

ESTTA Tracking number: **ESTTA702247**

Filing date: **10/14/2015**

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	Colgate-Palmolive Company		
Entity	Corporation	Citizenship	Delaware
Address	300 Park Avenue New York, NY 10022 UNITED STATES		

Attorney information	James D. Weinberger Fross Zelnick Lehrman & Zissu, P.C. 866 United Nations Plaza 6th Floor New York, NY 10017 UNITED STATES jweinberger@fzlj.com Phone:(212) 813-5900		
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### Applicant Information

Application No	86647953	Publication date	09/15/2015
Opposition Filing Date	10/14/2015	Opposition Period Ends	10/15/2015
Applicant	Den-Mat Holdings, LLC Legal Department Lompoc, CA 93436 UNITED STATES		

### Goods/Services Affected by Opposition

Class 021. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Brush heads for electric toothbrushes; electric toothbrushes

### 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.	2980009	Application Date	04/28/2004
Registration Date	07/26/2005	Foreign Priority Date	NONE
Word Mark	360Å°		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2005/02/00 First Use In Commerce: 2005/02/00 toothbrushes		

U.S. Registration No.	3238154	Application Date	04/26/2005
Registration Date	05/01/2007	Foreign Priority Date	NONE
Word Mark	360°		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 2005/03/31 First Use In Commerce: 2005/03/31 TOOTHBRUSHES		

U.S. Registration No.	3677181	Application Date	11/01/2007
Registration Date	09/01/2009	Foreign Priority Date	NONE
Word Mark	COLGATE 360 SONICPOWER		

Design Mark			
Description of Mark	<p>The mark consists of THE WORD "COLGATE" ON A RED PANEL WITH A GRAY OVAL SURROUNDING A BLUE DESIGN BACKGROUND WITH THE NUMBER "360" WITH A DEGREE SYMBOL TO ITS RIGHT. UNDERNEATH THE "360" AND SYMBOL IS THE WORD SONIC IN BLUE AND THE WORD "POWER" IN RED BOTH SURROUNDED BY AN OVAL THAT BEGINS WITH YELLOW WITH SOME WHITE AND ENDS WITH RED. TO THE RIGHT AND LEFT OF THE GRAY OVAL ARE WHITE CIRCLES SURROUNDING THE OVAL. TO THE RIGHT OF THE GRAY OVAL IS AN IMAGE OF AN HUMAN OPEN MOUTH WITH A TOOTHBRUSH IN MOUTH AND A GREEN SEMI-CIRCLE ENDING IN AN ARROW. JUST BELOW MOUTH IS A TOOTHBRUSH WITH MULTIPLE IMAGES OF THE TOOTHBRUSH IN THE BACKGROUND WITH WHITE CIRCLES SURROUNDING.</p>		
Goods/Services	<p>Class 021. First use: First Use: 2008/02/25 First Use In Commerce: 2008/02/25 Toothbrushes</p>		
U.S. Registration No.	4144306	Application Date	07/18/2011
Registration Date	05/15/2012	Foreign Priority Date	NONE
Word Mark	360° FRESH 'N PROTECT		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 021. First use: First Use: 2012/02/17 First Use In Commerce: 2012/02/17 Toothbrushes; oral hygiene devices, namely, interdental cleaners
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Attachments	78409574#TMSN.png( bytes ) 78616715#TMSN.png( bytes ) 77319009#TMSN.png( bytes ) 85374216#TMSN.png( bytes ) Notice of Opposition (ROTADENT 360) (F1793512x96B9E).pdf(231456 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	/s/ James D. Weinberger
Name	James D. Weinberger
Date	10/14/2015

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

COLGATE-PALMOLIVE COMPANY,

Opposer,

-against-

DEN-MAT HOLDINGS, LLC,

Applicant.

**NOTICE OF OPPOSITION**

Colgate-Palmolive Company (“Opposer”), a corporation organized and existing under the laws of Delaware and having an office and principal place of business at 300 Park Avenue, New York, New York 10022, believes that it will be damaged by the issuance of a registration for the mark ROTADENT 360 to Den-Mat Holdings. LLC (“Applicant”) in International Class 21, applied for in Application Serial No. 86/647,953 (the “Application”) and therefore opposes the same pursuant to Section 13(a) of the Lanham Trademark Act of 1946, 15 U.S.C. § 1063(a).

As grounds therefore, Opposer alleges as follows:

1. Opposer has for many years been engaged in the manufacture, distribution, marketing and sale of a wide variety of oral care products, including toothpaste and toothbrushes.
2. For at least the past 10 years, Opposer has manufactured and marketed toothbrushes under the mark 360°. 360°® products have been sold extensively throughout the U.S. with substantial sales and advertising expenditures.
3. Prior to any date upon which Applicant can rely, Opposer has manufactured and marketed toothbrushes under the marks: 360°, 360° OPTIC WHITE, 360° SURROUND, 360°

SONICPOWER, 360° ACTIFLEX, 360° DEEP CLEAN, 360° SENSITIVE PRO-RELIEF and 360° FRESH 'N PROTECT.

4. As a result of its reputation, use and substantial sales success, and Opposer's significant investment in advertising, 360° (the "360° Mark") has become a strong trademark identifying Opposer's products exclusively. As such, the 360° Mark represents an enormous goodwill and is an extremely valuable asset to Opposer.

5. Opposer is the owner of all right, title, and interest in and to the 360° Mark in connection with toothbrushes and toothpaste based on first use in commerce at least as early as 2005.

6. Additionally, Opposer owns numerous U.S. trademark registrations for the 360° Mark for oral care products and related goods, including, but not limited to, the following:

- 360°, U.S. Reg. No. 2,980,009, registered July 26, 2005, based on first use in February 2005, for "toothbrushes" in International Class 21;
- 360° & Design, U.S. Reg. No. 3,238,154, registered May 1, 2007, based on first use in March 2005, for "toothbrushes" in International Class 21;
- COLGATE 360 SONICPOWER & Design, U.S. Reg. No. 3,677,181, registered September 1, 2009, based on first use in February 2008, for "Toothbrushes" in International Class 21; and
- 360° FRESH 'N PROTECT, U.S. Reg. No. 4,144,306, registered May 15, 2012, based on first use in February 2012, for "Toothbrushes; oral hygiene devices, namely, interdental cleaners" in International Class 21.

A printout from the TSDR electronic database records of the U.S. Patent and Trademark Office showing the current status and title of the registrations relied upon herein is attached hereto as Exhibit A.

7. The registrations for the 360° Mark relied upon herein are valid, subsisting and in full effect and serve as *prima facie* evidence of the validity of the mark, pursuant to Section 33(a) of the Lanham Act, 15 U.S.C. § 1115(a). Additionally, two of the registrations, U.S. Reg. Nos. 2,980,009 and 3,238,154 cited above have become incontestable under Section 15 of the Lanham Act, 15 U.S.C. § 1065, and therefore serve as conclusive proof of Opposer's exclusive right to use the 360° Mark in connection with the goods identified therein, as provided by Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b).

8. Upon information and belief, Applicant is a Delaware limited liability company with an address of 1017 W. Central Ave., Lompoc, California 93436.

9. On June 1, 2015, years after Opposer first used and registered the 360° Mark, Applicant filed an application with the U.S. Patent and Trademark Office to register the mark ROTADENT 360 for "Brush heads for electric toothbrushes; electric toothbrushes" in International Class 21, pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

10. The 360° Mark has been used continuously and/or registered by Opposer since a date prior to any date on which Applicant can rely.

11. The 360° Mark is virtually identical to the dominant portion of Applicant's ROTADENT 360 mark in sight, sound, and commercial impression.

12. Applicant's identified goods to be offered under the ROTADENT 360 mark are overlapping and/or related to goods sold under Opposer's 360° Mark and, upon information and belief, will be sold to the same customers or types of customers to whom goods bearing Opposer's 360° Mark are sold.

13. Based on the similarity of the marks and goods, consumers are likely to be deceived into falsely believing that the goods offered by Applicant under the ROTADENT 360 mark originate from or are otherwise associated with or endorsed by Opposer, or that there is some

relationship between Applicant and Opposer or the goods of Applicant and Opposer, all to Opposer's injury and harm.

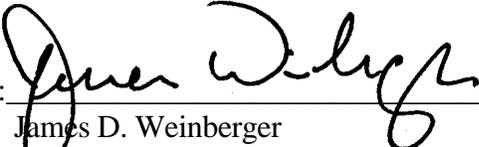
14. Thus, registration of the ROTADENT 360 mark in connection with the identified goods set forth in the Application is likely to cause confusion, cause mistake, or to deceive the public into the false belief that the goods offered by Applicant under the ROTADENT 360 mark come from or are otherwise sponsored by or connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

15. By reason of the foregoing, Opposer is likely to be harmed by a registration of the Application.

THEREFORE, it is respectfully requested that this Opposition be sustained and that the Application be refused in its entirety.

Dated: New York, New York  
October 14, 2015

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By:   
James D. Weinberger

Leo Kittay  
866 United Nations Plaza  
New York, New York 10017  
Tel: (212) 813-5900  
Email: jweinberger@frosszelnick.com  
lkittay@frosszelnick.com

*Attorneys for Opposer*

# **EXHIBIT A**



Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Song-Chu Lee **Docket Number:** 20046333  
**Attorney Primary Email Address:** [song-chu\\_lee@colpal.com](mailto:song-chu_lee@colpal.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Song-Chu Lee  
COLGATE-PALMOLIVE COMPANY  
300 PARK AVENUE  
NEW YORK, NEW YORK 10022  
UNITED STATES  
**Phone:** (212) 310-2121 **Fax:** (212) 310-3406  
**Correspondent e-mail:** [Song-Chu\\_Lee@colpal.com](mailto:Song-Chu_Lee@colpal.com) [muriel\\_viteritti@colpal.com](mailto:muriel_viteritti@colpal.com) [al.com](mailto:al.com) [edwin\\_kelly@colpal.com](mailto:edwin_kelly@colpal.com) [tmlegal\\_toothbrush@colpal.com](mailto:tmlegal_toothbrush@colpal.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 30, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 30, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Jul. 30, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Jul. 29, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Jul. 08, 2015	TEAS SECTION 8 & 9 RECEIVED	
Jul. 08, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 17, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Aug. 17, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Jul. 27, 2010	TEAS SECTION 8 & 15 RECEIVED	
Jul. 26, 2005	REGISTERED-PRINCIPAL REGISTER	
Jun. 02, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	76532
May 27, 2005	ASSIGNED TO LIE	76532
May 26, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 24, 2005	STATEMENT OF USE PROCESSING COMPLETE	73797
Apr. 29, 2005	USE AMENDMENT FILED	73797
Apr. 29, 2005	TEAS STATEMENT OF USE RECEIVED	
Apr. 19, 2005	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 25, 2005	PUBLISHED FOR OPPOSITION	
Jan. 05, 2005	NOTICE OF PUBLICATION	
Nov. 29, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	76869
Nov. 29, 2004	ASSIGNED TO LIE	76869
Nov. 23, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 23, 2004	ASSIGNED TO EXAMINER	76521
May 06, 2004	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jul. 26, 2015

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 30, 2015

**Proceedings**

**Summary**

Number of Proceedings: 2

**Type of Proceeding: Opposition**

Proceeding Number: [91224102](#)

Filing Date: Sep 29, 2015

Status: Pending

Status Date: Sep 29, 2015

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: STB Higuchi Co., Ltd.

Correspondent Address: LEE CHENG  
CHENG LAW GROUP, PLLC  
1100 17TH ST NW STE 310  
WASHINGTON DC , 20036-4663

Correspondent e-mail: [trademark@chenglawgroup.com](mailto:trademark@chenglawgroup.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
360DO BRUSH	Opposition Pending	<a href="#">86307238</a>	

**Plaintiff(s)**

Name: Colgate-Palmolive Company

Correspondent Address: James D. Weinberger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza6th Floor  
New York NY , 10017  
UNITED STATES

Correspondent e-mail: [jweinberger@frosszelnick.com](mailto:jweinberger@frosszelnick.com) , [littay@frosszelnick.com](mailto:littay@frosszelnick.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
360°	Renewed	<a href="#">78409574</a>	<a href="#">2980009</a>
360°	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78616715</a>	<a href="#">3238154</a>
COLGATE 360 SONICPOWER	Registered	<a href="#">77319009</a>	<a href="#">3677181</a>
360° FRESH 'N PROTECT	Registered	<a href="#">85374216</a>	<a href="#">4144306</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2015	Nov 08, 2015
3	PENDING, INSTITUTED	Sep 29, 2015	

**Type of Proceeding: Opposition**

Proceeding Number: [91206583](#)

Filing Date: Aug 16, 2012

Status: Terminated

Status Date: Sep 12, 2012

Interlocutory Attorney: ROBERT COGGINS

**Defendant**

Name: Syneron Beauty Inc.

Correspondent Address: SYLVIA MULHOLLAND  
LAW OFFICE OF SYLVIA MULHOLLAND  
5405 WILSHIRE BOULEVARD, SUITE 220  
LOS ANGELES CA , 90036-4203  
UNITED STATES

Correspondent e-mail: [smulholland@mulholland-law.com](mailto:smulholland@mulholland-law.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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360° TOTAL WHITENING

Abandoned - After Inter-Partes Decision

[85523203](#)

**Plaintiff(s)**

**Name:** Colgate-Palmolive Company

**Correspondent Address:** JAMES D WEINBERGER  
FROSS ZELNICK LEHRMAN & ZISSU PC  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [jweinberger@frosszelnick.com](mailto:jweinberger@frosszelnick.com) , [lkittay@frosszelnick.com](mailto:lkittay@frosszelnick.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TOTAL	Renewed	<a href="#">75041948</a>	<a href="#">2015834</a>
TOTAL	Renewed	<a href="#">75172706</a>	<a href="#">2142102</a>
360°	Renewed	<a href="#">78409574</a>	<a href="#">2980009</a>
360°	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78616715</a>	<a href="#">3238154</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2012	Sep 25, 2012
3	PENDING, INSTITUTED	Aug 16, 2012	
4	WITHDRAWAL OF APPLICATION	Sep 06, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 10, 2012	Oct 10, 2012
6	P'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 11, 2012	
7	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 12, 2012	
8	TERMINATED	Sep 12, 2012	

Generated on: This page was generated by TSDR on 2015-10-14 15:50:26 EDT

Mark: 360°



**US Serial Number:** 78616715  
**US Registration Number:** 3238154  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
**Status Date:** May 09, 2013  
**Publication Date:** May 23, 2006

**Application Filing Date:** Apr. 26, 2005  
**Registration Date:** May 01, 2007  
**Notice of Allowance Date:** Aug. 15, 2006

## Mark Information

**Mark Literal Elements:** 360°  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Color Drawing:** Yes  
**Color(s) Claimed:** The color(s) red, yellow, blue, silver and white is/are claimed as a feature of the mark.  
**Color Location:** The mark consists of THE NUMBER "360" AND THE DEGREE SYMBOL APPEAR IN THE COLOR WHITE; THE OVAL IMMEDIATELY BEHIND THE 360 APPEARS IN BLUE. THE OUTLINE OF THE OVAL APPEARS IN BLUE AND THE OUTSIDE OVAL APPEARS WITH THE COLORS RED, YELLOW, BLUE, SILVER AND WHITE.  
**Design Search Code(s):** 26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric  
26.03.21 - Ovals that are completely or partially shaded

## Related Properties Information

**International Registration Number:** 0851995  
**International Application(s) /Registration(s) Based on this Property:** A0001425/0851995

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** TOOTHBRUSHES  
**International Class(es):** 021 - Primary Class  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Mar. 31, 2005

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050  
**Use in Commerce:** Mar. 31, 2005

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Colgate-Palmolive Company

Owner Address: 300 Park Avenue  
New York, NEW YORK 10022  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Melanie Bradley

Attorney Primary Email Address: [melanie\\_bradley@colpal.com](mailto:melanie_bradley@colpal.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Song-Chu Lee  
COLGATE-PALMOLIVE COMPANY  
300 PARK AVENUE  
NEW YORK, NEW YORK 10022  
UNITED STATES

Phone: 212.310.2204

Fax: 212.310.3406

Correspondent e-mail: [song-chu\\_lee@colpal.com](mailto:song-chu_lee@colpal.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 10, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
May 09, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
May 07, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Apr. 16, 2013	TEAS SECTION 8 & 15 RECEIVED	
Apr. 16, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 17, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 17, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 01, 2007	REGISTERED-PRINCIPAL REGISTER	
Mar. 15, 2007	LAW OFFICE REGISTRATION REVIEW COMPLETED	69350
Mar. 12, 2007	ASSIGNED TO LIE	69350
Feb. 14, 2007	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 06, 2007	STATEMENT OF USE PROCESSING COMPLETE	65362
Dec. 07, 2006	USE AMENDMENT FILED	65362
Dec. 07, 2006	TEAS STATEMENT OF USE RECEIVED	
Aug. 15, 2006	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 23, 2006	PUBLISHED FOR OPPOSITION	
May 03, 2006	NOTICE OF PUBLICATION	
Mar. 31, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Mar. 24, 2006	ASSIGNED TO LIE	78145
Mar. 20, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 20, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 13, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 13, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 02, 2005	NON-FINAL ACTION E-MAILED	6325
Dec. 02, 2005	NON-FINAL ACTION WRITTEN	69222
Nov. 25, 2005	ASSIGNED TO EXAMINER	69222
May 09, 2005	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Use:  
Affidavit of Section 15 - Accepted  
Incontestability:

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMO LAW OFFICE 116

Date in Location: May 09, 2013

## Proceedings

### Summary

Number of Proceedings: 2

#### Type of Proceeding: Opposition

Proceeding Number: [91224102](#)

Filing Date: Sep 29, 2015

Status: Pending

Status Date: Sep 29, 2015

Interlocutory Attorney: ROBERT COGGINS

#### Defendant

Name: STB Higuchi Co., Ltd.

Correspondent Address: LEE CHENG  
CHENG LAW GROUP, PLLC  
1100 17TH ST NW STE 310  
WASHINGTON DC , 20036-4663

Correspondent e-mail: [trademark@chenglawgroup.com](mailto:trademark@chenglawgroup.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
360DO BRUSH	Opposition Pending	<a href="#">86307238</a>	

#### Plaintiff(s)

Name: Colgate-Palmolive Company

Correspondent Address: James D. Weinberger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza6th Floor  
New York NY , 10017  
UNITED STATES

Correspondent e-mail: [jweinberger@frosszelnick.com](mailto:jweinberger@frosszelnick.com) , [lkittay@frosszelnick.com](mailto:lkittay@frosszelnick.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
360°	Renewed	<a href="#">78409574</a>	<a href="#">2980009</a>
360°	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78616715</a>	<a href="#">3238154</a>
COLGATE 360 SONICPOWER	Registered	<a href="#">77319009</a>	<a href="#">3677181</a>
360° FRESH 'N PROTECT	Registered	<a href="#">85374216</a>	<a href="#">4144306</a>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2015	Nov 08, 2015
3	PENDING, INSTITUTED	Sep 29, 2015	

#### Type of Proceeding: Opposition

Proceeding Number: [91206583](#)

Filing Date: Aug 16, 2012

Status: Terminated

Status Date: Sep 12, 2012

Interlocutory Attorney: ROBERT COGGINS

#### Defendant

Name: Syneron Beauty Inc.

Correspondent Address: SYLVIA MULHOLLAND  
LAW OFFICE OF SYLVIA MULHOLLAND  
5405 WILSHIRE BOULEVARD, SUITE 220  
LOS ANGELES CA , 90036-4203  
UNITED STATES

Correspondent e-mail: [smulholland@mulholland-law.com](mailto:smulholland@mulholland-law.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
360° TOTAL WHITENING	Abandoned - After Inter-Partes Decision	<a href="#">85523203</a>	

**Plaintiff(s)**

**Name:** Colgate-Palmolive Company

**Correspondent Address:** JAMES D WEINBERGER  
FROSS ZELNICK LEHRMAN & ZISSU PC  
866 UNITED NATIONS PLAZA  
NEW YORK NY , 10017  
UNITED STATES

**Correspondent e-mail:** [jweinberger@frosszelnick.com](mailto:jweinberger@frosszelnick.com) , [littay@frosszelnick.com](mailto:littay@frosszelnick.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TOTAL	Renewed	<a href="#">75041948</a>	<a href="#">2015834</a>
TOTAL	Renewed	<a href="#">75172706</a>	<a href="#">2142102</a>
360°	Renewed	<a href="#">78409574</a>	<a href="#">2980009</a>
360°	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78616715</a>	<a href="#">3238154</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 16, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 16, 2012	Sep 25, 2012
3	PENDING, INSTITUTED	Aug 16, 2012	
4	WITHDRAWAL OF APPLICATION	Sep 06, 2012	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Sep 10, 2012	Oct 10, 2012
6	P'S RESPONSE TO BOARD ORDER/INQUIRY	Sep 11, 2012	
7	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 12, 2012	
8	TERMINATED	Sep 12, 2012	

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**Mark:** COLGATE 360 SONICPOWER



**US Serial Number:** 77319009

**Application Filing Date:** Nov. 01, 2007

**US Registration Number:** 3677181

**Registration Date:** Sep. 01, 2009

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Sep. 01, 2009

**Publication Date:** Apr. 08, 2008

**Notice of Allowance Date:** Jul. 01, 2008

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## Mark Information

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**Mark Literal Elements:** COLGATE 360 SONICPOWER

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Description of Mark:** The mark consists of THE WORD "COLGATE" ON A RED PANEL WITH A GRAY OVAL SURROUNDING A BLUE DESIGN BACKGROUND WITH THE NUMBER "360" WITH A DEGREE SYMBOL TO ITS RIGHT. UNDERNEATH THE "360" AND SYMBOL IS THE WORD SONIC IN BLUE AND THE WORD "POWER" IN RED BOTH SURROUNDED BY AN OVAL THAT BEGINS WITH YELLOW WITH SOME WHITE AND ENDS WITH RED. TO THE RIGHT AND LEFT OF THE GRAY OVAL ARE WHITE CIRCLES SURROUNDING THE OVAL. TO THE RIGHT OF THE GRAY OVAL IS AN IMAGE OF AN HUMAN OPEN MOUTH WITH A TOOTHBRUSH IN MOUTH AND A GREEN SEMI-CIRCLE ENDING IN AN ARROW. JUST BELOW MOUTH IS A TOOTHBRUSH WITH MULTIPLE IMAGES OF THE TOOTHBRUSH IN THE BACKGROUND WITH WHITE CIRCLES SURROUNDING.

**Color Drawing:** Yes

**Color(s) Claimed:** The color(s) red, white, blue, green, yellow and gray. is/are claimed as a feature of the mark.

**Disclaimer:** "POWERED TOOTHBRUSH"

**Design Search Code(s):** 02.11.04 - Human lips or mouths

10.05.01 - Tooth brushes

19.07.04 - Cartons, flattened; Flattened packages and cartons; Packages, flattened

24.15.25 - Other arrows

24.17.25 - Pound sign (#); Less than symbol < (mathematical); Hazardous materials symbol; Handicapped symbol; Greater than

symbol > (mathematical); Equal sign (=); Degree sign (°); Biohazard symbol  
26.03.17 - Ovals, concentric; Ovals within ovals; Concentric ovals and ovals within ovals; Concentric ovals  
26.03.21 - Ovals that are completely or partially shaded  
26.11.21 - Rectangles that are completely or partially shaded  
26.11.25 - Rectangles with one or more curved sides

## Related Properties Information

International Registration Number: 0946175  
International Application(s) /Registration(s) Based on this Property: A0010562/0946175

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Toothbrushes

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 25, 2008

Use in Commerce: Feb. 25, 2008

## Basis Information (Case Level)

Filed Use:	No	Currently Use:	Yes	Amended Use:	No
Filed ITU:	Yes	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

## Current Owner(s) Information

Owner Name: Colgate-Palmolive Company  
Owner Address: 300 Park Avenue  
New York, NEW YORK 10022  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Song-Chu Lee  
Attorney Primary Email Address: [Song-Chu\\_Lee@colpal.com](mailto:Song-Chu_Lee@colpal.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Song-Chu Lee  
Colgate-Palmolive Company  
300 Park Avenue  
New York, NEW YORK 10022  
UNITED STATES  
Phone: 212.310.2204  
Fax: 212.310.3406  
Correspondent e-mail: [Song-Chu\\_Lee@colpal.com](mailto:Song-Chu_Lee@colpal.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 30, 2011	ATTORNEY REVOKED AND/OR APPOINTED	

Sep. 30, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 01, 2009	REGISTERED-PRINCIPAL REGISTER	
Jul. 30, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68123
Jul. 29, 2009	ASSIGNED TO LIE	68123
Jul. 09, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 29, 2009	STATEMENT OF USE PROCESSING COMPLETE	76538
Jun. 25, 2009	USE AMENDMENT FILED	76538
Jun. 25, 2009	TEAS STATEMENT OF USE RECEIVED	
Jan. 13, 2009	EXTENSION 1 GRANTED	76538
Dec. 23, 2008	EXTENSION 1 FILED	76538
Jan. 13, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
Dec. 23, 2008	TEAS EXTENSION RECEIVED	
Jul. 01, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 08, 2008	PUBLISHED FOR OPPOSITION	
Mar. 19, 2008	NOTICE OF PUBLICATION	
Mar. 01, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	69350
Mar. 01, 2008	ASSIGNED TO LIE	69350
Feb. 05, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 17, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 17, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 17, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 27, 2007	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 27, 2007	NON-FINAL ACTION E-MAILED	6325
Dec. 27, 2007	NON-FINAL ACTION WRITTEN	65720
Dec. 22, 2007	ASSIGNED TO EXAMINER	65720
Nov. 07, 2007	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Nov. 06, 2007	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 30, 2009

## Proceedings

### Summary

**Number of Proceedings:** 1

#### Type of Proceeding: Opposition

**Proceeding Number:** [91224102](#)

**Filing Date:** Sep 29, 2015

**Status:** Pending

**Status Date:** Sep 29, 2015

**Interlocutory Attorney:** ROBERT COGGINS

#### Defendant

**Name:** STB Higuchi Co., Ltd.

**Correspondent Address:** LEE CHENG  
CHENG LAW GROUP, PLLC  
1100 17TH ST NW STE 310  
WASHINGTON DC , 20036-4663

**Correspondent e-mail:** [trademark@chenglawgroup.com](mailto:trademark@chenglawgroup.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
360DO BRUSH	Opposition Pending	<a href="#">86307238</a>	
<b>Plaintiff(s)</b>			

**Name:** Colgate-Palmolive Company

**Correspondent Address:** James D. Weinberger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza 6th Floor  
New York NY , 10017  
UNITED STATES

**Correspondent e-mail:** [jweinberger@frosszelnick.com](mailto:jweinberger@frosszelnick.com) , [littay@frosszelnick.com](mailto:littay@frosszelnick.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
360°	Renewed	<a href="#">78409574</a>	<a href="#">2980009</a>
360°	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78616715</a>	<a href="#">3238154</a>
COLGATE 360 SONICPOWER	Registered	<a href="#">77319009</a>	<a href="#">3677181</a>
360° FRESH 'N PROTECT	Registered	<a href="#">85374216</a>	<a href="#">4144306</a>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2015	Nov 08, 2015
3	PENDING, INSTITUTED	Sep 29, 2015	

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Mark: 360° FRESH 'N PROTECT

360° FRESH 'N PROTECT

US Serial Number: 85374216  
Application Filing Date: Jul. 18, 2011  
US Registration Number: 4144306  
Registration Date: May 15, 2012  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: May 15, 2012  
Publication Date: Dec. 27, 2011  
Notice of Allowance Date: Feb. 21, 2012

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## Mark Information

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Mark Literal Elements: 360° FRESH 'N PROTECT  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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## Related Properties Information

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Claimed Ownership of US Registrations: 2980009, 3238154 and others

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Toothbrushes; oral hygiene devices, namely, interdental cleaners

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 030, 033, 040, 050

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 17, 2012

Use in Commerce: Feb. 17, 2012

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: Colgate-Palmolive Company  
Owner Address: 300 Park Avenue  
New York, NEW YORK 10022  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: DELAWARE

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## Attorney/Correspondence Information

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### Attorney of Record

Attorney Name: Song-Chu Lee  
Attorney Primary Email: [Song-Chu\\_Lee@colpal.com](mailto:Song-Chu_Lee@colpal.com)  
Attorney Email: No

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** SONG-CHU LEE  
COLGATE-PALMOLIVE COMPANY  
300 PARK AVE  
FL 8  
NEW YORK, NEW YORK 10022-7499  
UNITED STATES

**Phone:** 212-310-2204

**Fax:** 212-310-3406

**Correspondent e-mail:** [Song-Chu\\_Lee@colpal.com](mailto:Song-Chu_Lee@colpal.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
May 15, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 09, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	69712
Apr. 09, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 09, 2012	STATEMENT OF USE PROCESSING COMPLETE	76874
Mar. 19, 2012	USE AMENDMENT FILED	76874
Apr. 09, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Mar. 19, 2012	TEAS STATEMENT OF USE RECEIVED	
Feb. 21, 2012	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 27, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 27, 2011	PUBLISHED FOR OPPOSITION	
Dec. 07, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 22, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Nov. 19, 2011	ASSIGNED TO LIE	69712
Oct. 27, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 27, 2011	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 27, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 27, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 27, 2011	EXAMINERS AMENDMENT -WRITTEN	78369
Oct. 27, 2011	ASSIGNED TO EXAMINER	78369
Jul. 22, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 21, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 21, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None  
File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 09, 2012

**Proceedings**

**Summary**

**Number of Proceedings:** 1

**Type of Proceeding: Opposition**

**Proceeding Number:** [91224102](#)

**Filing Date:** Sep 29, 2015

**Status:** Pending

**Status Date:** Sep 29, 2015

**Interlocutory Attorney:** ROBERT COGGINS

**Defendant**

**Name:** STB Higuchi Co., Ltd.

Correspondent Address: LEE CHENG  
CHENG LAW GROUP, PLLC  
1100 17TH ST NW STE 310  
WASHINGTON DC , 20036-4663

Correspondent e-mail: [trademark@chenglawgroup.com](mailto:trademark@chenglawgroup.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
360DO BRUSH	Opposition Pending	<a href="#">86307238</a>	

**Plaintiff(s)**

Name: Colgate-Palmolive Company

Correspondent Address: James D. Weinberger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza6th Floor  
New York NY , 10017  
UNITED STATES

Correspondent e-mail: [jweinberger@frosszelnick.com](mailto:jweinberger@frosszelnick.com) , [lkittay@frosszelnick.com](mailto:lkittay@frosszelnick.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
360°	Renewed	<a href="#">78409574</a>	<a href="#">2980009</a>
360°	Section 8 and 15 - Accepted and Acknowledged	<a href="#">78616715</a>	<a href="#">3238154</a>
COLGATE 360 SONICPOWER	Registered	<a href="#">77319009</a>	<a href="#">3677181</a>
360° FRESH 'N PROTECT	Registered	<a href="#">85374216</a>	<a href="#">4144306</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2015	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2015	Nov 08, 2015
3	PENDING, INSTITUTED	Sep 29, 2015	

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was sent by first class mail postage pre-paid to Applicant's Attorney of Record, this 14th day of October, 2015, to the following:

Frederick W. Tong, Esq.  
Den-Mat Holdings, LLC  
1017 W. Central Ave  
Lompoc, CA 93436-2701

  
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James D. Weinberger