

ESTTA Tracking number: **ESTTA374415**

Filing date: **10/21/2010**

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	S. C. Johnson & Son, Inc.
Granted to Date of previous extension	10/24/2010
Address	1525 Howe Street Racine, WI 53403 UNITED STATES

Attorney information	Ruth J. Lebed-Rofes S. C. Johnson & Son, Inc. 1525 Howe Street Racine, WI 53403 UNITED STATES B050994@scj.com, Stacey.Kalamaras@reckittbenckiser.com Phone:262/260-2442
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Applicant Information

Application No	77770828	Publication date	04/27/2010
Opposition Filing Date	10/21/2010	Opposition Period Ends	10/24/2010
Applicant	Reckitt Benckiser Inc. Morris Corporate Center IV 399 Interpace Parkway, PO Box 225 Parsippany, NJ 07054 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 003. All goods and services in the class are opposed, namely: All purpose cleaner with disinfecting properties; general purpose cleaning, polishing, abrasive and scouring preparations, namely, liquids, powders, creams and gels, for household, commercial, industrial and institutional use; laundry detergents; laundry additives, namely, laundry starch, laundry bleach, laundry bluing, laundry pre-soak, and fabric softeners; laundry anti-static dryer sheets; all purpose toilet and bathroom cleaning preparations; drain opening preparations; lime, rust and stain removing preparations for toilets, bathtubs, sinks, tiles and floors; cloths and wipes impregnated with cleaning preparations; abrasive cloths</p>
<p>Class 005. All goods and services in the class are opposed, namely: All purpose disinfecting preparations; all purpose disinfectant spray; all purpose disinfecting preparations, namely, all purpose toilet and bathroom disinfectants and germicides; sanitizing preparations for household, commercial, industrial and institutional use; hand and surface sanitizer; disposable wipes impregnated with anti-bacterial compounds for personal use; disinfectant preparations incorporating substances for neutralizing, controlling or reducing allergens; miticides for domestic use; parasiticides for domestic use; room air deodorizers; air fresheners, carpet deodorizers and odor neutralizing preparations for use on carpets,</p>

soft household furnishings, household surfaces and in the air; cleaning cloths and wipes impregnated with disinfecting preparations

Class 021.

All goods and services in the class are opposed, namely: Cleaning cloths; cloths and wipes for dusting, cleaning and polishing; disposable cloths and wipes for cleaning, dusting and polishing; scouring pads; cleaning sponges, wipes and cloths; toilet brushes
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Grounds for Opposition

The mark is merely descriptive

Trademark Act section 2(e)(1)

Attachments

Lysol Complete Clean Opposition.pdf (2 pages)(12413 bytes)

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	/Ruth J. Lebed-Rofes/
Name	Ruth J. Lebed-Rofes
Date	10/21/2010

S. C. Johnson & Son, Inc. (herein S. C. Johnson), a Wisconsin corporation having its principal place of business at 1525 Howe Street, Racine, Wisconsin 53403 believes that it will be damaged within the meaning of the Trademark Act and the Trademark Rules, 37 C.F.R. Section 2.104(a), by registration of the mark shown in the above-identified application, and, by and through its attorneys, hereby opposes the same.

Kindly charge the appropriate fee to Deposit Account No. 10-0851, which is in the name of S. C. Johnson & Son, Inc.

The grounds for opposition are set forth below:

1. Opposer produces and markets a wide variety of consumer products.
2. Opposer may use, intends to use and/or is likely to use the words “Complete Clean” when describing an attribute of its consumer products.
3. On or about June 30, 2009, Applicant, Reckitt Benckiser, Inc. (“Applicant”) filed in the US. Patent and Trademark Office an application to register the mark LYSOL COMPLETE CLEAN. That application, opposed herein, was assigned Serial No. 77/770828. The goods covered by the application are identified as “all purpose cleaner with disinfecting properties; general purpose cleaning, polishing, abrasive and scouring preparations, namely, liquids, powders, creams and gels, for household, commercial, industrial and institutional use; laundry detergents; laundry additives, namely, laundry starch, laundry bleach, laundry bluing, laundry pre-soak, and fabric softeners; laundry anti-static dryer sheets; all purpose toilet and bathroom cleaning preparations; drain opening preparations; lime, rust and stain removing preparations for toilets, bathtubs, sinks, tiles and floors; cloths and wipes impregnated with cleaning preparations; abrasive cloths; all purpose disinfecting

preparations; all purpose disinfectant spray; all purpose disinfecting preparations, namely, all purpose toilet and bathroom disinfectants and germicides; sanitizing preparations for household, commercial, industrial and institutional use; hand and surface sanitizer; disposable wipes impregnated with anti-bacterial compounds for personal use; disinfectant preparations incorporating substances for neutralizing, controlling or reducing allergens; miticides for domestic use; parasiticides for domestic use; room air deodorizers; air fresheners, carpet deodorizers and odor neutralizing preparations for use on carpets, soft household furnishings, household surfaces and in the air; cleaning cloths and wipes impregnated with disinfecting preparations; Cleaning cloths; cloths and wipes for dusting, cleaning and polishing; disposable cloths and wipes for cleaning, dusting and polishing; scouring pads; cleaning sponges, wipes and cloths; toilet brushes.”

4. The wording “COMPLETE CLEAN” is merely descriptive of the cleaning attributes of the goods covered by the application in that the wording immediately conveys a purpose, function, characteristic and/or effect of the goods.

5. A portion of applicant’s LYSOL COMPLETE CLEAN mark is merely descriptive and is not entitled to registration by virtue of 15 U.S.C. § 1052(e).

WHEREFORE, Opposer requests that Application Serial No. 77/770828 be refused registration and that this opposition be sustained.