

ESTTA Tracking number: **ESTTA549411**

Filing date: **07/19/2013**

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	The Armor All/STP Products Company
Granted to Date of previous extension	07/20/2013
Address	44 Old Ridgebury Road, Suite 300 Danbury, CT 06810 UNITED STATES
Correspondence information	Frank Judge Vice President, General Counsel The Armor All/STP Products Company 44 Old Ridgebury Road, Suite 300 Danbury, CT 06810 UNITED STATES frank.judge@armoredautogroup.com Phone:(203) 205-2904

Applicant Information

Application No	85884212	Publication date	05/21/2013
Opposition Filing Date	07/19/2013	Opposition Period Ends	07/20/2013
Applicant	American Covers, Inc. 102 West 12200 South Draper, UT 84020 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Wipes impregnated with a cleaning preparation; Leather cleaning preparations; Automobile cleaning preparations; Automobile, tire, glass, carpet and wheel cleaning preparations; Automobile and car wax preparations

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
The mark comprises matter that, as a whole, is functional	Trademark Act section 2(e)(5)
Genericness	Trademark Act section 23

Attachments	Opposition to Ser. No. 85884212.pdf(162042 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	/Frank Judge/
Name	Frank Judge
Date	07/19/2013

3. Opposer manufactures and sells, among other goods, wipes impregnated with a cleaning preparation, leather cleaning preparations, automobile cleaning preparations, automobile tire, glass, carpet and wheel cleaning preparations, automobile and car wax preparations. Opposer's goods are offered for sale in mass retail stores, automotive retail stores, automotive specialty stores, food, drug and convenience retail stores and via the Internet, including www.armorall.com.

4. Opposer uses the phrase "refresh your car's ..." to describe properties of Opposer's range of automotive cleaning wipes and other cleaning products in Opposer's advertising and sale of its products. For example, the label of Opposer's Armor All Air Freshening Protectant Wipes includes the following descriptive statement: "Refresh your car's interior while also preserving its rich look."

5. A cursory Internet search for (1) "refresh" in relation to "wipes" and (2) "refresh" in relation to "cleaning" conducted on July 17, 2013 returned 2,040,000 and 28,000,000 results, respectively, including descriptive references to the properties of many cleaning wipes and other cleaning products from numerous manufacturers.

6. On March 22, 2013, Applicant filed Application Serial No. 85/884,212 to register REFRESH YOUR CAR ("Application"). The Application was published in the *Official Gazette* on May 21, 2013. As published, the Application covers "Wipes impregnated with a cleaning preparation; Leather cleaning preparations; Automobile cleaning preparations; Automobile, tire, glass, carpet and wheel cleaning preparations; Automobile and car wax preparations" in Class 3.

**GROUNDS FOR OPPOSITION:
MERELY DESCRIPTIVE OR GENERIC SLOGAN**

7. Opposer incorporates by reference paragraphs 1 through 6 as if fully set forth herein.

8. “Refresh Your Car” is merely a descriptive term and/or generic slogan that describes the purpose and purportedly main function, attribute or property of Applicant’s products.

9. There is a competitive need for competitors in the industry to use the informational terms “refresh” and “refresh your car” in relation to common product claims or other attributes associated with multi-purpose and automotive cleaning products.

10. The dominant part of “Refresh Your Car” is the term “refresh” and in combination and context as a unitary mark the slogan is merely informational in nature and does not result in a unique, incongruous or otherwise non-descriptive meaning in relation to the Applicant’s goods.

11. The phrase “your car” is clearly generic when applied to the Applicant’s goods.

12. “Refresh Your Car” cannot be registered because it is not a trademark by which the goods of Applicant may be distinguished from goods of others.

13. In the alternative, “Refresh Your Car,” when used on or in connection with the Applicant’s goods is merely descriptive of them.

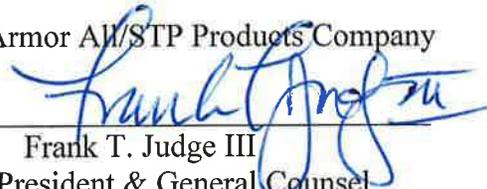
14. Accordingly, the Applicant’s “Refresh Your Car” mark is unregistrable under Section 2(e) of the Lanham Act, 15 U.S.C. § 1052(e), and registration should be refused.

WHEREFORE, The Armor All/STP Products Company believes it would be damaged by registration of the mark shown in the Application, and respectfully requests that the Board refuse registration of Trademark Application Serial No. 85/884,212 and that this Opposition be sustained in favor of Opposer.

Dated: Danbury, Connecticut
July 19, 2013

Respectfully submitted,

The Armor All/STP Products Company

By: 

Frank T. Judge III

Vice President & General Counsel

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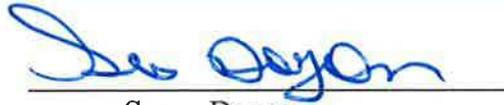
Email: frank.judge@armoredautogroup.com

Attorney for Opposer The Armor All/STP Products Company

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July, 2013, a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by First Class Mail, Postage Prepaid, on Applicant at its address of record as follows:

Peter M. de Jonge, Esq,
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8180 S. 700 E Suite 350
Sandy, Utah 84070-0561



Susan Doyon