

ESTTA Tracking number: **ESTTA421439**

Filing date: **07/25/2011**

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	Leonard Parfums
Granted to Date of previous extension	07/24/2011
Address	36 Avenue Pierre 1er de Serbie Paris, 75008 FRANCE

Attorney information	Julia C. Archer Enns & Archer LLP 939 Burke Street Winston-Salem, NC 27101 UNITED STATES jarcher@ennsandarcher.com Phone:336-723-5180
----------------------	--

**Applicant Information**

Application No	77637156	Publication date	01/25/2011
Opposition Filing Date	07/25/2011	Opposition Period Ends	07/24/2011
International Registration No.	NONE	International Registration Date	NONE
Applicant	Isabella Thomas Holdings Limited 5A Pacific Rise, Sylvia Park Mt Wellington, 1060 NEW ZEALAND		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: Deodorants for personal use, anti-perspirants, shaving preparations, perfumery, perfumes, colognes, cosmetics, cosmetic preparations for the skin, soaps, toiletries namely non-medicated skin care preparations and shaving balm, perfumery, essential oils, non-medicated preparations all for the care of skin, hair care preparations, cleansing lotions, facial scrubs, skin toners, skin moisturisers, skin creams, tanning oils, tanning creams, hair removal preparations, body cleaning gels, skin exfoliators, foot preparations namely foot scrubs and non-medicated foot creams, hand lotions, body lotions, shampoos and hair conditioners, preparations used to groom eyebrows namely eyebrow cosmetics, skin concealers, skin bronzers, face powders, foundation make up, body and beauty care cosmetics
--

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Trademark Act section 43(a)

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1412867	Application Date	07/25/1985
Registration Date	10/14/1986	Foreign Priority Date	NONE
Word Mark	LEONARD PARIS		
Design Mark	 <p>The design mark consists of the word "LEONARD" in a large, bold, serif font, with the word "PARIS" in a smaller, bold, serif font centered below it.</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1979/09/00 First Use In Commerce: 1982/06/00 PERFUMES, TOILET WATERS, TOILET SOAPS, AFTER SHAVE LOTION, SHAVING CREAM, SHAVING FOAM, SHOWER GEL, DEODORANTS		

Attachments	73549918#TMSN.gif ( 1 page )( bytes ) LEONARDO Notice of Opposition.pdf ( 6 pages )(165140 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	/jarcher/
Name	Julia C. Archer
Date	07/25/2011

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

In the matter of )  
Application Serial No. 77/637,156 )  
For the mark LEONARDO )  
Published in the *Official Gazette* )  
On January 25, 2011 )

LEONARD PARFUMS, )  
Opposer, )

v. ) Opposition No. \_\_\_\_\_

ISABELLA THOMAS HOLDINGS )  
LIMITED, )  
Applicant. )

NOTICE OF OPPOSITION

Opposer, Leonard Parfums, a corporation organized under the laws of France, located and doing business at 36 Avenue Pierre 1er de Serbie, Paris, 75008 FRANCE, believes that it will be damaged by registration of the mark LEONARDO, Application Serial No. 77/637,156, and hereby opposes the same.

As grounds of opposition, it is alleged that:

1. Applicant, Isabella Thomas Holdings Limited, seeks to register LEONARDO as a trademark for “deodorants for personal use, anti-perspirants, shaving preparations, perfumery, perfumes, colognes, cosmetics, cosmetic preparations for the skin, soaps, toiletries namely non-

medicated skin care preparations and shaving balm, perfumery, essential oils, non-medicated preparations all for the care of skin, hair care preparations, cleansing lotions, facial scrubs, skin toners, skin moisturisers, skin creams, tanning oils, tanning creams, hair removal preparations, body cleaning gels, skin exfoliators, foot preparations namely foot scrubs and non-medicated foot creams, hand lotions, body lotions, shampoos and hair conditioners, preparations used to groom eyebrows namely eyebrow cosmetics, skin concealers, skin bronzers, face powders, foundation make up, body and beauty care cosmetics” in International Class 3. The Application was filed on December 19, 2008, pursuant to Section 44(d) based upon New Zealand Application No. 792157 for the same mark and has a priority date of July 3, 2008. The USPTO assigned the Application Serial No. 77/637,156. After the Section 44(e) registration basis was perfected, the Application was published for opposition in the *Official Gazette* on January 25, 2011.

2. Opposer is the owner of U.S. Trademark Registration No. 1,412,867 for the mark LEONARD PARIS (stylized) for “perfumes, toilet waters, toilet soaps, after shave lotion, shaving cream, shaving foam, shower gel, deodorants” in International Class 3. This registration issued on October 14, 1986, and was renewed in October of 2006. This registration is valid, subsisting and uncancelled. Opposer’s registration is prima facie evidence of Opposer's exclusive right to use this mark in commerce on the goods specified in the registration. Through its long use of the mark in

connection with perfumes, toilet waters, and other scented personal care products, Opposer has developed significant goodwill in the LEONARD PARIS mark in connection with the recited goods. Opposer requested and was granted extensions of time to file the notice of opposition until July 24, 2011. See ESTTA Tracking No. ESTTA410444. Therefore, this Notice of Opposition is being filed within the time allowed.

3. The LEONARDO mark Applicant seeks to register so resembles Opposer's LEONARD PARIS mark in appearance, sound and commercial impression as to be likely to cause confusion, or cause mistake, or to deceive consumers when used in connection with identical and related goods sold to the same consumers through the same channels of trade. The PARIS portion of Opposer's mark indicates the geographic origin of the goods, so that the dominant portion of the mark is LEONARD. Applicant's LEONARDO mark differs only in the addition of the letter "O" at the end of Opposer's mark, which is not sufficient for consumers to distinguish between the marks.
4. Consumers are likely to mistakenly believe that Applicant's LEONARDO perfumes, deodorants, shaving preparations, and other personal items come from the same source as Opposer's LEONARD PARIS perfumes, deodorants, shaving preparations and related items, or that such items are sponsored by, licensed by, approved by or otherwise connected with Opposer as the maker of LEONARD products, thereby causing damage to Opposer.

**COUNT I**

**Lanham Act § 2(d), 15 U.S.C. § 1052(d)**

5. Applicant's LEONARDO mark is so similar to Opposer's previously registered LEONARD PARIS (Stylized) mark that, when used on or in connection with the goods claimed in the Application, which are identical or closely related to goods with which Opposer's mark is used and registered, it is likely to cause confusion, or to cause mistake, or to deceive in violation of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
  
6. By virtue of the foregoing, Opposer will be harmed if Application Serial No. 77/637,156 is allowed to register.

**COUNT II**

**Lanham Act § 43(a), 15 U.S.C. § 1125(a)**

7. Applicant's LEONARDO mark is so similar to Opposer's previously used LEONARD PARIS (Stylized) mark that, when used on or in connection with the goods claimed in the Application, which are identical or closely related to goods upon which Opposer's mark is used, it is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin,

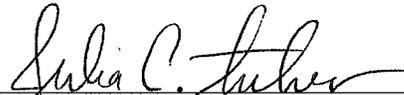
sponsorship, or approval of Applicant's goods or commercial activities by  
Opposer.

8. By virtue of the foregoing, Opposer will be harmed if Application Serial  
No. 77/637,156 is allowed to register.

WHEREFORE, Opposer prays that Application Serial No. 77/637,156 be  
rejected, that no registration be issued thereon to Applicant, and that this opposition be  
sustained in favor of Opposer.

This Notice of Opposition is being filed through the ESTTA system and the fee in  
the amount of \$300 is being charged to Deposit Account No. 501779.

Respectfully submitted,



Rodrick J. Enns  
Julia C. Archer  
Attorneys for Opposer

Date: July 25, 2011

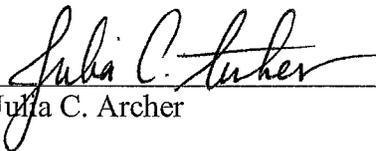
ENNS & ARCHER LLP  
939 Burke Street  
Winston-Salem, NC 27101  
(tel.) 336-723-5180  
(fax) 336-723-5181  
jarcher@ennsandarcher.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I served the foregoing NOTICE OF  
OPPOSITION upon counsel of record by depositing a copy thereof in the United States  
mail, postage prepaid and addressed to:

Mark Lebow  
YOUNG & THOMPSON  
209 Madison St, Suite 500  
Alexandria, VA 22314-1764

This the 25<sup>th</sup> day of July, 2011.

  
\_\_\_\_\_  
Julia C. Archer

ENNS & ARCHER LLP  
939 Burke Street  
Winston-Salem, NC 27101  
336-723-5180  
jarcher@ennsandarcher.com