

ESTTA Tracking number: **ESTTA489358**

Filing date: **08/16/2012**

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	Colgate-Palmolive Copmany		
Entity	Corporation	Citizenship	Delaware
Address	300 Park Avenue New York, NY 10022 UNITED STATES		

Attorney information	James D. Weinberger Fross Zelnick Lehrman & Zissu, PC 866 United Nations Plaza 6th Floor New York, NY 10017 UNITED STATES jweinberger@frosszelnick.com, lkittay@frosszelnick.com Phone:(212) 813-5900		
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Applicant Information

Application No	85523203	Publication date	07/17/2012
Opposition Filing Date	08/16/2012	Opposition Period Ends	08/16/2012
Applicant	Syneron Beauty Inc. Unit #11 380 Jamieson Parkway Cambridge, Ontario, N3C4N4 CANADA		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: teeth whitening kits; tooth whitening gels

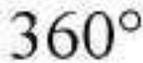
Grounds for Opposition

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.	2015834	Application Date	01/11/1996
Registration Date	11/12/1996	Foreign Priority Date	NONE
Word Mark	TOTAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1992/10/00 First Use In Commerce: 1992/10/00		

	oral care products, namely toothbrushes		
U.S. Registration No.	2142102	Application Date	09/26/1996
Registration Date	03/10/1998	Foreign Priority Date	NONE
Word Mark	TOTAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1995/03/22 First Use In Commerce: 1995/03/22 oral care products, namely, toothpaste		

U.S. Registration No.	2980009	Application Date	04/28/2004
Registration Date	07/26/2005	Foreign Priority Date	NONE
Word Mark	360°		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2005/02/00 First Use In Commerce: 2005/02/00 toothbrushes		

U.S. Registration No.	3238154	Application Date	04/26/2005
Registration Date	05/01/2007	Foreign Priority Date	NONE
Word Mark	360°		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2005/03/31 First Use In Commerce: 2005/03/31 TOOTHBRUSHES		

Attachments	78409574#TMSN.jpeg (1 page)(bytes) 78616715#TMSN.jpeg (1 page)(bytes) F1068173.pdf (21 pages)(76995 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	/s/ James D. Weinebrger
Name	James D. Weinberger
Date	08/16/2012

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

COLGATE-PALMOLIVE COMPANY,

Opposer,

-against-

SYNERON BEAUTY INC.,

Applicant.

NOTICE OF OPPOSITION

Colgate-Palmolive Company (“Opposer”), a corporation organized and existing under the laws of Delaware and having an office and principal place of business at 300 Park Avenue, New York, New York 10022, believes that it will be damaged by the issuance of a registration for the mark 360° TOTAL WHITENING to Syneron Beauty Inc. (“Applicant”) in International Class 3, applied for in Application Serial No. 85/523,203 and therefore opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1063(a).

As grounds therefore, Opposer alleges as follows:

1. Opposer has for many years been engaged in the manufacture, distribution, marketing and sale of a wide variety of oral care products, including toothpaste and toothbrushes.
2. For at least the past 17 years, Opposer has manufactured and marketed toothpaste and toothbrushes under the mark TOTAL. Colgate TOTAL® oral care products have been sold extensively throughout the U.S. with substantial sales and advertising expenditures.
3. Prior to any date upon which Applicant can rely, Opposer has manufactured and marketed toothpaste under the marks: COLGATE TOTAL WHITENING, COLGATE TOTAL ADVANCED WHITENING and COLGATE TOTAL ADVANCED FRESH + WHITENING.

4. Moreover, for at least the past 7 years, Opposer has manufactured and marketed toothbrushes under the mark 360°. 360°® products have been sold extensively throughout the U.S. with substantial sales and advertising expenditures.

5. Prior to any date upon which Applicant can rely, Opposer has manufactured and marketed toothbrushes under the marks: 360° OPTIC WHITE, 360° SURROUND, 360° SONIC POWER, 360° ACTIFLEX, 360° DEEP CLEAN, 360° SONIC POWER, 360° SENSITIVE PRO-RELIEF.

6. As a result of its reputation, use and substantial sales success, and Opposer's significant investment in advertising, TOTAL and 360° (collectively, the "Colgate Marks") have become strong trademarks identifying Opposer's products exclusively. As such, the Colgate Marks represent an enormous goodwill and are extremely valuable assets to Opposer.

7. Opposer is the owner of all right, title, and interest in and to the Colgate Marks in connection with toothbrushes and toothpaste based on first use in commerce at least as early as 1996 (TOTAL) and 2005 (360°).

8. Additionally, Opposer owns numerous U.S. trademark registrations for the Colgate Marks for oral care products and related goods, including, but not limited to, the following:

- TOTAL, U.S. Reg. No. 2,015,834, registered November 12, 1996 based on first use in October 1992, for "oral care products, namely toothbrushes" in International Class 21.
- TOTAL, U.S. Reg. No. 2,142,102, registered March 10, 1998 based on first use in March 1995, for "oral care products, namely toothpaste" in International Class 3.
- 360°, U.S. Reg. No. 2,980,009, registered July 26, 2005 based on first use in February 2005, for "toothbrushes" in International Class 21.

- 360° & Design, U.S. Reg. No. 3,238,154, registered May 1, 2007 based on first use in March 2005, for “toothbrushes” in International Class 21.

A printout from the TARR electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the registrations relied upon herein is attached hereto as Exhibit A.

9. The registrations for the Colgate Marks relied upon herein are valid, subsisting and in full effect and serve as *prima facie* evidence of the validity of the mark, pursuant to Section 33(a) of the Lanham Act, 15 U.S.C. § 1115(a). Additionally, three of the four registrations cited above, U.S. Reg. No. 2,142,102; U.S. Reg. No. 2,015,834; U.S. Reg. No. 2,980,009, have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and therefore serve as conclusive proof of Opposer’s exclusive right to use the Colgate Marks in connection with the goods identified therein, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

10. Upon information and belief, Applicant is a Canadian corporation with an office at Unit #11, 380 Jamieson Parkway, Cambridge, Ontario, Canada N3C4N4.

11. On January 23, 2012, years after Opposer first used and registered the Colgate Marks, Applicant filed an application with the U.S. Patent and Trademark Office to register the mark 360° TOTAL WHITENING for “teeth whitening kits; tooth whitening gels” in International Class 3, Application Serial No. 85/523,203 on an intent-to-use basis pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), disclaiming the exclusive right to use “360°” and “WHITENING” apart from the mark as shown in the application.

12. Upon information and belief, Applicant has not used the 360° TOTAL WHITENING mark in commerce in the United States.

13. The Colgate Marks have been used continuously and/or registered by Opposer since a date prior to any date on which Applicant can rely.

14. Opposer's TOTAL mark is identical to the dominant portion of Applicant's 360° TOTAL WHITENING mark in sight, sound, and commercial impression, given that Applicant has disclaimed the other two words, 360° and WHITENING.

15. Applicant's International Class 3 goods to be offered under the 360° TOTAL WHITENING mark are similar and/or related to International Class 3 goods sold under Opposer's Colgate Marks and, upon information and belief, will be sold to the same customers or types of customers to whom goods bearing Opposer's Colgate Marks are sold.

16. Based on the similarity of the marks and goods, consumers are likely to be deceived into falsely believing that the goods offered by Applicant under the 360° TOTAL WHITENING mark originate from or are otherwise associated with or endorsed by Opposer, or that there is some relationship between Applicant and Opposer or the goods of Applicant and Opposer, all to Opposer's injury and harm.

17. Moreover, despite the fact that Applicant has disclaimed rights to the mark 360°, Opposer's myriad products offered under the 360° mark further heightens the likelihood of consumer confusion as to the source of Applicant's goods sold under the 360° TOTAL WHITENING mark.

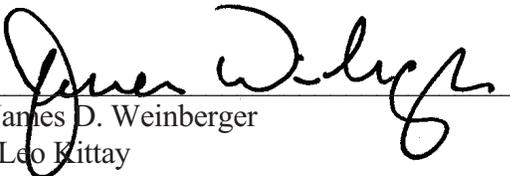
18. Thus, registration of the 360° TOTAL WHITENING mark in connection with the International Class 3 goods set forth in Application Serial No. 85/523,203 is likely to cause confusion, cause mistake, or to deceive the public into the false belief that the goods offered by Applicant under the 360° TOTAL WHITENING mark come from or are otherwise sponsored by or connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

19. By reason of the foregoing, Opposer is likely to be harmed by a registration of Application Serial No. 85/523,203 for the mark 360° TOTAL WHITENING in International Class 3.

THEREFORE, it is respectfully requested that this Opposition be sustained and that registration of the mark shown in Application Serial No. 85/523,203 in International Class 3 be refused in its entirety.

Dated: New York, New York
August 16, 2012

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
James D. Weinberger
Leo Kittay
866 United Nations Plaza
New York, New York 10017
Tel: (212) 813-5900
Email: jweinberger@frosszelnick.com
lkittay@frosszelnick.com

Attorneys for Opposer

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 2012-08-16 09:56:45 ET

Serial Number: 75041948 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2015834

Mark (words only): TOTAL

Standard Character claim: No

Current Status: The Trademark Trial and Appeal Board has terminated a cancellation proceeding. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Date of Status: 2011-11-29

Filing Date: 1996-01-11

Transformed into a National Application: No

Registration Date: 1996-11-12

Register: Principal

Law Office Assigned: LAW OFFICE 108

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

Current Location: 830 -Post Registration

Date In Location: 2007-02-03

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

1. Colgate-Palmolive Company

Address:

Colgate-Palmolive Company

300 Park Avenue

New York, NY 10022

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: [021](#)

Class Status: [Active](#)

[oral care products, namely toothbrushes](#)

Basis: [1\(a\)](#)

First Use Date: [1992-10-00](#)

First Use in Commerce Date: [1992-10-00](#)

ADDITIONAL INFORMATION

Prior Registration Number(s):

[1928463](#)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

[2011-11-29 - TTAB Release Case To Trademarks](#)

[2011-11-29 - Cancellation terminated for Proceeding](#)

[2011-11-29 - Cancellation dismissed for Proceeding](#)

[2010-10-07 - Cancellation Instituted No. 999999](#)

[2009-08-13 - Counter claim opp. for Proceeding No.](#)

[2007-02-03 - First renewal 10 year](#)

[2007-02-03 - Section 8 \(10-year\) accepted/ Section 9 granted](#)

[2007-01-25 - Assigned To Paralegal](#)

[2006-11-15 - Combined Section 8 \(10-year\)/Section 9 filed](#)

[2006-11-15 - TEAS Section 8 & 9 Received](#)

2006-09-15 - Case File In TICRS

2004-10-25 - TEAS Change Of Correspondence Received

2002-05-03 - Section 8 (6-year) accepted & Section 15 acknowledged

2002-03-07 - Section 8 (6-year) and Section 15 Filed

1996-11-12 - Registered - Principal Register

1996-08-20 - Published for opposition

1996-07-19 - Notice of publication

1996-06-06 - Approved for Pub - Principal Register (Initial exam)

1996-05-30 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

AMANDA SAMUEL

Correspondent

BRENDAN J O'ROURKE

PROSKAUER ROSE LLP

ELEVEN TIMES SQUARE

NEW YORK, NY 10036-8299

Phone Number: 212-310-2826

Fax Number: 212-310-3406

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-08-16 09:57:11 ET

Serial Number: [75172706 Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: [2142102](#)

Mark (words only): [TOTAL](#)

Standard Character claim: [No](#)

Current Status: [The Trademark Trial and Appeal Board has terminated a cancellation proceeding. For further information, see TTABVUE on the Trademark Trial and Appeal Board web page.](#)

Date of Status: [2011-11-29](#)

Filing Date: [1996-09-26](#)

Transformed into a National Application: [No](#)

Registration Date: [1998-03-10](#)

Register: [Principal](#)

Law Office Assigned: [LAW OFFICE 106](#)

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

Current Location: [830 -Post Registration](#)

Date In Location: [2008-03-05](#)

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

1. [Colgate-Palmolive Company](#)

Address:

[Colgate-Palmolive Company](#)

[300 Park Avenue](#)

[New York, NY 10022](#)

[United States](#)

Legal Entity Type: [Corporation](#)

State or Country of Incorporation: [Delaware](#)

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

oral care products, namely, toothpaste

Basis: 1(a)

First Use Date: 1995-03-22

First Use in Commerce Date: 1995-03-22

ADDITIONAL INFORMATION

Prior Registration Number(s):

1928463

2015834

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

2011-11-29 - TTAB Release Case To Trademarks

2011-11-29 - Cancellation terminated for Proceeding

2011-11-29 - Cancellation dismissed for Proceeding

2011-06-21 - Attorney Revoked And/Or Appointed

2011-06-21 - TEAS Revoke/Appoint Attorney Received

2010-10-07 - Cancellation Instituted No. 999999

2010-05-20 - Notice Of Suit

2009-08-26 - Notice Of Suit

2009-08-13 - Counter claim opp. for Proceeding No.

2008-03-05 - First renewal 10 year

2008-03-05 - Section 8 (10-year) accepted/ Section 9 granted

2008-03-03 - Assigned To Paralegal

2008-02-26 - TEAS Section 8 & 9 Received

2007-03-29 - Case File In TICRS

2006-03-13 - Undeliverable Mail - No Action Taken

2006-03-07 - PAPER RECEIVED

2006-02-15 - Section 8 (6-year) accepted & Section 15 acknowledged

2006-02-15 - Assigned To Paralegal

2004-02-04 - Section 8 (6-year) and Section 15 Filed

2004-02-04 - TEAS Section 8 & 15 Received

1998-03-10 - Registered - Principal Register

1997-12-16 - Published for opposition

1997-11-14 - Notice of publication

1997-10-09 - Approved for Pub - Principal Register (Initial exam)

1997-09-08 - Communication received from applicant

1997-03-27 - Non-final action mailed

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Nadine Flynn

Correspondent

BRENDAN J O'ROURKE
PROSKAUER ROSE LLP
ELEVEN TIMES SQUARE
NEW YORK, NY 10036-8299
Phone Number: 212.310.3647
Fax Number: 212.310.3406

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-08-16 09:57:47 ET

Serial Number: 78409574 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2980009

Mark

360°

(words only): 360°

Standard Character claim: Yes

Current Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Date of Status: 2010-08-17

Filing Date: 2004-04-28

Transformed into a National Application: No

Registration Date: 2005-07-26

Register: Principal

Law Office Assigned: LAW OFFICE 110

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

Current Location: M10 -TMO Law Office 110

Date In Location: 2010-08-17

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

1. Colgate-Palmolive Company

Address:

Colgate-Palmolive Company
300 Park Avenue
New York, NY 10022
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware**Phone Number:** (212) 310-2121**Fax Number:** (212) 310-3406

GOODS AND/OR SERVICES

International Class: 021**Class Status:** Active

toothbrushes

Basis: 1(a)**First Use Date:** 2005-02-00**First Use in Commerce Date:** 2005-02-00

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0001305**International Registration Number:** (NOT AVAILABLE)**International Registration Date:** (DATE NOT AVAILABLE)**Original Filing Date with USPTO:** 2005-04-22**International Registration Status:** Certification Rejected By MPU**Date of International Registration Status:** 2005-04-26**International Registration Renewal Date:** (DATE NOT AVAILABLE)**Irregularity Reply by Date:** (DATE NOT AVAILABLE)**Madrid History:**

04-26-2005 - 09:48:23 - Application For IR Rejected By MPU

04-22-2005 - 13:05:54 - New Application For IR Received

PROSECUTION HISTORY

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

2010-08-17 - Section 8 (6-year) accepted & Section 15 acknowledged
2010-08-17 - Case Assigned To Post Registration Paralegal
2010-07-27 - TEAS Section 8 & 15 Received
2005-07-26 - Registered - Principal Register
2005-06-02 - Law Office Registration Review Completed
2005-05-27 - Assigned To LIE
2005-05-26 - Allowed for Registration - Principal Register (SOU accepted)
2005-05-24 - Statement Of Use Processing Complete
2005-04-29 - Use Amendment Filed
2005-04-29 - TEAS Statement of Use Received
2005-04-19 - NOA Mailed - SOU Required From Applicant
2005-01-25 - Published for opposition
2005-01-05 - Notice of publication
2004-11-29 - Law Office Publication Review Completed
2004-11-29 - Assigned To LIE
2004-11-23 - Approved For Pub - Principal Register
2004-11-23 - Assigned To Examiner
2004-05-06 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Song-Chu Lee

Correspondent

Song-Chu Lee

COLGATE-PALMOLIVE COMPANY

300 PARK AVENUE

NEW YORK NY 10022

Phone Number: (212) 310-2204

Fax Number: (212) 310-3406

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2012-08-16 09:58:21 ET

Serial Number: 78616715 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 3238154

Mark



(words only): 360°

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2007-05-01

Filing Date: 2005-04-26

Transformed into a National Application: No

Registration Date: 2007-05-01

Register: Principal

Law Office Assigned: LAW OFFICE 116

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

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-03-27

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

1. Colgate-Palmolive Company

Address:

Colgate-Palmolive Company

300 Park Avenue
New York, NY 10022
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware
Phone Number: 212.310.2121
Fax Number: 212.287.0310

GOODS AND/OR SERVICES

International Class: 021
Class Status: Active
TOOTHBRUSHES
Basis: 1(a)
First Use Date: 2005-03-31
First Use in Commerce Date: 2005-03-31

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) red, yellow, blue, silver and white is/are claimed as a feature of the mark.

Description of Mark and Any Color Part(s): The mark consists of THE NUMBER "360" AND THE DEGREE SYMBOL APPEAR IN THE COLOR WHITE; THE OVAL IMMEDIATELY BEHIND THE 360 APPEARS IN BLUE. THE OUTLINE OF THE OVAL APPEARS IN BLUE AND THE OUTSIDE OVAL APPEARS WITH THE COLORS RED, YELLOW, BLUE, SILVER AND WHITE.

Design Search Code(s):

26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric
26.03.21 - Ovals that are completely or partially shaded

MADRID PROTOCOL INFORMATION

USPTO Reference Number: A0001425
International Registration Number: 0851995
International Registration Date: 2005-05-06
Original Filing Date with USPTO: 2005-05-06
International Registration Status: Application For IR Registered By IB
Date of International Registration Status: 2005-07-14
International Registration Renewal Date: 2015-05-06
Irregularity Reply by Date: (DATE NOT AVAILABLE)

Madrid History:

08-22-2007 - 08:08:48 - Ceasing Of Effect Reviewed - No Action Required By Office
08-01-2007 - 07:41:55 - Partial Ceasing Of Effect To Be Processed
07-14-2005 - 15:37:15 - Application For IR Registered By IB

05-10-2005 - 16:07:00 - IR Certified And Sent To IB
05-10-2005 - 07:44:32 - Manually Certified
05-09-2005 - 22:21:50 - New Application For IR Received

PROSECUTION HISTORY

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

2012-07-17 - Attorney Revoked And/Or Appointed
2012-07-17 - TEAS Revoke/Appoint Attorney Received
2007-05-01 - Registered - Principal Register
2007-03-15 - Law Office Registration Review Completed
2007-03-12 - Assigned To LIE
2007-02-14 - Allowed for Registration - Principal Register (SOU accepted)
2007-02-06 - Statement Of Use Processing Complete
2006-12-07 - Use Amendment Filed
2006-12-07 - TEAS Statement of Use Received
2006-08-15 - NOA Mailed - SOU Required From Applicant
2006-05-23 - Published for opposition
2006-05-03 - Notice of publication
2006-03-31 - Law Office Publication Review Completed
2006-03-24 - Assigned To LIE
2006-03-20 - Approved For Pub - Principal Register
2006-03-20 - Teas/Email Correspondence Entered
2006-03-13 - Communication received from applicant
2006-03-13 - TEAS Response to Office Action Received
2005-12-02 - Non-final action e-mailed

2005-12-02 - Non-Final Action Written

2005-11-25 - Assigned To Examiner

2005-05-09 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Melanie Bradley

Correspondent

MELANIE BRADLEY

COLGATE-PALMOLIVE COMPANY

300 PARK AVENUE

NEW YORK NY 10022

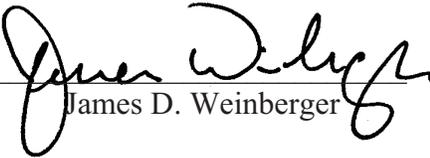
Phone Number: 212.310.3647

Fax Number: 212.310.3406

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was sent by first class mail postage pre-paid to Applicant's Attorney of Record, this 16th day of August, 2012, to the following:

SYLVIA MULHOLLAND, ESQ.
LAW OFFICE OF SYLVIA MULHOLLAND
5405 WILSHIRE BLVD STE 220
LOS ANGELES, CA 90036-4203


James D. Weinberger