

ESTTA Tracking number: **ESTTA390128**

Filing date: **01/26/2011**

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	Avon Products, Inc.
Granted to Date of previous extension	01/26/2011
Address	1345 AVENUE OF THE AMERICAS NEW YORK, NY 10105-0196 UNITED STATES

Attorney information	Matthew D. Marcotte Kelley Drye & Warren LLP 101 Park Avenue NEW YORK, NY 10178 UNITED STATES mmarcotte@kelleydrye.com, ccastro@kelleydrye.com
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**Applicant Information**

Application No	85020783	Publication date	09/28/2010
Opposition Filing Date	01/26/2011	Opposition Period Ends	01/26/2011
Applicant	Catherine Moalemzadeh 4911 Warner Ave. Suite #103 Huntington Beach, CA 92649 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 2007/06/01 First Use In Commerce: 2007/06/01 All goods and services in the class are opposed, namely: Administration of a program for enabling participants to obtain discounts on products and services; Advertising services, namely, promoting the brands, goods and services of others; Advertising, marketing and promotion services; Customer service in the field of spa services/ hair removal; Internet advertising services; On-line retail store services featuring skin care products; Retail apothecary store services; Retail store services featuring a wide variety of consumer goods of others
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**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.	780479	Application Date	11/29/1962
Registration Date	11/17/1964	Foreign Priority Date	NONE

Word Mark	SKIN-SO-SOFT
Design Mark	
Description of Mark	NONE
Goods/Services	Class U051 (International Class 003). First use: First Use: 1962/05/06 First Use In Commerce: 1962/05/06 Bath Oil

U.S. Registration No.	1748065	Application Date	06/19/1992
Registration Date	01/26/1993	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1962/05/06 First Use In Commerce: 1962/05/06 bath oil, hand and body lotion, talc, bath and shower gel, and bath oil towelettes		

U.S. Registration No.	2267373	Application Date	08/27/1998
Registration Date	08/03/1999	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark	<b>SKIN-SO-SOFT</b>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 Sun tan lotions, creams, gels and sunless tanning lotions		

U.S. Registration No.	2318318	Application Date	08/27/1998
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark	<b>SKIN-SO-SOFT</b>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 [Anti-bacterial] moisturizing liquid soap[, anti-bacterial deodorizing body bar soap]		

	Class 005. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 [Anti-bacterial moisturizing hand gel and anti-bacterial moisturizing body wash]
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U.S. Registration No.	2272317	Application Date	08/27/1998
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1997/04/00 First Use In Commerce: 1997/04/00 insect repellent with and without sunscreens and/or moisturizers; towelettes premoistened with insect repellent, with and without sunscreen and/or moisturizers		

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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	/Matthew D. Marcotte/
Name	Matthew D. Marcotte
Date	01/26/2011

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

**NOTICE OF OPPOSITION**

**AVON PRODUCTS, INC.,**

**Opposer,**

**v.**

**CATHERINE MOALEMZADEH**

**Applicant.**

**Opposition No.**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

AVON PRODUCTS, INC., a New York corporation with a place of business at 1345 Avenue of the Americas, New York, New York 10105-0196 (hereinafter "Opposer") believes that it will be damaged by registration of the designation SKIN SO SWEET for "Administration of a program for enabling participants to obtain discounts on products and services; Advertising services, namely, promoting the brands, goods and services of others; Advertising, marketing and promotion services; Customer service in the field of spa services/ hair removal; Internet advertising services; On-line retail store services featuring skin care products; Retail apothecary store services; Retail store services featuring a wide variety of consumer goods of others" in International Class 35 shown in application Serial No. 85/020,783 filed by CATHERINE MOALEMZADEH (hereinafter "Applicant") and hereby opposes the same.

As grounds therefor, it is alleged that:

1. Opposer is now and for many years past has, among other things, been engaged in distributorship and direct sales services, door-to-door retail merchandising, telephone

shop at home services, mail order catalog sales, and interactive retail sales rendered by means of a global computer information network, all in the fields of beauty care, salon and spa services, housewares, clothing, toiletries, cosmetics, jewelry, gift items, collectibles, toys, personal care products, pre-recorded videos, audio tapes, and compact discs throughout the United States and the world.

2. Since at least as early as 1962, and long prior to the June 1, 2007 claimed first use date listed in the application herein opposed, Opposer adopted, has used and is using the trademark SKIN-SO-SOFT for a wide range of skin care preparations and related goods.

Opposer has prior use in interstate commerce of the SKIN-SO-SOFT trademark for skin care preparations and related goods and since the adoption and first use of the SKIN-SO-SOFT trademark as aforesaid, Opposer has continuously used the SKIN-SO-SOFT trademark on and in connection with the production, advertising, promotion, distribution, and sale of skin care preparations and related goods in interstate commerce in the United States.

3. The SKIN-SO-SOFT trademark is now and ever since its first use as aforesaid has been applied to products, package materials, advertisements, and product literature for the aforesaid skin care preparations and related goods. Products and materials so marked are now and for many years have been advertised and promoted, and widely shipped, distributed, and sold in interstate commerce in the United States. The SKIN-SO-SOFT trademark has come to be and is famous and favorably known, and of great value to Opposer, and in the mind of the trade and public, identifies Opposer's goods and distinguishes them from the goods and services of others.

4. Opposer is the owner of Registration No. 780,479 for SKIN-SO-SOFT for "Bath oil" issued November 17, 1964; Registration No. 1,748,065 for SKIN-SO-SOFT for "Bath oil, hand and body lotion, talc, bath and shower gel, and bath oil towelettes" issued

January 26, 1993; Registration No. 2,267,373 for SKIN-SO-SOFT for “Sun tan lotions, creams, gels and sunless tanning lotions” issued August 3, 1999; Registration No. 2,318,318 for SKIN-SO-SOFT for “moisturizing liquid soap” issued February 15, 2000; and Registration No. 2,272,317 for SKIN-SO-SOFT for “Insect repellent with and without sunscreens and/or moisturizers; towelettes premoistened with insect repellent, with and without sunscreen and/or moisturizers” issued August 24, 1999. Said registrations are valid and subsisting, unrevoked and uncanceled, and in full force and effect. Opposer’s rights to exclusive use of the mark SKIN-SO-SOFT in connection with the goods described in the aforesaid registrations have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, by virtue of filing the requisite affidavits under Sections 8 and 15 of the Lanham Act. Opposer owns said registrations and the trademarks shown thereby and all the business and goodwill symbolized thereby and associated therewith in the United States.

5. By the application herein opposed, Applicant seeks to register the designation SKIN SO SWEET for “Administration of a program for enabling participants to obtain discounts on products and services; Advertising services, namely, promoting the brands, goods and services of others; Advertising, marketing and promotion services; Customer service in the field of spa services/ hair removal; Internet advertising services; On-line retail store services featuring skin care products; Retail apothecary store services; Retail store services featuring a wide variety of consumer goods of others” in International Class 35.

6. The designation SKIN SO SWEET in application Serial No. 85/020,783 so resembles Opposer’s previously used and registered SKIN-SO-SOFT trademark as to be likely, when used in connection with Applicant’s services, to cause confusion, to cause mistake and to deceive with consequent injury to Opposer and the public.

7. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the confusing and misleading use of Applicant's trademark and would give to Applicant color of exclusive statutory rights to such designation in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant's mark and prays that it be denied.

Please recognize as attorneys for Opposer William R. Golden, Jr. and Matthew D. Marcotte (members of the Bar of the State of New York) and the firm of Kelley Drye & Warren LLP, 101 Park Avenue, New York, New York 10178. Please address all communications to Matthew D. Marcotte, Esq. of said firm and address.

Dated: New York, New York  
January 26, 2011

KELLEY DRYE & WARREN LLP  
Attorneys for Opposer  
AVON PRODUCTS, INC.

By:   
William R. Golden, Jr.  
Matthew D. Marcotte  
101 Park Avenue  
New York, New York 10178  
(212) 808-7800

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served upon Applicant at the following address of record by first class mail, postage prepaid, this 26th day of January 2010:

Catherine Moalemzadeh  
4911 Warner Avenue  
Suite 103  
Huntington Beach CA 92649-4471



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Matthew D. Marcotte