

ESTTA Tracking number: **ESTTA497840**

Filing date: **10/02/2012**

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	Carina Chazanas
Granted to Date of previous extension	10/03/2012
Address	c/o Marc J. Kesten - 9220 NW 72nd Street Parkland, FL 33067 UNITED STATES
Party who filed Extension of time to oppose	CarinaChazanas
Relationship to party who filed Extension of time to oppose	Opposer's name has been changed to reflect its proper spelling; i.e., Carina Chazanas versus CarinaChazanas

Attorney information	Marc Kesten, Esq. 9220 NW 72nd Street Parkland, FL 33067 UNITED STATES marc@kestenlex.com Phone:(954) 600-9500
----------------------	--

Applicant Information

Application No	85513483	Publication date	06/05/2012
Opposition Filing Date	10/02/2012	Opposition Period Ends	10/03/2012
Applicant	Ambergill Manufacturing International LLC 190 Garfield Pl. # 2B Brooklyn, NY 11215 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2011/08/09 First Use In Commerce: 2012/01/03 All goods and services in the class are opposed, namely: Anti-aging moisturizer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4135923	Application Date	01/20/2010
-----------------------	---------	------------------	------------

Registration Date	05/01/2012	Foreign Priority Date	NONE
Word Mark	TAUNT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 Fragrances; Fragrances and perfumery; Fragrances for personal use; Perfume		

Attachments	77916206#TMSN.jpeg (1 page)(bytes) Notice of Opposition - October 2, 2012.PDF (5 pages)(865267 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	/marc kesten/
Name	Marc Kesten, Esq.
Date	10/02/2012

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

In the matter of Application Ser. No. 85/513,483
Mark: TAUN
Filing Date: January 10, 2012
Published: June 5, 2012

CARINA CHAZANAS, an individual,)	OPPOSITION NO. _____
)	
Opposer,)	
)	
v.)	<u>NOTICE OF OPPOSITION</u>
)	
AMBERGILL MANUFACTURING)	
INTERNATIONAL, LLC, a New York limited)	
liability company,)	
)	
Registrant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, Carina Chazanas (“Opposer”), an individual having a mailing address of c/o Marc J. Kesten, 9220 NW 72nd Street, Parkland, Florida 33067, believes that she will be damaged by the registration of the mark shown in Serial No. 85/513,483, and hereby opposes the same under Section 13 of the Lanham Act, 15 U.S.C. § 1063.

This Notice of Opposition is timely filed as the mark, TAUN, was published for opposition on June 5, 2012. On July 4, 2012, Opposer filed a “First 90 Day Request for Extension of Time for Good Cause.” The Trademark Trial and Appeal Board (“TTAB”) granted the request for the 90-day extension on July 4, 2012. The current deadline for filing the Notice of Opposition is October 3, 2012.

As grounds for this Notice of Opposition, Opposer asserts and alleges as follows:

1. Applicant Ambergill Manufacturing International, LLC (“Applicant”) is seeking to obtain under the provisions of the Trademark Act of 1946 registration on the Principal of the trademark TAUN for goods in International Class 03 for an “anti-aging moisturizer,” based on use pursuant to section 1(a).

2. Applicant claims to have used its TAUN trademark on and/or in connection with an anti-aging moisturize, anywhere, as early as August 9, 2011.

3. Applicant claims to have used its TAUN trademark on and/or in connection with an anti-aging moisturizer, in interstate commerce, as early as January 3, 2012.

4. Opposer is informed and believes that Applicant is a New York limited liability company with a principal place of business located at 190 Garfield Pl. # 2B Brooklyn New York 11215, as listed in its trademark application.

5. Opposer, Carina Chazanas, an individual currently residing in Tucson, Arizona, is the owner of the trademark TAUNT for goods in International Class 03 for “fragrances; fragrances and perfumery; fragrances for personal use; perfume.”

6. Opposer first used the mark TAUNT anywhere and in interstate commerce as early as November 30, 2010, on and/or in connection with her fragrances, fragrances and perfumery, fragrances for personal use, and perfume.

7. Opposer’s TAUNT trademark was registered with the U.S. Patent and Trademark Office on May 1, 2012, and issued Reg. No. 4,135,923.

8. Opposer has continuously used the TAUNT trademark on and/or in connection with her goods since November 2010.

9. The good recited in Applicant's application is related to the goods for which Opposer's TAUNT trademark are registered.

10. The only difference between Applicant's TAUN trademark and Opposer's TAUNT trademark is the letter "T," which follows the term "TAUN" in Opposer's trademark.

11. Applicant's use of its TAUN trademark for the goods recited in Application Serial No. 85/513,483 is likely to cause confusion, mistake or deception in that consumers and others are likely to believe that Applicant's good(s) is/are sponsored, authorized or approved by, or associated with or in some way legitimately connection with Opposer, when they are not.

12. Registration of the mark shown in Application Serial No. 85/513,483 will result in damage to Opposer under the provisions of Section 2(d) of the U.S. Trademark Act, 15 U.S.C. § 1052, pursuant to the allegations and assertions stated above.

13. Opposer will be damaged if Applicant obtains a registration for the TAUN trademark because Applicant will obtain statutory rights in the mark in violation and derogation of the established prior rights of Opposer in her trademark.

14. The required filing fee of \$300 to oppose the registration in one class has been submitted electronically with this Notice of Opposition.

15. WHEREFORE, Opposer requests that the application to register the mark TAUN, Serial No. 85/513,483, filed January 10, 2012, be denied and that this Opposition be sustained.

/////

/////

/////

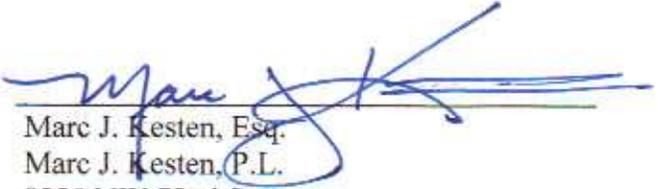
/////

Please recognize Marc J. Kesten, a member of the State Bar of Florida, #691801, whose office mailing address is 9220 NW 72nd Street, Parkland, Florida 33067, as the attorney for Opposer in this proceeding.

Dated: October 2, 2012

Respectfully submitted,

MARC J. KESTEN, P.L.

By: 

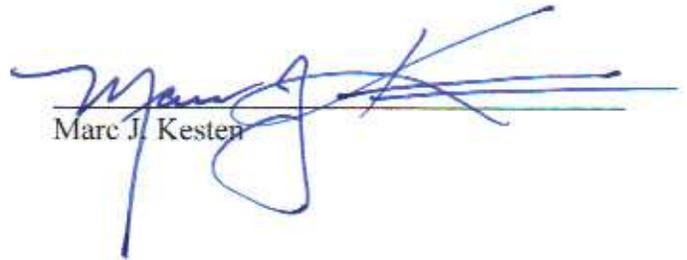
Marc J. Kesten, Esq.
Marc J. Kesten, P.L.
9220 NW 72nd Street
Parkland, Florida 33067
Telephone: (954) 600-9500
Facsimile: (888) 255-1397
Email: marc@kestensex.com

Attorney for Opposer, Carina Chazanas

CERTIFICATE OF SERVICE

I, Marc J. Kesten, hereby certify that I caused one copy of this "Notice of Opposition" to be served by first class U.S. mail, postage prepaid, on this 2nd day of October, 2012, on Applicant's Correspondence of Record:

**Ambergill Manufacturing International LLC
190 Garfield Place, #2B
Brooklyn, New York 11215-2119**


Marc J. Kesten