

ESTTA Tracking number: **ESTTA690490**

Filing date: **08/19/2015**

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	Garcoa, Inc.		
Entity	Corporation	Citizenship	Ohio
Address	26135 Mureau Road Calabasas, CA 91302 UNITED STATES		

Attorney information	Michael A. Painter, Esq. Isaacman, Kaufman & Painter 1888 Century Park East, Suite 1500 Los Angeles, CA 90067 UNITED STATES painter@ikplaw.com Phone:(310) 881-6800		
----------------------	--	--	--

Applicant Information

Application No	86376502	Publication date	08/04/2015
Opposition Filing Date	08/19/2015	Opposition Period Ends	09/03/2015
Applicant	Deane, Jeffrey Alan 6444 Fountain Avenue Hollywood, CA 90028 UNITED STATES		

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: Personal care products, namely, non-medicated skin care preparations, non-medicated hair care preparations, hair cleansers, non-medicated hair cleansing treatments, skin cleansers, facial cleansers, conditioners for the hair and skin, nailcare preparations, cosmetics, fragrances, cosmetic skin and body care products,namely, sun screen and skin bronzers

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.	2512306	Application Date	09/22/2000
Registration Date	11/27/2001	Foreign Priority Date	NONE
Word Mark	NATURE'S BEAUTY		

Design Mark	NATURE'S BEAUTY
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1993/03/11 First Use In Commerce: 1993/03/11 skin and hair care products, namely exfoliating creams, skin cleanser, facial scrub, skin astringent, skin moisturizer and night cream; hand and body moisturizer, bath and shower gelee, hair shampoo and hair conditioner, styling gel, [tanning lotion,] bath oil, anti-wrinkle cream, moisture cream

Attachments	76132958#TMSN.png(bytes) DOC032.15.2.pdf(169224 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	/Michael A. Painter/
Name	Michael A. Painter, Esq.
Date	08/19/2015

The grounds for opposition are as follows:

1. Since long prior to the filing date of the application opposed herein, the Opposer, GARCOA, INC., has been in the business of manufacturing and selling skin and hair care products.

2. Since long prior to the filing date of the application opposed herein, the Opposer, GARCOA, INC., has continuously used the mark NATURE'S BEAUTY as a trademark to designate skin and hair care products, namely exfoliating creams, skin cleanser, facial scrub, skin astringent, skin moisturizer and night cream; hand and body moisturizer, bath and shower gelee, hair shampoo and hair conditioner, styling gel, bath oil, anti-wrinkle cream, moisture cream .

3. Opposer is the owner of NATURE'S BEAUTY, Certificate of Registration No. 2,512,306 dated November 27, 2001 alleging a date of first use of March 11, 1993, the application for renewal having been accepted by the United States Patent and Trademark Office on July 1, 2011. Registration No. 2,512,306 is incontestible under 15 U.S.C. §1065.

4. Because of Opposer's long and continuous manufacture and sale of skin and hair care products and use of its mark NATURE'S BEAUTY for the stated goods, the mark has become well known and are recognized by the public and the industry as identifying Opposer as the source of the stated goods.

5. On August 25, 2014, Applicant filed an intent-to-use application to register the mark NATURE.BEAUTY.HARMONY; the mark is intended to be used to designate personal care products, namely, non-medicated skin care

preparations, non-medicated hair care preparations, hair cleansers, non-medicated hair cleansing treatments, skin cleansers, facial cleansers, conditioners for the hair and skin, nail care preparations, cosmetics, fragrances, cosmetic skin and body care products, namely, sun screen and skin bronzers in International Class 3.

6. The proposed use of the trademark NATURE.BEAUTY.HARMONY by Applicant for the goods identified in International Class 3 will be likely to cause confusion, mistake or deception with Opposer's aforesaid NATURE'S BEAUTY trademark and result in the belief that Applicant or its goods are in some way legitimately connected with, or sponsored or approved by, Opposer.

7. Any use Applicant has made or may make of the NATURE.BEAUTY.HARMONY trademark is or will be without Opposer's consent or permission.

8. As a result of the foregoing and Opposer's long prior use of its mark, registration of the mark NATURE.BEAUTY.HARMONY sought by Applicant in International Class 3 would violate §2(d) of the Trademark Act, as the Applicant's trademark NATURE.BEAUTY.HARMONY so resembles Opposer's previously used trademark NATURE'S BEAUTY as to be likely, when applied to Applicant's designated goods, to cause confusion, or mistake or to deceive.

9. For the above reasons, the grant of a registration to Applicant of the mark NATURE.BEAUTY.HARMONY sought to be registered for the goods recited in the opposed application in International Class 3 will damage Opposer

because such registration and the rights emanating therefrom will be inconsistent with the right of Opposer to continue its use of its trademark NATURE'S BEAUTY on and in connection with its goods and will interfere in the normal and natural expansion of Opposer's business.

WHEREFORE, Oppose prays for judgment that registration of the trademark NATURE.BEAUTY.HARMONY sought by Applicant be refused.

Please charge the requisite \$300.00 filing fee to Deposit Account No. 16-0070.

Please address all correspondence to Michael A. Painter, Esq., Isaacman, Kaufman & Painter, 1888 Century Park East, Suite 1500, Los Angeles, California 90067 (310) 881-6800.

Respectfully submitted,

ISAACMAN, KAUFMAN & PAINTER
A Professional Corporation

By:



Michael A. Painter
Attorneys for Opposer,
GARCOA, INC.

MAP:src
Dated: August 19, 2015
1888 Century Park East, Suite 1500
Los Angeles, California 90067
(310) 881-6800
painter@ikplaw.com

CERTIFICATE OF MAILING

The undersigned certifies a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant, Norman Zafman, Esq., Blakely, Sokoloff, Taylor & Zafman, 12400 Wilshire Boulevard, Suite 700, Los Angeles, California 90025 via first class mail, postage prepaid, this 19th day of August, 2015.


SHERYL R. CONAWAY