, namely, room air fresheners; household and room deodorants; odor neutralizing preparations for use on carpets, textiles and in the air Class 011. First use: Electric and battery powered dispensing units for scenting, purifying or freshening the atmosphere and parts and fittings for the aforesaid goods
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Attachments	77467628#TMSN.jpeg (1 page)(bytes) 77125275#TMSN.jpeg (1 page)(bytes) 77579441#TMSN.jpeg (1 page)(bytes) 77747664.pdf (6 pages)(194494 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	/mark lerner/
Name	Mark Lerner
Date	07/16/2010

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

In the Matter of Trademark Application
Serial No. 77747664 Filed May 29, 2009
for the Trademark ENMOTION SOAP & Design
Published on January 19, 2010

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Reckitt Benckiser (Switzerland) AG, :
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 Opposer, : NOTICE OF OPPOSITION
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 v. : Opposition No.
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Georgia-Pacific Consumer Products LP, :
 :
 Applicant. :
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In the matter of the application of Georgia-Pacific Consumer Products LP (hereinafter “Applicant” or “G-P”) for registration of the trademark ENMOTION SOAP & Design, application Serial No. 77747664, Reckitt Benckiser (Switzerland) AG, a corporation organized under the laws of Switzerland with a principle place of business at Richtistrasse 5, CH-8304 Wallisellen, Zurich, Switzerland (“Reckitt” or “Opposer”), believes that it will be damaged by registration of the mark and hereby opposes the same. As grounds for opposition, it is alleged, upon information and belief, as follows:

1. In this opposition, Opposer, owner of the registered mark I-MOTION (Registration No. 3740680) and the prior pending applications for E-MOTION (Serial 77125275) and IMOTION & Design (Serial No. 77579441), seeks to prevent registration of the confusingly similar mark ENMOTION in connection with “Hand soaps” in Class 3.

2. Opposer has obtained the necessary extensions of time in which to file this Notice of Opposition and this notice is timely.

The Reckitt Marks

3. Reckitt is the owner of the registered mark I-MOTION (Registration No. 3740680) and the prior pending applications for E-MOTION (Serial 77125275) and IMOTION & Design (Serial No. 77579441).

4. The registration for I-MOTION (Registration No. 3740680) was granted January 19, 2010 based on an application filed May 7, 2008 with a claim of priority dating to March 20, 2008. The registration is valid and subsisting.

5. The application for E-MOTION (Serial 77125275) was filed March 8, 2007, with a claim of priority dating to September 13, 2006. The application is valid and subsisting.

6. The application for IMOTION & Design (Serial No. 77579441) was filed September 26, 2008, with a claim of priority dating to July 16, 2008. The application is valid and subsisting.

7. Reckitt's registered mark and pending applications all cover: Perfuming preparations for the atmosphere, namely, room fragrances; essential oils; preparations for perfuming or fragrancng the air, namely, incense, incense cones, incense sticks, incense sachets, incense sprays, potpourri and room perfume sprays in Class 3; Air freshening preparations; air purifying preparations in the nature of air deodorizers; preparations for perfuming or fragrancng the air, namely, room air fresheners; household and room deodorants; odor neutralizing preparations for use on carpets, textiles and in the air in

Class 5; and Electric and battery powered dispensing units for scenting, purifying or freshening the atmosphere and parts and fittings for the aforesaid goods in Class 11.

Likelihood of Confusion

8. The filing of applications to register E-MOTION, I-MOTION and IMOTION by Opposer precede the filing of Applicant's intent-to-use application to register the mark ENMOTION SOAP & Design.

9. Reckitt has begun using the mark I-MOTION, and registration has been granted for the mark. Opposer is thus the senior user.

10. Since Opposer's marks are entitled to priority as the first filed marks, Applicant's mark should not be granted.

11. Applicant's registration of ENMOTION SOAP & Design is likely to cause confusion in the marketplace.

12. The dominant term in Applicant's mark, "ENMOTION," is very similar to Opposer's registered and pending I-MOTION and E-MOTION marks, varying by only one or two letters from Reckitt's marks. In addition "ENMOTION" is nearly a phonetic equivalent to Opposer's marks. The other word in Applicant's mark has been disclaimed. Therefore, the overall impression created by Applicant's and Opposer's marks is substantially similar.

13. As noted above, Applicant proposes to use the mark in connection with hand soaps. These goods are related to Opposer's goods in that Applicant's goods may be sold for use in bathrooms or kitchens, either household or public/commercial, just as Opposer's air freshener products are often sold for use in all types of bathrooms and kitchens.

14. The parties' goods are thus potentially competing, since they are both in the field of goods used in bathrooms and kitchens.

15. Moreover, because Opposer has not specifically limited its channels of trade in its registration and applications, its goods must be assumed to be sold (or intended to be sold) through all available channels. Thus, the channels of trade for services bearing Applicant's proposed mark overlap with the channels of trade for Opposer's goods.

16. In view of the foregoing, Applicant's mark is likely to cause confusion and mistake as to the origin of its goods and Opposer will be damaged by the registration of the mark.

17. Under the circumstances, registration of Applicant's mark will injure Opposer by causing the trade and/or purchasing public to be confused and/or deceived into believing that Applicant's Goods are those of Opposer, or are sponsored by Opposer, all to Opposer's damage and will harm Opposer's title to its registration and pending applications in violation of Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer prays that the application Serial No. 77747664 be rejected and that the mark therein sought for the goods therein specified in International Class 3 be denied and refused.

The required fee for one class of goods, and any additional fees, may be charged to Opposer's representative's deposit account No. 19-0145.

Dated: New York, New York
July 16, 2010

Satterlee Stephens Burke & Burke LLP

By: /mark lerner/
Mark Lerner

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CERTIFICATE OF SERVICE

I hereby certify that one (1) copy of this Notice of Opposition is being deposited with the United States Postal Service as First Class Mail, postage affixed, in envelopes addressed to each of the following:

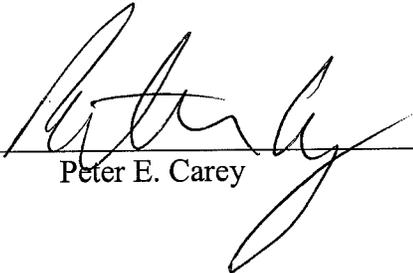
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Dated: July 16, 2010

By: _____


Peter E. Carey