

ESTTA Tracking number: **ESTTA597862**

Filing date: **04/10/2014**

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	Clarins Fragrance Group S.A.S.
Granted to Date of previous extension	04/13/2014
Address	4 rue Berteaux Dumas Neuilly-sur-Seine, 92200 FRANCE
Attorney information	Mary Catherine Merz Merz & Associates, P.C. 1010 Lake Street, Suite 400 Oak Park, IL 60301-1135 UNITED STATES doctet@merz-law.com, jwidmer@merz-law.com Phone:708-383-8801

Applicant Information

Application No	85669824	Publication date	10/15/2013
Opposition Filing Date	04/10/2014	Opposition Period Ends	04/13/2014
Applicant	La Pierres, Inc. 1620 Rangewood Pl San Jose, CA 95138 CANADA		

Goods/Services Affected by Opposition

<p>Class 003. First Use: 2012/07/04 First Use In Commerce: 2012/07/04 All goods and services in the class are opposed, namely: (Based on Use in Commerce) After-shave lotions; After-sun lotions; Age retardant lotion; Bathing lotions; Beauty lotions; Body lotion; Body lotions; Cosmetic preparations, namely, firming lotions; Cosmetic sun milk lotions; Cosmetic suntanlotions; Cosmetics in the form of milks, lotions and emulsions; Face and body lotions; Hand lotions; Lotions for cosmetic purposes; Lotions for face and body care; Massage lotions; Non-medicated skincare preparations, namely, creams, lotions, gels, toners, cleaners and peels; Skin creams, beauty serums and body powders</p>
<p>Class 044. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: (Based on Intent to Use) Providing bothin-person and on-line vibrational energy healing services; Providing on-site beauty services, namely, hair styling and make-up application services; Salon services, namely, facials, manicures and massages that are provided in a trailer outfitted with chair, table and sink accessories; Services of a make-up artist; Skin care salons; Skin treatment, namely, the injection of dermal fillers to reducethe appearance of facial fine lines; Skin treatments, namely, the injection of dermal filling agents and neuromuscular blocking agents to reduce the appearanceof facial lines and wrinkles; beauty consultation services</p>

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.	1843424	Application Date	02/16/1993
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 perfume		

U.S. Registration No.	3051023	Application Date	07/13/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 [Bleaching preparations and detergentsfor laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes;] face, body andhand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and bodypowders		

U.S. Registration No.	3680781	Application Date	03/27/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	ANGEL SUNESSENCE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2009/03/02 First Use In Commerce: 2009/04/00 Perfumary and thereto related perfumed products, namely, eau de toilette

Attachments	79004618#TMSN.jpeg(bytes) 77433043#TMSN.jpeg(bytes) 23997.Notice of Opposition.pdf(34051 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	/Jennifer A. Widmer/
Name	Jennifer A. Widmer
Date	04/10/2014

place of business located at 1620 Rangewood Place, San Jose, California 95138.

2. As evidenced by the publication of Serial No. 85/669,824 in the Official Gazette of October 15, 2013, Applicant seeks to register ANGELFORMULA ("Applicant's Mark") in connection with

"after-shave lotions; after-sun lotions; age retardant lotion; bathing lotions; beauty lotions; body lotion; body lotions; cosmetic preparations, namely, firming lotions; cosmetic sun milk lotions; cosmetic suntan lotions; cosmetics in the form of milks, lotions and emulsions; face and body lotions; hand lotions; lotions for cosmetic purposes; lotions for face and body care; massage lotions; non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels; skin creams, beauty serums and body powders" in Class 3; and

"providing both in-person and on-line vibrational energy healing services; Providing on-site beauty services, namely, hair styling and make-up application services; Salon services, namely, facials, manicures and massages that are provided in a trailer outfitted with chair, table and sink accessories; Services of a make-up artist; Skin care salons; Skin treatment, namely, the injection of dermal fillers to reduce the appearance of facial fine lines; Skin treatments, namely, the injection of dermal filling agents and neuromuscular blocking agents to reduce the appearance of facial lines and wrinkles; beauty consultation services" in Class 44.

3. Upon information and belief, Applicant filed Serial No. 85/669,824 on July 5, 2012 under Section 1(a) of the Trademark Act, 15 U.S.C. §1051(a), based upon use of Applicant's Mark in connection with Applicant's Class 3 goods, and under Section 1(b) of the Trademark Act, 15 U.S.C. §1051(b), based upon intent

to use Applicant's Mark in connection with Applicant's Class 44 services.

4. For at least 19 years prior to Applicant's first use date for the Class 3 goods and the application date for the Class 44 goods in Serial No. 85/669,824, Opposer adopted and continuously has used the mark ANGEL in connection with its goods sold in the United States.

5. Opposer is the owner of the following U.S. Trademark Registrations for its ANGEL mark (hereinafter the "ANGEL Marks"):

Registration No. 1,843,424 for ANGEL for "perfume" in Class 3, which is incontestable;

Registration No. 3,051,023 for ANGEL Stylized for "face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders" in Class 3, which is incontestable; and

Registration No. 3,680,781 for ANGEL SUNESSENCE for "perfumery and thereto related perfumed products, namely, eau de toilette" in Class 3.

6. The above-identified registrations are valid, subsisting, uncanceled and are evidence of Opposer's exclusive right to use ANGEL in commerce in connection with the goods specified in the registrations.

7. Opposer's use of the ANGEL Marks has not been abandoned. Opposer has sold a tremendous amount of its ANGEL-branded goods through retailers, including online retailers, throughout the United States, and its goods are associated with the ANGEL Marks among customers and the relevant trade.

8. In addition to its registered trademark rights, Opposer owns non-registered statutory and common law rights in and to the ANGEL Marks in the United States.

9. Applicant has no license, consent or permission from Opposer to use or register ANGELFORMULA.

10. Applicant's proposed mark ANGELFORMULA so resembles the ANGEL Marks that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, Applicant's Mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that the goods and services in Serial No. 85/669,824 originate with Opposer or otherwise are authorized, licensed or sponsored by Opposer.

11. By reason of all the foregoing, Opposer will be gravely damaged by the registration of Applicant's ANGELFORMULA mark for the goods and services in Serial No. 85/669,824,

because registration of that mark would be in violation of Opposer's trademark rights.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained in favor of Opposer and that Serial No. 85/669,824 be denied registration. Opposer submits herewith its payment of the \$600 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

CLARINS FRAGRANCE GROUP S.A.S.

Date: April 10, 2014

By:



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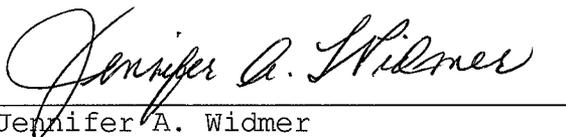
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Applicant by First Class Mail this April 10, 2014 addressed to:

Leon E. Jew
Jew & Associates
5776 Stoneridge Mall Road, Ste. 288
Pleasanton, CA 94588-4523

By:



Jennifer A. Widmer