

ESTTA Tracking number: **ESTTA626598**

Filing date: **09/11/2014**

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	Kosan Kozmetik Sanayi Ve Ticaret Anonim Sirketi
Granted to Date of previous extension	09/20/2014
Address	Gebze Organize Sanayi Bolgesilhsan Dede Cad. No. 133 Gebze, Kocaeli, TR-41480 TURKEY

Attorney information	P. Jay Hines Muncy, Geissler, Olds & Lowe, P.C. 4000 Legato Road Suite 310 Fairfax, VA 22033 UNITED STATES mailroom@mg-ip.com Phone:703-621-7140
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**Applicant Information**

Application No	86080166	Publication date	07/22/2014
Opposition Filing Date	09/11/2014	Opposition Period Ends	09/20/2014
Applicants	Asam, Marcus Feringastrasse 12A Unterfoehring, D-85774 GERMANY  Asam, Mirjam Feringastrasse 12A Unterfoehring, D-85774 GERMANY  Ruth, Axel Feringastrasse 12A Unterfoehring, D-85774 GERMANY		

**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: General purpose cleaning, polishing and abrasive liquids and powders; bleaching preparations for laundry use; cleaning, polishing, scouring preparations; general purpose abrasive liquids and powders; skin soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices
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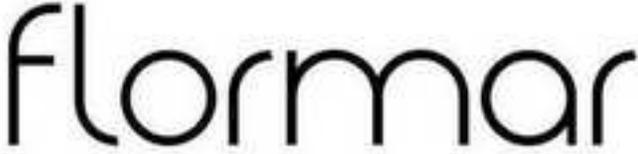
**Grounds for Opposition**

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.	4472860	Application Date	11/06/2006
Registration Date	01/28/2014	Foreign Priority Date	NONE
Word Mark	FLORMAR TURK MALI		
Design Mark			
Description of Mark	The mark consists of the wording "FLORMAR TURK MALI" where the wording "TURK MALI" is located inside an oval.		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTHWASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES; CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES</p>		

U.S. Application No.	79115824	Application Date	01/18/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FLORMAR		

Design Mark	
Description of Mark	The mark consists of the stylized wording "FLORMAR".
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>Soaps for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth-washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, after-shave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies</p>

Attachments	<p>76668601#TMSN.png( bytes )  79115824#TMSN.png( bytes )  2014-09-11 Notice of Opposition.pdf(418224 bytes )</p>
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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	/pjh/
Name	P. Jay Hines
Date	09/11/2014



for personal use, bath foam and salt, shampoos, hair tonics, hair conditioners, hair lotions, styling gel, brilliantine, preparations for hair cleaning, hair waving preparations, hair dyes, hair sprays, depilatory preparations, mouth washes not for medical purposes, tooth pastes, cosmetic creams and lotions, essential oils, make up powders, sun-tanning preparations, shaving foam and soap, cosmetic preparations for skin care, cleaning preparations for skin, skin tonics, moisturizers, cosmetic creams, beauty masks, make-up, make-up powder, make-up preparations, mascaras, cosmetic pencils, lipsticks, nail polish, nail varnish, nail polish remover, make-up removers, perfumes, colognes, aftershave lotions and creams, deodorants for personal use, baby lotions, baby oil, baby powder and skin tonics for cosmetic use, cosmetic creams, cleaning milk for babies.

3. Commencing long prior to Applicant’s filing date, Opposer has used, and is now using Opposer’s FLORMAR mark (hereinafter sometimes referred to as “Opposer’s Mark” or “Mark”) in connection with the goods outlined in Paragraph 2 in commerce.

4. Opposer is the owner of, and will rely herein, upon the following Federal trademark registration and application covering goods in International Class 3 and the common law rights afforded by use thereof:

<u>MARK</u>	<u>REGISTRATION NO./APPLICATION NO.</u>	<u>ISSUED/FILED</u>
FLORMAR TURK MALI & Design	4472860	January 28, 2014
FLORMAR	79115824	January 18, 2012

A copy of the listed Registration is attached hereto as Exhibit 1. Said registered mark of Opposer is in full force and effect on the Principal Register and operates as prima facie evidence of Opposer’s ownership of said mark and its exclusive right to use the same in commerce throughout the United States.

5. Since its initial use of the aforementioned Mark, Opposer has made a substantial investment in promoting its services under its Mark. Opposer has extensively used, promoted and offered Opposer’s services in connection with Opposer’s Mark to the public through various channels of trade in commerce, with the result that Opposer’s customers and the public in general have come to know and recognize Opposer’s Mark and associate same with Opposer and/or services rendered by Opposer. Opposer has built extensive goodwill in connection with the provision of its services under its

Mark.

7. Upon information and belief, notwithstanding Opposer's rights in and to its Mark, on October 1, 2013, Applicant filed an application for registration of the alleged trademark FLORA MARE & Design: "General purpose cleaning, polishing and abrasive liquids and powders; bleaching preparations for laundry use; cleaning, polishing, scouring preparations; general purpose abrasive liquids and powders; skin soaps; perfumery, essential oils, cosmetics, hair lotions;" in International Class 3. Said application was assigned Serial No. 86080166 and was published for Opposition in the Official Gazette of July 22, 2014.

8. Applicant's mark so resemble Opposer's Mark as to be likely, when used in connection with the goods of Applicant, to cause confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

10. Opposer, upon information and belief, avers that its customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's goods marketed under Applicant's alleged marks and misled into believing that such goods are produced by, emanate from, or are otherwise in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

WHEREFORE, this Opposer, Kosan Kozmetik Sanayi ve Ticaret Anonim Sirketi, believes and avers that it is being and will continue to be damaged by registration of Applicant's mark as aforesaid, and prays that said Application Serial Nos. 86080166 be rejected, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

Opposer has appointed P. Jay Hines, a member of the law firm of Muncy, Geissler, Olds & Lowe, P.C., and member of the Bar of the state of Virginia and the District of Columbia, to prosecute this opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

P. Jay Hines  
Muncy, Geissler, Olds & Lowe, P.C.  
4000 Legato Road, Suite 310  
Fairfax, VA 22033  
Tel: 703-621-7140  
Fax: 703-621-7155

The filing fee of \$300.00 for this opposition is being paid online by credit card. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Opposer's Deposit Account No. 503828.

Respectfully submitted,

**KOSAN KOZMETIK SANAYI VE TIKARET  
ANONIM SIRKETI**

Date: September 11, 2014

By: 

P. Jay Hines

Muncy, Geissler, Olds & Lowe, P.C.

4000 Legato Road, Suite 310

Fairfax, VA 22033

Tel: 703-621-7140

Fax: 703-621-7155

[jh@mg-ip.com](mailto:jh@mg-ip.com)

CERTIFICATE OF TRANSMISSION AND SERVICE

I certify that the foregoing NOTICE OF OPPOSITION is being electronically filed with:

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313

and that the foregoing NOTICE OF OPPOSITION is being sent via first class mail to:

Dermot M. Sheridan  
Epstein Drangel LLP  
60 E 42<sup>nd</sup> Street, Suite 2410  
New York, New York 10165-0011

This 11th day of September, 2014.



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Akiyo Yoshida

**Exhibit 1**

# United States of America

United States Patent and Trademark Office

## FlorMar



Reg. No. 4,472,860

Registered Jan. 28, 2014

Int. Cl.: 3

KOSAN KOZMETIK SANAYI VE TICARET ANONIM SIRKETI (TURKEY JOINT STOCK COMPANY)  
GEBZE ORGANIZE SANAYI BOLGESI IHSAN  
DEDE, CADDESI NO: 133  
GEBZE KOCAELI, TURKEY 41480

TRADEMARK

PRINCIPAL REGISTER

FOR: HAND, FACE AND BODY SOAPS FOR PERSONAL USE, BATH FOAM AND BATH SALT, SHAMPOOS, HAIR TONICS, HAIR CONDITIONERS, HAIR LOTIONS STYLING GEL, POMADE FOR COSMETIC PURPOSES, PREPARATIONS FOR HAIR CLEANING, HAIR WAVING PREPARATIONS, HAIR DYES, HAIR SPRAYS, DEPILATORY PREPARATIONS, MOUTH WASHES NOT FOR MEDICAL PURPOSES, TOOTHPASTES, COSMETIC CREAMS AND COSMETIC LOTIONS, ESSENTIAL OILS FOR PERSONAL USE, MAKE UP POWDERS, SUN-TANNING PREPARATIONS, SHAVING FOAM AND SOAP, NON-MEDICATED COSMETIC PREPARATIONS FOR SKIN CARE, NAMELY, CLEANSING MILK FOR TOILET PURPOSES, COSMETIC CREAM, LOTIONS FOR COSMETIC PURPOSES, TISSUES IMPREGNATED WITH COSMETIC LOTIONS, PETROLEUM JELLY FOR COSMETIC PURPOSES, SKIN WHITENING CREAMS, COSMETIC PREPARATIONS FOR SLIMMING PURPOSES, CLEANING PREPARATIONS FOR SKIN CARE, CLEANING PREPARATIONS FOR SKIN, SKIN MOISTURIZERS, BEAUTY MASKS, MAKE-UP, MAKE-UP PREPARATIONS, MASCARAS, COSMETIC PENCILS, LIPSTICKS, NAIL POLISH, NAIL VARNISH, NAIL POLISH REMOVER, MAKE-UP REMOVERS, PERFUMES, COLOGNES, AFTER SHAVE LOTIONS AND CREAMS, DEODORANTS FOR PERSONAL USE; AND BABY-CARE PRODUCTS, NAMELY, BABY OIL, BABY POWDER, BABY HAIR TONICS, BABY BODY CREAMS, AND CLEANING MILK FOR BABIES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).



OWNER OF TURKEY REG. NO. 153639, DATED 5-27-1994, RENEWED AS REG. NO. 153639, DATED 5-27-2004, EXPIRES 5-27-2014.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TURK MALI", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDING "FLORMAR TURK MALI" WHERE THE WORDING "TURK MALI" IS LOCATED INSIDE AN OVAL.

THERE IS NO KNOWN ENGLISH TRANSLATION FOR THE TERM "FLORMAR".

SER. NO. 76-668,601, FILED 11-6-2006.

*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,472,860** NICHOLAS ALTREE, EXAMINING ATTORNEY