

ESTTA Tracking number: **ESTTA386557**

Filing date: **01/04/2011**

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	Skin Sense, Inc.		
Entity	Corporation	Citizenship	North Carolina
Address	5922 Six Forks Road Raleigh, NC 27609 UNITED STATES		

Correspondence information	Howard A. Jacobson VP Skin Sense, Inc. 5922 Six Forks Road Raleigh, NC 27609 UNITED STATES howard@skinsense.com Phone:(919) 341-9140		
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Applicant Information

Application No	85064357	Publication date	12/07/2010
Opposition Filing Date	01/04/2011	Opposition Period Ends	01/06/2011
Applicant	Surico, Susan A. 9340 E. Redfield Rd. #2047 Scottsdale, AZ 85260 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Organic Beauty serums; Organic Body and beauty care cosmetics; Organic Body butter; Organic Body creams; Organic Body lotion; Organic Body scrub; Organic Body sprays; Organic Exfoliant creams; Organic Face and body creams; Organic Face and body lotions; Organic Facial cleansers; Organic Facial cream; Organic Facial lotion; Organic Facial masks; Organic Facial scrubs; Organic Moisturizing creams; Organic Moisturizing preparations for the skin; Organic Skin cleansers; Organic Skin moisturizer
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Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2527398	Application Date	04/10/2001
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Registration Date	01/08/2002	Foreign Priority Date	NONE
Word Mark	SKIN SENSE		
Design Mark	SKIN SENSE		
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1991/09/15 First Use In Commerce: 1991/09/15 Spas in the nature of massage, skin care, manicure, pedicure and make-up		

Attachments	76237747#TMSN.gif (1 page)(bytes) SKINSENSE ORGANIC - Opposition.pdf (2 pages)(24014 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	/Howard A Jacobson/
Name	Howard A. Jacobson
Date	01/04/2011

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

TRADEMARK TRIALS AND APPEALS BOARD

In re

SKINSENSE ORGANIC

Application Serial No. 85064357

OPPOSITION TO APPLICATION

Opposer Skin Sense, Inc., a North Carolina corporation opposes the application of Susan Surico (“Applicant”) for registration of the alleged trademark SKINSENSE ORGANIC (“Alleged Mark”) for the goods set forth in the Application Serial Number 85064357 (“Application”) on the grounds set forth below:

1. Opposer is the owner of the trademark and service mark SKIN SENSE, which opposer has used continuously in commerce since at least September 15, 1991 on and in connection with skin care, body care, nail care, and wellness goods and services.
2. Opposer is engaged in its business nationwide and has established a reputation for high quality spa services and goods in many locations around the United States.
3. Opposer is the owner of the federal registration of the service mark SKIN SENSE under Registration Number 2527398 for services including “spas in the nature of massage, skin care, manicure, pedicure and make-up.”
4. An integral and long-standing element of the business of Opposer and an inherent part of the provision of the services described in Opposer's Registration are the sale of skin, body and nail care products, including, but not limited to cosmetics, creams, lotions, scrubs, cleansers, masks, and moisturizers of various types, including organic and non-organic formulations.
5. The sale of the products described in the Application by Opposer in connection with the Alleged Mark would create confusion among potential consumers of the Applicant's and Opposer's goods and services.

6. The sale of the products described in the Application by Opposer in connection with the Alleged Mark would create uncertainty as to the source of Applicant's goods and would suggest an affiliate, connection or other relationship between Applicant and Opposer which does not exist.

7. The sale of the products described in the Application by Opposer in connection with the Alleged Mark would be deceptive in that such sale in connection with the Alleged Mark would wrongly suggest to consumers that Applicant's products originate with Opposer.

For all of the foregoing reasons and for such other reasons as may be shown by Opposer in this proceeding, Opposer respectfully requests that the Board:

1. Uphold Opposer's opposition and deny Applicant's Application.
2. Award costs and attorney's fees to Opposer as may be authorized or within the discretion of the Board.
3. Grant such other relief as the Board may deem proper.