

ESTTA Tracking number: **ESTTA697101**

Filing date: **09/21/2015**

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	Clarins Fragrance Group S.A.S.
Granted to Date of previous extension	09/20/2015
Address	9 rue du Commandant Pilot 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 doCKET@merz-law.com, jwidmer@merz-law.com Phone:708-383-8801

Applicant Information

Application No	86194003	Publication date	03/24/2015
Opposition Filing Date	09/21/2015	Opposition Period Ends	09/20/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	Coty Germany GmbH Fort Malakoff Place, Rheinstrasse 4E Mainz, 55116 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: Cosmetics, in particular, mascara
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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.	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
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Design Mark	
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Description of Mark	NONE
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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
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U.S. Registration No.	3680781	Application Date	03/27/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE

Word Mark	ANGEL SUNESSENCE
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Design Mark	
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Description of Mark	NONE
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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
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Attachments	79004618#TMSN.png(bytes) 77433043#TMSN.png(bytes) 24316.Notice of Opposition.pdf(85509 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	09/21/2015

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of U.S. Application Serial No. 86/194,003
For: BIG BOLD ANGEL LASH
Filed: February 14, 2014
Date of Publication: March 24, 2015

CLARINS FRAGRANCE GROUP S.A.S.)
)
 Opposer,)
)
 v.) Opposition No. _____
)
COTY GERMANY GMBH)
)
)
 Applicant.)

NOTICE OF OPPOSITION

Opposer, Clarins Fragrance Group S.A.S. ("Opposer"), a société par actions simplifiée organized under the laws of France with its principal place of business at 9 rue du Commandant Pilot, Neuilly-Sur-Seine, 92200 FRANCE believes it will be damaged by the registration of the mark in Serial No. 86/194,003 and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Opposer alleges as follows:

1. Upon information and belief, Applicant is a gesellschaft mit beschränkter haftung organized under the laws of Germany with its principal place of business at Fort Malakoff Place, Rheinstrasse 4E, Mainz, 55116 Germany.

2. As evidenced by the publication of Serial No. 86/194,003 in the Official Gazette of March 24, 2015, Applicant seeks to register BIG BOLD ANGEL LASH (the "Opposed Mark") in connection with "cosmetics, in particular, mascara" in International Class 3.

3. Upon information and belief, Applicant filed Serial No. 86/194,003 on February 14, 2014 under Section 44(d) of the Trademark Act, 15 U.S.C. § 1126(d), based upon German Trademark Application No. 302013058571.2, and claimed a priority filing date of November 8, 2013. The German trademark application has since registered, so the current filing basis is 44(e), 15 U.S.C. § 1126(e).

4. For at least 20 years prior to the filing date of Serial No. 86/194,003, Clarins adopted and continuously has used the mark ANGEL in connection with its goods sold in the United States.

5. Clarins 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, dated July 5, 1994, 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, dated January 24, 2006, 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, uncancelled and are evidence of Clarins' exclusive right to use the ANGEL Marks in commerce in connection with the goods specified in the registrations.

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

8. In addition to its registered trademark rights, Clarins 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 Clarins to use or register the Opposed Mark.

10. The Opposed Mark 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, the Opposed 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 in Serial No. 86/194,003 originate with Clarins or otherwise are authorized, licensed or sponsored by Clarins.

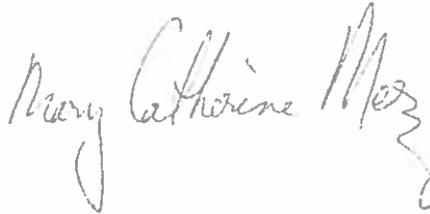
11. By reason of all the foregoing, Clarins will be gravely damaged by the registration of the Opposed Mark for the goods in Serial No. 86/194,003, because registration of that mark would be in violation of Clarins' trademark rights.

WHEREFORE, Clarins prays that this Notice of Opposition be sustained in favor of Clarins and that the goods in Serial No.

86/194,003 be denied registration. Clarins submits herewith its payment of the \$300 filing fee, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

CLARINS FRAGRANCE GROUP



Date: September 21, 2015 By: _____

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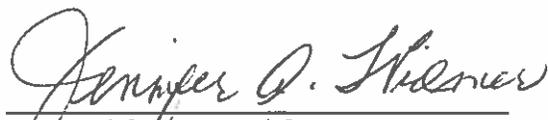
Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on Applicant by First Class Mail this September 21, 2015 addressed to:

Joseph Conklin
Coty, Inc.
350 5th Avenue
NEW YORK, NY 10118-0110

By: _____



Jennifer A. Widmer