

ESTTA Tracking number: **ESTTA462918**

Filing date: **03/21/2012**

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	03/21/2012
Address	777 Third Avenue New York, NY 10017 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 Phone:(212) 808-7800
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Applicant Information

Application No	85358018	Publication date	11/22/2011
Opposition Filing Date	03/21/2012	Opposition Period Ends	03/21/2012
Applicant	JM INTERNATIONAL BUSINESS SOLUTIONS, INC. PO BOX 942527 MIAMI, FL 33194 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Natural, non-medicated, skin and hair care products, namely, shampoo, conditioner, serum, lotion, moisturizer, gel and oil for hair and scalp maintenance and treatment
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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.	1982608	Application Date	07/24/1995
Registration Date	06/25/1996	Foreign Priority Date	NONE
Word Mark	ANEW		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1995/04/00 First Use In Commerce: 1995/04/00 skin care preparations, namely facial moisturizer, facial exfoliant, facial cleanser, [chest and neck exfoliant,] hand and body exfoliant, eye cream, [and cosmetics, namely facial foundation]

U.S. Registration No.	2718121	Application Date	05/11/2001
Registration Date	05/20/2003	Foreign Priority Date	NONE
Word Mark	ANEW ULTIMATE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2002/09/00 First Use In Commerce: 2002/09/00 Non-medicated skin care preparations		

U.S. Registration No.	2936317	Application Date	03/11/2004
Registration Date	03/29/2005	Foreign Priority Date	NONE
Word Mark	ANEW		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1992/12/31 First Use In Commerce: 1992/12/31 MEDICATED SKIN CARE PRODUCTS, NAMELY, FACIAL SKIN LOTIONS AND CREAMS		

U.S. Registration No.	3016088	Application Date	01/21/2003
Registration Date	11/15/2005	Foreign Priority Date	NONE
Word Mark	ANEW CLINICAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2003/07/00 First Use In Commerce: 2003/07/00 Skin care products, namely, non-medicated anti-wrinkle facial skin cream and lotion, facial scrub, and facial peel		

U.S. Registration No.	3030676	Application Date	07/06/2004
Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	ANEW ULTIMATE DAY		
Design Mark	 <p>ANEW ULTIMATE DAY</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/03/24 First Use In Commerce: 2005/03/24 Skin care products, namely, facial moisturizer		

U.S. Registration No.	3038462	Application Date	07/06/2004
Registration Date	01/03/2006	Foreign Priority Date	NONE
Word Mark	ANEW ULTIMATE NIGHT		
Design Mark	 <p>ANEW ULTIMATE NIGHT</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/03/24 First Use In Commerce: 2005/03/24 Skin care products, namely, facial moisturizer		

U.S. Registration No.	3124678	Application Date	09/24/2004
Registration Date	08/01/2006	Foreign Priority Date	NONE
Word Mark	ANEW CLINICAL LASER		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/05/19 First Use In Commerce: 2005/05/19 Skin care products, namely, non-medicated facial serum, facial cream, facial lotion, and facial moisturizer		

U.S. Registration No.	3160715	Application Date	03/28/2005
Registration Date	10/17/2006	Foreign Priority Date	NONE

Word Mark	ANEW ALTERNATIVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/08/25 First Use In Commerce: 2005/08/25 Skin care products, namely, facial moisturizer and eye cream		

U.S. Registration No.	3373763	Application Date	03/11/2004
Registration Date	01/22/2008	Foreign Priority Date	NONE
Word Mark	ANEW		

Design Mark	ANEW
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2007/02/08 First Use In Commerce: 2007/02/08 Cosmetics, namely, facial foundation, facial concealer, eyeshadow and eyeliner

U.S. Registration No.	3554814	Application Date	06/27/2007
Registration Date	12/30/2008	Foreign Priority Date	NONE
Word Mark	ANEW CLEANSE		
Design Mark	ANEW CLEANSE		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/08/07 First Use In Commerce: 2008/08/07 Skin toners; Facial scrubs; Facial washes; Facial masks		

U.S. Registration No.	3525279	Application Date	08/09/2007
Registration Date	10/28/2008	Foreign Priority Date	NONE
Word Mark	ANEW REJUVENATE		

Design Mark	<h1>ANEW REJUVENATE</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/07/10 First Use In Commerce: 2008/07/10 Skin moisturizer		

U.S. Registration No.	4050488	Application Date	08/27/2010
Registration Date	11/01/2011	Foreign Priority Date	NONE
Word Mark	ANEW SOLAR ADVANCE		
Design Mark	<h1>ANEW SOLAR ADVANCE</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2011/04/28 First Use In Commerce: 2011/04/28 Suntanning preparations		

U.S. Application No.	85299962	Application Date	04/20/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ANEW GENICS		
Design Mark			
Description of Mark	The mark consists of A STYLIZED DESIGN OF A MOLECULE MODEL WITH THE STYLIZED WORDING "ANEW GENICS".		
Goods/Services	Class 003. First use: Eye cream; Facial creams; Skin care products, namely, non-medicated skin		

	serum		
U.S. Application No.	85393063	Application Date	08/09/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	ANEW ULTIMATE 7S		
Design Mark			
Description of Mark	The mark consists of the underlined and stylized wording "ANEW ULTIMATE" written over the stylized characters "7S" within a solid rectangle.		
Goods/Services	Class 003. First use: Non-medicated skin care preparations, namely, creams, lotions, gels, serums and/or cleansers		

Attachments	78382300#TMSN.jpeg (1 page)(bytes) 78446104#TMSN.jpeg (1 page)(bytes) 78446105#TMSN.jpeg (1 page)(bytes) 78489315#TMSN.jpeg (1 page)(bytes) 78596328#TMSN.jpeg (1 page)(bytes) 78382318#TMSN.jpeg (1 page)(bytes) 77216980#TMSN.jpeg (1 page)(bytes) 77251112#TMSN.jpeg (1 page)(bytes) 85117271#TMSN.jpeg (1 page)(bytes) 85299962#TMSN.jpeg (1 page)(bytes) 85393063#TMSN.jpeg (1 page)(bytes) KERANEW.PDF (6 pages)(115488 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	/Matthew D. Marcotte/
Name	Matthew D. Marcotte
Date	03/21/2012

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

NOTICE OF OPPOSITION

In the Matter of Application
Serial No. 85/358,018 Published
in the Official Gazette of November 22, 2011

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AVON PRODUCTS, INC., :
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 Opposer, :
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 v. :
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 JM INTERNATIONAL BUSINESS SOLUTIONS, : **Opposition No.**
 INC. :
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 Applicant. :
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TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

AVON PRODUCTS, INC., a New York corporation with a place of business at 777 Third Avenue, New York, New York 10017 (hereinafter "Opposer") believes that it will be damaged by registration of the designation KERANEW for "Natural, non-medicated, skin and hair care products, namely, shampoo, conditioner, serum, lotion, moisturizer, gel and oil for hair and scalp maintenance and treatment," in International Class 3 shown in Application Ser. No. 85/358,018, filed by JM INTERNATIONAL BUSINESS SOLUTIONS, INC. (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 services,

housewares, clothing, toiletries, cosmetics, jewelry, gift items, collectibles, toys, personal care and wellness products, pre-recorded videos, audio tapes, and compact discs throughout the United States and the world.

2. Since long prior to June 28, 2011, the filing date of the intent-to-use application herein opposed, Opposer adopted, has used, and is using the mark ANEW for skin care preparations, cosmetics, and related goods. Opposer has prior use in interstate commerce of the ANEW mark for skin care preparations, cosmetics, and related goods and since the adoption and first use of the ANEW mark as aforesaid, Opposer has continuously used the ANEW mark on and in connection with the production, advertising, promotion, distribution, and sale of skin care preparations, cosmetics, and related goods in interstate commerce in the United States.

3. The ANEW mark 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, cosmetics 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 ANEW mark 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 in the United States of all right, title, and interest, in and to the following trademarks registered with the United States Patent and Trademark Office ("PTO"):

- Reg. No. 1,982,608 for the mark ANEW for "Skin care preparations, namely facial moisturizer, facial exfoliant, facial cleanser, hand and body exfoliant, eye cream" in International Class 3 which issued in 1996;
- Reg. No. 2,718,121 for the mark ANEW ULTIMATE for "Non-medicated skin care preparations" in International Class 3 which issued in 2003;

- Reg. No. 2,936,317 for the mark ANEW for “Medicated skin care products, namely, facial skin lotions and creams” in International Class 5 which issued in 2005;
- Reg. No. 3,016,088 for the mark ANEW CLINICAL for “Skin care products, namely, non-medicated anti-wrinkle facial skin cream and lotion, facial scrub, and facial peel” in International Class 3 which issued in 2005;
- Reg. No. 3,030,676 for the mark ANEW ULTIMATE DAY for “Skin care products, namely, facial moisturizer” in International Class 3 which issued in 2005;
- Reg. No. 3,038,462 for the mark ANEW ULTIMATE NIGHT for “Skin care products, namely, facial moisturizer” in International Class 3 which issued in 2006;
- Reg. No. 3,124,678 for the mark ANEW CLINICAL LASER for “Skin care products, namely, non-medicated facial serum, facial cream, facial lotion, and facial moisturizer” in International Class 3 which issued in 2006;
- Reg. No. 3,160,715 for the mark ANEW ALTERNATIVE for “Skin care products, namely, facial moisturizer and eye cream” in International Class 3 which issued in 2006;
- Reg. No. 3,373,763 for the mark ANEW for “Cosmetics, namely, facial foundation, facial concealer, eyeshadow and eyeliner” in International Class 3 which issued in 2008;
- Reg. No. 3,554,814 for the mark ANEW CLEANSE for “Skin toners; facial scrubs; facial washes; facial masks” in International Class 3 which issued in 2008;
- Reg. No. 3,525,279 for the mark ANEW REJUVENATE for “Skin moisturizer” in International Class 3 which issued in 2008; and
- Reg. No. 4,050,488 for the mark ANEW SOLAR ADVANCE for “Suntanning preparations” in International Class 3 which issued in 2011.

Opposer is also the owner of the following pending applications with the United States Patent and Trademark Office:

- Ser. No. 85/299,962 for the mark ANEW GENICS & Design for “Eye cream; Facial creams; Skin care products, namely, non-medicated skin serum” in International Class 3 which was filed on April 20, 2011; and
- Ser. No. 85/393,063 for the mark ANEW ULTIMATE 7S & Design for “Non-medicated skin care preparations, namely, creams, lotions, gels, serums and/or cleansers” in International Class 3 which was filed on August 9, 2011.

5. The aforesaid registrations are valid and subsisting, unrevoked and uncanceled, and Opposer’s rights to exclusive use of the mark ANEW in connection with the

goods described in Registrations Nos. 1,982,608 and 2,936,317, the mark ANEW ULTIMATE in connection with the goods described in Registration No. 2,718,121, the mark ANEW CLINICAL in connection with the goods described in Registration No. 2,936,317, the mark ANEW ULTIMATE DAY in connection with the goods described in Registration No. 3,030,676, and the mark ANEW ULTIMATE NIGHT in connection with the goods described in Registration No. 3,038,462 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.

6. By the application herein opposed, Applicants seek to register the designation KERANEW for “Natural, non-medicated, skin and hair care products, namely, shampoo, conditioner, serum, lotion, moisturizer, gel and oil for hair and scalp maintenance and treatment,” in International Class 3.

7. Applicants’ designation KERANEW in application Serial No. 85/358,018 so resembles Opposer’s previously used and registered ANEW family of trademarks as to be likely, when used in connection with Applicants’ goods, to cause confusion, to cause mistake, and to deceive with consequent injury to Opposer and the public.

8. Opposer will be damaged by the registration sought by Applicants because such registration would support and assist Applicants in the confusing and misleading use of Applicants’ trademark and would give to Applicants 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
March 21, 2012

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 counsel for Applicant at the following address of record by first class mail, this 21st day of March, 2012:

J. Michael Wermuth
Gonzalez & Wermuth, PL
8750 NW 36th St. Suite 425
Doral, FL 33178-2403



Matthew D. Marcotte