

ESTTA Tracking number: **ESTTA448293**

Filing date: **12/26/2011**

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	THIERRY MUGLER PARFUMS S.A.S.
Granted to Date of previous extension	12/25/2011
Address	4 RUE BERTEAUX DUMAS NEUILLY-SUR-SEINE, 922000 FRANCE

Attorney information	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street, Suite 400 Oak Park, IL 60301 UNITED STATES doCKET@merz-law.com,fweiss@weissiplaw.com Phone:(708) 383-8801
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Applicant Information

Application No	85246592	Publication date	06/28/2011
Opposition Filing Date	12/26/2011	Opposition Period Ends	12/25/2011
Applicant	Kurk Wasserman Consulting, L.L.C. 21827 North Scottsdale Road, Suite 100 Scottsdale, AZ 85255 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Baby hair conditioner; Baby lotion; Baby oil; Baby oils; Baby shampoo; Bath soaps; Bath soaps in liquid, solid or gel form; Body cream; Body cream soap; Body creams; Body lotion; Body lotions; Cosmetic creams; Cosmetic creams for skin care; Disposable wipes impregnated with cleansing chemicals or compounds for hygiene; Face and body beauty creams; Face and body creams; Face creams; Face creams for cosmetic use; Facial cream; Facial creams; Hair lotion; Hair lotions; Hand cream; Hand creams; Non-medicated diaper rash ointments and lotions; Non-medicated scalp treatment cream; Non-medicated skin creams; Skin and body topical lotions, creams and oils for cosmetic use; Skin cream; Skin creams; Skin creams in liquid and in solid form; Skin creams in liquid and solid; Skin creams in liquid and solid form; Skin moisturizer; Topical skin sprays for cosmetic purposes

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.	1843424	Application Date	02/16/1993
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 perfume		

U.S. Registration No.	3680781	Application Date	03/27/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	ANGEL SUNESSENCE		
Design Mark	 <p style="text-align: center; font-size: 2em; font-weight: bold;">ANGEL SUNESSENCE</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/03/02 First Use In Commerce: 2009/04/00 Perfumary and thereto related perfumed products, namely, eau de toilette		

U.S. Registration No.	3051023	Application Date	07/13/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark	 <p style="text-align: center; font-size: 4em; font-weight: bold;">ANGEL</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: [Bleaching preparations and detergents for laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes;] face, body and hand soaps; perfumery,		

	essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders
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Attachments	77433043#TMSN.jpeg (1 page)(bytes) 79004618#TMSN.jpeg (1 page)(bytes) 23501.opp.pdf (6 pages)(112318 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	/Mary Catherine Merz/
Name	Mary Catherine Merz
Date	12/26/2011

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

In the Matter of U.S. Application Serial No. 85/246,592
For: PERFECT ANGELS
Filed: February 18, 2011
Date of Publication: June 28, 2011

THIERRY MUGLER PARFUMS S.A.S
currently known as CLARINS
FRAGRANCE GROUP S.A.S.)
)
Opposer,)
)
v.) Opposition No. _____
)
KURK WASSERMAN CONSULTING, L.L.C.)
)
Applicant.)

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 85/246,592 ("Serial No. 85/246,592") for the mark PERFECT ANGELS in International Class 3, filed in the name of Kurk Wasserman Consulting, L.L.C. ("applicant"), which was published for opposition in the Official Gazette of June 28, 2011. Thierry Mugler Parfums S.A.S., a Société Par Actions Simplifiée (SAS) organized under the laws of France with its principal place of business at 4, rue Berteaux Dumas, Neuilly-Sur-Seine, FRANCE 92200, and currently known

as Clarins Frangrance Group S.A.S. ("opposer"), believes it will be damaged by the registration of the mark in Serial No. 85/246,592 and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, opposer alleges as follows:

1. Upon information and belief, applicant is a limited liability company organized under the laws of Arizona, with its principal address at 21827 North Scottsdale Road, Suite 100, Scottsdale, Arizona.

2. As evidenced by the publication of Serial No. 85/246,592 in the Official Gazette of June 28, 2011, applicant seeks to register PERFECT ANGELS in connection with "Baby hair conditioner; Baby lotion; Baby oil; Baby oils; Baby shampoo; Bath soaps; Bath soaps in liquid, solid or gel form; Body cream; Body cream soap; Body creams; Body lotion; Body lotions; Cosmetic creams; Cosmetic creams for skin care; Disposable wipes impregnated with cleansing chemicals or compounds for hygiene; Face and body beauty creams; Face and body creams; Face creams; Face creams for cosmetic use; Facial cream; Facial creams; Hair lotion; Hair lotions; Hand cream; Hand creams; Non-medicated diaper

rash ointments and lotions; Non-medicated scalp treatment cream; Non-medicated skin creams; Skin and body topical lotions, creams and oils for cosmetic use; Skin cream; Skin creams; Skin creams in liquid and in solid form; Skin creams in liquid and solid; Skin creams in liquid, and solid form; Skin moisturizer; Topical skin sprays for cosmetic purposes, in International Class 3.

3. Upon information and belief, applicant filed Serial No. 85/246,592 on February 18, 2011, based upon an intent to use the mark in commerce in connection with the claimed goods.

4. Since at least 18 years prior to applicant's filing date for Serial No. 85/246,592, opposer adopted and has continuously used its ANGEL trademark in connection with perfume; opposer also has expanded its trademark use of ANGEL to cover additional products including "face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders"; and the mark ANGEL SUNESSENCE for "perfumery" and "eau de toilette".

5. Opposer is the owner of the following U.S. trademark registrations:

Registration No. 1,843,424 which is incontestable for ANGEL for "perfume";

Registration No. 3,680,781 for ANGEL SUNESSENCE for "perfumery and thereto related perfumed products, namely, eau de toilette"; and

Registration No. 3,051,023 for ANGEL for "face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders."

These registrations are valid, subsisting, uncancelled and are evidence of opposer's exclusive right to use ANGEL and the ANGEL SUNESSENCE mark in commerce in connection with the goods specified in the registrations.

6. Since at least as early as the respective dates of first use stated in its registrations, opposer has used its marks in connection with the sale of goods covered by those registrations. Such use has not been abandoned, and the public has come to associate opposer's goods and services with the ANGEL and ANGEL SUNESSENCE trademarks.

7. Applicant has no license, consent or permission from Opposer to use or register PERFECT ANGELS.

8. Applicant's mark PERFECT ANGELS so resembles opposer's ANGEL and ANGEL SUNESSENCE marks, that it is

likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods in Serial No. 85/246,592 originate with opposer or otherwise are authorized, licensed or sponsored by opposer.

9. By reason of all the foregoing, opposer will be damaged by the registration of applicant's PERFECT ANGELS mark for the goods covered by Serial No. 85/246,592, because registration of that mark would be in violation of opposer's trademark and trade name rights.

WHEREFORE, opposer prays that this Notice of Opposition be sustained in favor of opposer and that Serial No. 85/246,592 be denied registration. Opposer submits

herewith its payment of the \$300 filing fee, as required by
37 C.F.R. §2.6(a)(17).

Respectfully submitted,

THIERRY MUGLER PARFUMS S.A.S.
currently known as
CLARINS FRAGRANCE GROUP
S.A.S.

December 26, 2011

By:



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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on applicant
by First Class Mail on December 26, 2011, addressed to:

FARLEY I. WEISS AND MARK H. WEISS
WEISS & MOY, P.C.
4204 N BROWN AVE
SCOTTSDALE, ARIZONA 85251-3914

By:



Mary Catherine Merz