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

Proceeding	91198059
Party	Plaintiff Skin Sense, Inc.
Correspondence Address	HOWARD A JACOBSON SKIN SENSE INC 300 WEST MILLBROOK ROAD RALEIGH, NC 27609 UNITED STATES howard@skinsense.com
Submission	Other Motions/Papers
Filer's Name	Howard A Jacobson
Filer's e-mail	howardajacobson@gmail.com
Signature	/Howard A Jacobson/
Date	10/26/2011
Attachments	Pre-Trial Disclosure - Opposer.pdf (4 pages)(68966 bytes)

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

Skin Sense, Inc.,

Opposer

v.

Susan A. Surico,

Applicant.

Opposition No. 91198059

Application Serial No. 85064357

OPPOSER'S PRE-TRIAL DISCLOSURE

Opposer Skin Sense, Inc. makes the following pre-trial disclosures:

1. Opposer may present at trial other than for impeachment purposes the testimony of the following witnesses by affidavit, deposition transcript or oral testimony:
 - a. Diana Angela Padgett, President of Skin Sense, Inc. as to the use and history of use of the SKIN SENSE registered trademark and the history of the business of Skin Sense, Inc., including but not limited to, the sale of skin care products and spa services, including, but not limited to, products and services emphasizing natural or organic ingredients, and the geographic scope, methods and volume of sales and as to the strength of the SKIN SENSE registered trademark among actual and potential clients and in the industry and likelihood of confusion between Opposer and Applicant.
 - b. Mahala Landin, Operations Manager of Skin Sense, Inc. as to the use and history of use of the SKIN SENSE registered trademark and the history of the business of Skin Sense, Inc., including but not limited to, the sale of skin care products and spa services, including, but not limited to, products and services emphasizing natural or organic ingredients, and the geographic scope, methods and volume of sales and as to the strength of the SKIN SENSE registered trademark among actual and potential clients and in the industry and likelihood of confusion between Opposer and Applicant.
 - c. A representative of the Dermalogica, Inc. as designated by it regarding the history of its relationship

with Skin Sense, Inc., the history of sales by Skin Sense, Inc. of Dermalogica products, the strength of the SKIN SENSE trademark in the skin care and spa industry and likelihood of confusion between Opposer and Applicant.

- d. A representative of the L'Oreal USA S/D, Inc., Inc. as designated by it regarding the history of its relationship with Skin Sense, Inc., the history of sales by Skin Sense, Inc. of Skinceuticals products, the strength of the SKIN SENSE trademark in the skin care and spa industry and likelihood of confusion between Opposer and Applicant.
- e. A representative of the Éminence Organic Skin Care as designated by it regarding the history of its relationship with Skin Sense, Inc., the history of sales by Skin Sense, Inc. of Éminence products, the strength of the SKIN SENSE trademark in the skin care and spa industry and the emphasis of Skin Sense, Inc. in its business on natural and organic products and likelihood of confusion between Opposer and Applicant.
- f. A representative of the Cuccio Naturalé as designated by it regarding the history of its relationship with Skin Sense, Inc., the history of sales by Skin Sense, Inc. of Cuccio products, the strength of the SKIN SENSE trademark in the skin care and spa industry and the emphasis of Skin Sense, Inc. in its business on natural and organic products and likelihood of confusion between Opposer and Applicant.
- g. Claudia Hays, a Skin Sense client, in Raleigh, North Carolina regarding the history of the Skin Sense business and the strength of the SKIN SENSE trademark.

In connection with the foregoing testimony, Opposer expects to present documents regarding the history and scope of use of the SKIN SENSE registered mark by Opposer, the geographic breadth of its client base, the types of services and products in connection with which Opposer has used the SKIN SENSE mark, the media in which Opposer has used the SKIN SENSE mark, and the emphasis by Opposer on offering natural and organic products. These documents will include, but not be limited to, samples of use of the marks, Opposer's business records and the business records of persons and entities with which Opposer has done and does business.

Respectfully submitted

/s/Howard Jacobson/
Attorney for Opposer

300 West Millbrook Road
Raleigh, NC 27609
(919) 645-9779
howard@skinsense.com

CERTIFICATE OF SERVICE

I hereby certify that the foregoing FIRST AMENDED NOTICE OF OPPOSITION has been served by electronic mail on the following parties at the e-mail addresses listed below.

Susan A. Surico : susansurico@yahoo.com

Dated: October 26, 2011

/s/Howard A. Jacobson/