

ESTTA Tracking number: **ESTTA594015**

Filing date: **03/21/2014**

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	Guinot
Granted to Date of previous extension	03/26/2014
Address	1 rue de la Paix Paris, 75002 FRANCE

Attorney information	Jay Geller 12100 Wilshire Bl., Suite 500 Los Angeles, CA 90025 UNITED STATES jhgeller@aol.com Phone:3109799966
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Applicant Information

Application No	85840883	Publication date	11/26/2013
Opposition Filing Date	03/21/2014	Opposition Period Ends	03/26/2014
Applicant	Ebel International Limited Cedar House 41 Cedar Avenue Hamilton, BMX HM12 BMX		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Fragrances, perfumes, cologne, deodorants for personal use, aftershave lotion
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Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Applicant lacked a bona fide intent to use the mark in commerce at the time of filing

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85885354	Application Date	03/25/2013
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	SUMMUM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Body milk; Essential oils for personal use; Make-up; Moisturizing milk; Non-medicated sun care preparations; Skin cream; Skin lotion; Skin moisturizer; Skin moisturizing gel; Skin soap; Soaps for body care; Soaps for personal use; Soaps for face and body

Attachments	85885354#TMSN.jpeg(bytes) SummumOppositionspdf.pdf(53651 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	/jhgeller/
Name	Jay Geller
Date	03/21/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Guinot, a French societe par actions simpliffee,)
)
) NOTICE OF OPPOSITION
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) Opposer,)
) Serial No. 85840883
) v.) Mark: SUMMUM
) Ebel International Limited)
)
) Applicant.)
)
)

To The Commissioner of Patents and Trademarks:

Guinot, a French societe par actions simpliffee hereby opposes registration of Applicant's trademark, SUMMUM, published in the Official Gazette of November 26, 2013. The following allegations are submitted in support of this Notice of Opposition:

1. Opposer is a French societe par actions simpliffee, with its principal place of business in Paris, France.

2. Applicant, upon information and belief, is a corporation under the laws of Bermuda with its principal place of business in Hamilton, Bermuda.

3. Applicant has applied for serial number 85840883 for the trademark SUMMUM claiming a bona fide intent to use. The application was filed on February 5, 2013 for fragrances and deodorants.

4. Opposer is the owner of French registration 3762041 issued in 2010 and European Community registration No. 009332776 issued in 2010 for the mark SUMMUM, long prior to the date of filing of the subject application. On March 25, 2013, Opposer filed an application to register the mark SUMMUM, Serial No. 85885354 for a variety of personal care goods in Class 3 based upon its foreign registrations. Opposer's application does not request registration for any fragranced products or deodorants.

5. Applicant's mark and Opposer's trademark are identical in sound, spelling and appearance.

6. The goods upon which applicant intends to use its mark SUMMUM are closely related to the goods covered by Opposer's foreign registrations and in its pending application.

7. The likelihood of confusion in the marketplace exists between Opposer's trademark when applied to the goods of the respective parties, and applicant's trademark.

8. Applicant's application if matured into a registration will represent a false connection with Opposer.

9. Applicant lacked a bona fide intent to use the mark in commerce at the time it filed its application to register SUMMUM.

10. Registration of applicant's trademark will result in damage to Opposer's trademark and Opposer's business.

Wherefore, Opposer requests that this Opposition be sustained and that the registration to the Applicant be refused.

Dated: March 21, 2014 /jhgeller/
Jay H. Geller
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I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mauricio Muniz, O'Neill & Borges, LLC, 250 Munoz Rivera Ave., Suite 800, San Juan, PR 00918-1813 on March 21, 2014.

/jhgeller/
Jay H. Geller