

ESTTA Tracking number: **ESTTA404815**

Filing date: **04/20/2011**

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	Johnson & Johnson
Granted to Date of previous extension	04/20/2011
Address	One Johnson & Johnson Plaza New Brunswick, NJ 08933 UNITED STATES

Attorney information	Jaye S. Campbell Drinker Biddle & Reath LLP 1500 K St. NW, Suite 1100 Washington, DC 20005 UNITED STATES dctrademarks@dbr.com, jaye.campbell@dbr.com
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**Applicant Information**

Application No	85082169	Publication date	12/21/2010
Opposition Filing Date	04/20/2011	Opposition Period Ends	04/20/2011
Applicant	Michel Ontiveros, Margarita Col. JardÃ-nes del Bosque Cometa No. 1680 Guadalajara, Jalisco, 44520 MEXICO		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: anti-aging gel; anti-aging cream; anti-aging moisturizer; aromatic essential oils; aromatic oils; aromatic preparations, namely, cream and oils; astringents for cosmetic purposes; bath and shower gels and salts not for medical purposes; shower and bath gel; shower and bath foam; beauty creams; beauty gels; beauty masks; body oils; body and beauty care cosmetics; cologne; cosmetics; hair care kits comprising non-medicated hair care preparations, namely, shampoo, conditioner, gel, spray, dyes, and mousse, and soaps for body care; make-up; and perfume
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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.	1901121	Application Date	07/05/1990
Registration Date	06/20/1995	Foreign Priority	NONE

		Date	
Word Mark	RENOVA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/04/18 First Use In Commerce: 1994/04/18 prescription drug; namely, Tretinoin, for use in skin care treatment, such as treating photoaged and photodamaged skin, including rough skin, fine [ and course ] wrinkles, AND uneven pigmentation [ , age spots and acne ]		

U.S. Registration No.	2055366	Application Date	06/13/1996
Registration Date	04/22/1997	Foreign Priority Date	NONE

Word Mark	RENOVA (TRETINOIN EMOLLIENT CREAM) 0.05%		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1996/01/18 First Use In Commerce: 1996/01/18 prescription drug, namely, tretinoin, for use in skin care treatment, such as treating photoaged and photodamaged skin, including rough skin, fine wrinkles, and uneven pigmentation		

Attachments	75118680#TMSN.gif ( 1 page )( bytes ) RENOVATTE Opposition.pdf ( 14 pages )(433042 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	/Jaye S Campbell/
Name	Jaye S. Campbell
Date	04/20/2011



2. Opposer has continuously used the mark RENOVA for skin care treatments since as April 1994.

3. Opposer is the owner of:

A. Reg. No. 1,901,121 – RENOVA for “prescription drug; namely, Tretinoin, for use in skin care treatment, such as treating photoaged and photodamaged skin, including rough skin, fine wrinkles, and uneven pigmentation”; registered June 20, 1995, with a claim of use since April 1994.

B. Reg. No. 2,055,366 – RENOVA (TRETINOIN EMOLLIENT CREAM) 0.05% & Design for “prescription drug, namely, Tretinoin, for use in skin care treatment, such as treating photoaged and photodamaged skin, including rough skin, fine wrinkles, and uneven pigmentation”; registered April 22, 1997, with a claim of use since January 1996

These registrations are incontestable and have been renewed. Copies of the foregoing registrations are attached hereto as Exhibits A-B.

4. By virtue of its extensive and longstanding use, Opposer’s RENOVA mark has become well-known among relevant consumers and has acquired a high degree of distinctiveness indicating source in the Opposer.

5. Opposer first used and registered the RENOVA mark long prior to Applicant’s application filing date of July 12, 2010.

6. Opposer’s RENOVA mark and Applicant’s RENOVATTE mark are substantially similar in appearance, sound, and commercial impression.

7. The goods and services for which Applicant seeks to register the RENOVATTE mark and the goods on which Opposer has used and registered the RENOVA mark are overlapping, or otherwise closely related.

8. The goods for which Opposer uses its RENOVA mark and the goods for which Applicant seeks to register its RENOVATTE mark may be marketed to and purchased by the same class of consumers.

9. The goods for which Opposer uses its RENOVA mark and the goods for which Applicant seeks to register its RENOVATTE mark may be sold through the same channels of trade.

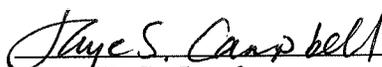
10. The proposed use and registration by Applicant of the mark RENOVATTE for the goods identified in application Ser. No. 85/082,169 would be likely to cause confusion, mistake or deception by having the public erroneously assume or believe that Applicant's goods emanate from Opposer, or that they are endorsed, licensed or sponsored by, or are in some other way associated or connected with Opposer, all to Opposer's irreparable damage.

For the reasons set forth herein, Opposer believes and believing asserts that it will be damaged by Applicant's registration of Ser. No. 85/082,169 – RENOVA. Accordingly, Opposer prays that this Opposition be sustained, and that Applicant be refused registration of the RENOVA mark for the goods set forth in application Ser. No. 85/082,169.

This filing fee of \$300 is submitted herewith electronically. Should additional fees be required, please charge them to the deposit account of Applicant's undersigned counsel, Acct. No. 50-0573.

Respectfully submitted,

JOHNSON & JOHNSON

By:   
Norm D. St. Landau  
Jaye S. Campbell  
Drinker Biddle & Reath LLP  
1500 K Street, N.W., Suite 1100  
Washington D.C. 20005-1209  
Tel.: (202) 842-8800  
Fax: (202) 842-8465

*Counsel for Opposer*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this NOTICE OF OPPOSITION was served on Applicant's counsel of record at the following address by first class mail, postage prepaid, this 20<sup>th</sup> day of April 2011:

ANDREW D. GLASGOW, ESQUIRE  
ATLAS ADVOCATE INTERNATIONAL LAW FIRM, P.C.  
CAMBRIDGE BUILDING  
527 COURT PL  
PITTSBURGH, PA 15219-2002

  
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**EXHIBIT A**

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-04-20 16:54:44 ET**

**Serial Number:** 74075658 [Assignment Information](#) [Trademark Document Retrieval](#)

**Registration Number:** 1901121

**Mark (words only):** RENOVA

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2005-03-02

**Filing Date:** 1990-07-05

**Transformed into a National Application:** No

**Registration Date:** 1995-06-20

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 12

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 834 -Post Registration

**Date In Location:** 2005-03-02

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. JOHNSON & JOHNSON

**Address:**

JOHNSON & JOHNSON  
One Johnson & Johnson Plaza  
New Brunswick, NJ 089337001  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** New Jersey

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**GOODS AND/OR SERVICES**

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**International Class:** 005

**Class Status:** Active

prescription drug; namely, Tretinoin, for use in skin care treatment, such as treating photoaged and photodamaged skin, including rough skin, fine wrinkles, AND uneven pigmentation

**Basis:** 1(a)

**First Use Date:** 1994-04-18

**First Use in Commerce Date:** 1994-04-18

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#### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

1477341

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#### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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#### PROSECUTION HISTORY

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2005-03-02 - First renewal 10 year

2005-03-02 - Section 8 (10-year) accepted/ Section 9 granted

2005-01-25 - Combined Section 8 (10-year)/Section 9 filed

2005-01-25 - Combined Section 8 (10-year)/Section 9 filed

2005-01-25 - PAPER RECEIVED

2001-07-28 - Section 8 (6-year) accepted & Section 15 acknowledged

2001-06-01 - Section 8 (6-year) and Section 15 Filed

1997-12-23 - Counter claim opp. for Proceeding No.

1996-08-15 - Section 7 amendment issued

1996-02-09 - Section 7 amendment filed

1995-06-20 - Registered - Principal Register

1995-03-20 - Allowed for Registration - Principal Register (SOU accepted)

1995-03-13 - Statement Of Use Processing Complete  
1994-06-06 - Use Amendment Filed  
1994-02-02 - Extension 4 granted  
1993-12-16 - Extension 4 filed  
1993-07-24 - Extension 3 granted  
1993-05-24 - Extension 3 filed  
1993-03-03 - Extension 2 granted  
1993-01-25 - Extension 2 filed  
1992-05-11 - Extension 1 granted  
1992-04-28 - Extension 1 filed  
1992-01-28 - NOA Mailed - SOU Required From Applicant  
1991-11-05 - Published for opposition  
1991-10-04 - Notice of publication  
1991-05-08 - Approved For Pub - Principal Register  
1991-04-09 - Examiner's amendment mailed  
1991-01-31 - Communication received from applicant  
1990-12-10 - Non-final action mailed  
1990-11-07 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

RICHARD F. BIRIBAUER

**Correspondent**

RICHARD F. BIRIBAUER  
JOHNSON & JOHNSON  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK NJ 08933-7001

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Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51, and 52

Reg. No. 1,901,121

**United States Patent and Trademark Office** Registered June 20, 1995

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**TRADEMARK  
PRINCIPAL REGISTER**

**RENOVA**

JOHNSON & JOHNSON (NEW JERSEY CORPORATION)  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 089337001

FOR: PRESCRIPTION DRUG; NAMELY, TRETINOIN, FOR USE IN SKIN CARE TREATMENT, SUCH AS TREATING PHOTOAGED AND PHOTODAMAGED SKIN, INCLUDING ROUGH SKIN, FINE AND COURSE WRIN-

KLES, UNEVEN PIGMENTATION, AGE SPOTS AND ACNE, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 4-18-1994; IN COMMERCE 4-18-1994.

OWNER OF U.S. REG. NO. 1,477,341.

SN 74-075,658, FILED 7-5-1990.

LINDA E. BLOHM, EXAMINING ATTORNEY

Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

United States Patent and Trademark Office  
Amended

Reg. No. 1,901,121

Registered June 20, 1995  
OG Date Sep. 24, 1996

**TRADEMARK  
PRINCIPAL REGISTER**

**RENOVA**

JOHNSON & JOHNSON (NEW JERSEY  
CORPORATION)  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 089337001

OWNER OF U.S. REG. NO. 1,477,341.

FOR: PRESCRIPTION DRUG;  
NAMELY, TRETINOIN, FOR USE IN  
SKIN CARE TREATMENT, SUCH AS

TREATING PHOTOAGED AND PHOTO-  
DAMAGED SKIN, INCLUDING ROUGH  
SKIN, FINE [AND COURSE] WRINKLES,  
AND UNEVEN PIGMENTATION [, AGE  
SPOTS AND ACNE], IN CLASS 5 (U.S.  
CLS. 6, 18, 44, 46, 51 AND 52).  
FIRST USE 4-18-1994; IN COMMERCE  
4-18-1994.

SER. NO. 74-075,658, FILED 7-5-1990.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Sep. 24, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

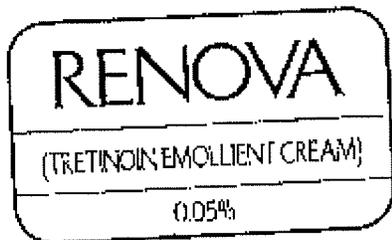
**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2011-04-20 16:55:35 ET**

**Serial Number:** 75118680 [Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** 2055366

**Mark**



**(words only):** RENOVA (TRETINOIN EMOLLIENT CREAM) 0.05%

**Standard Character claim:** No

**Current Status:** The registration has been renewed.

**Date of Status:** 2007-04-14

**Filing Date:** 1996-06-13

**Transformed into a National Application:** No

**Registration Date:** 1997-04-22

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 105

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 830 -Post Registration

**Date In Location:** 2007-04-14

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1. JOHNSON & JOHNSON

**Address:**

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United States

**Legal Entity Type:** Corporation**State or Country of Incorporation:** New Jersey

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**GOODS AND/OR SERVICES**

---

**International Class:** 005**Class Status:** Active

prescription drug, namely, tretinoin, for use in skin care treatment, such as treating photoaged and photodamaged skin, including rough skin, fine wrinkles, and uneven pigmentation

**Basis:** 1(a)**First Use Date:** 1996-01-18**First Use in Commerce Date:** 1996-01-18

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**ADDITIONAL INFORMATION**

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**Disclaimer:** "TRETINOIN EMOLLIENT CREAM" and "0.05%"**Design Search Code(s):****26.11.02** - Plain single line rectangles; Rectangles (single line)**26.17.13** - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters**Prior Registration Number(s):**

1901121

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-04-14 - First renewal 10 year

2007-04-14 - Section 8 (10-year) accepted/ Section 9 granted

2007-03-30 - Assigned To Paralegal

2007-03-05 - Combined Section 8 (10-year)/Section 9 filed

2007-03-05 - PAPER RECEIVED

2006-12-12 - Case File In TICRS

2003-07-11 - Section 8 (6-year) accepted & Section 15 acknowledged

2003-04-15 - Section 8 (6-year) and Section 15 Filed

2003-04-15 - PAPER RECEIVED

1997-04-22 - Registered - Principal Register

1997-01-28 - Published for opposition

1996-12-27 - Notice of publication

1996-11-15 - Approved for Pub - Principal Register (Initial exam)

1996-11-07 - Assigned To Examiner

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

RICHARD F. BIRIBAUER

**Correspondent**

RICHARD F. BIRIBAUER  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 08933-7001

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Int. Cl.: 5

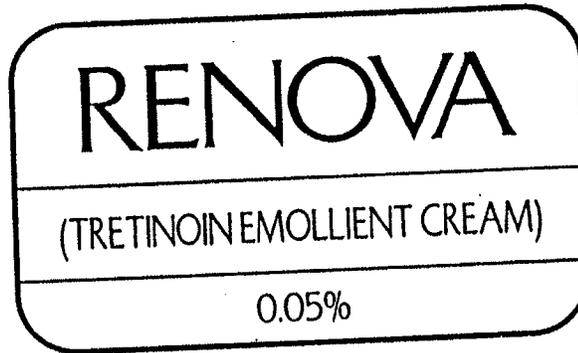
Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 2,055,366

**United States Patent and Trademark Office**

Registered Apr. 22, 1997

**TRADEMARK  
PRINCIPAL REGISTER**



JOHNSON & JOHNSON (NEW JERSEY CORPORATION)  
ONE JOHNSON & JOHNSON PLAZA  
NEW BRUNSWICK, NJ 089337001

FOR: PRESCRIPTION DRUG, NAMELY, TRETINOIN, FOR USE IN SKIN CARE TREATMENT, SUCH AS TREATING PHOTOAGED AND PHOTODAMAGED SKIN, INCLUDING ROUGH SKIN, FINE WRINKLES, AND UNEVEN PIGMENTATION, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 1-18-1996; IN COMMERCE 1-18-1996.

OWNER OF U.S. REG. NO. 1,901,121.  
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRETINOIN EMOLLIENT CREAM" AND "0.05%", APART FROM THE MARK AS SHOWN.

SER. NO. 75-118,680, FILED 6-13-1996.

LEIGH CAROLINE CASE, EXAMINING ATTORNEY