

ESTTA Tracking number: **ESTTA760792**

Filing date: **07/27/2016**

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	Orchard Trading Limited
Granted to Date of previous extension	07/27/2016
Address	West LodgeLa Grande Route De St Ouen St Ouen, JE3 2HR JERSEY
Attorney information	Ronald E. Shapiro Shapiro and Silverstein PLLC 11350 Random Hills Road, Suite 740 Fairfax, VA 22030 UNITED STATES rshapiro@sasiplaw.com

Applicant Information

Application No	86691800	Publication date	03/29/2016
Opposition Filing Date	07/27/2016	Opposition Period Ends	07/27/2016
Applicant	WORTH CO BEAUTY 941 S Vermont Ave. Ste. 101, Unit 70 Los Angeles, CA 90006 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2014/00/00 First Use In Commerce: 2014/00/00 All goods and services in the class are opposed, namely: Aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; Body and beauty care cosmetics; Body oils; Bodywash; Cosmetic creams for skin care; Cosmetic preparations for protecting the skin from the sun's rays; Cosmetic preparations for skin care; Facial scrubs; Moisturizing solutions for the skin; Non-medicated herbal body care products, namely, body oils, salves, and lip balms
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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.	716261	Application Date	06/22/1960
Registration Date	05/30/1961	Foreign Priority Date	NONE

Word Mark	WORTH
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1945/10/00 First Use In Commerce: 1945/10/00 Soaps

U.S. Registration No.	821277	Application Date	03/04/1966
Registration Date	12/27/1966	Foreign Priority Date	NONE
Word Mark	WORTH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1924/03/10 First Use In Commerce: 1924/03/10 PERFUME, TOILET WATER, TALCUM AND DUSTING POWDER, COSMETIC LOTIONS, AND BATH OIL		

Attachments	Notice of Opposition 86691800.pdf(171412 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	/Ronald E. Shapiro/
Name	Ronald E. Shapiro
Date	07/27/2016

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

ORCHARD TRADING LIMITED,

Opposer,

v.

WORTH CO BEAUTY,

Applicant.

Opposition No. _____

Serial No. 86691800

Mark: WORTH CO BY LIZ.
NOURISH YOUR SKIN.
FUEL YOUR SOUL. & Design

NOTICE OF OPPOSITION

In the matter of Application Serial No. 86691800 (“the Opposed Application”), filed by Worth Co Beauty (“Applicant”) on July 14, 2015, and published in the Official Gazette on March 29, 2016, Orchard Trading Limited (“Opposer”), a registered private company, organized under the laws of Jersey, Channel Islands, with a place of business at West Lodge, La Grande Route De St Ouen, St Ouen, JE3 2HR, Jersey, Channel Islands, believes that it will be damaged by registration of the mark shown in the Opposed Application. The time for Opposer to file this Notice of Opposition has been extended to July 27, 2016. Accordingly, this Notice of Opposition is timely filed.

The grounds for this opposition are:

1. Opposer owns United States Trademark Registration Nos. 716,261 and 821,277 (collectively, “Opposer’s Registrations”) for the mark WORTH (“Opposer’s Mark”).

Registration No. 716,261 covers Opposer's Mark in connection with soaps, and Registration No. 821,277 covers Opposer's Mark in connection with perfume, toilet water, talcum and dusting powder, cosmetic lotions, and bath oil. The goods covered by Opposer's Registrations are referred to, collectively, in this Notice of Opposition as "Opposer's Goods".

2. Printouts from the electronic records of the United States Patent and Trademark Office showing the current status and title of Opposer's Registrations are attached to this Notice of Opposition as Exhibit A.

3. The Opposed Application seeks to register the mark WORTH CO BY LIZ. NOURISH YOUR SKIN. FUEL YOUR SOUL. & Design ("Applicant's Mark"), shown below,



for aromatic body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; body and beauty care cosmetics; body oils; body wash; cosmetic creams for skin care; cosmetic preparations for protecting the skin from the sun's rays; cosmetic preparations for skin care; facial scrubs; moisturizing solutions for the skin; non-medicated herbal body care products, namely, body oils, salves, and lip balms ("Applicant's Goods").

4. Opposer's Registrations were issued before the filing date of the Opposed Application and, on information and belief, before any use of Applicant's Mark.

5. Applicant's Goods are identical, similar, or related to Opposer's Goods.
6. Applicant's Goods and Opposer's Goods are likely to be advertised and sold in the same or similar channels of trade.
7. Applicant's Goods and Opposer's Goods are likely to be purchased by the same classes of consumers.
8. Applicant's Mark so closely resembles Opposer's Mark as to be likely, when used in connection with Applicant's Goods, to cause confusion, or to cause mistake, or to deceive.
9. For the reasons stated above, Opposer is likely to be damaged by the registration of Applicant's Mark.

WHEREFORE, Opposer prays that this opposition be sustained.

Respectfully submitted,

Date: July 27, 2016

/Ronald E. Shapiro/
Ronald E. Shapiro
Shapiro and Silverstein PLLC
11350 Random Hills Road, Suite 740
Fairfax, Virginia 22030
Tel: 703-273-7680
Attorneys for Opposer

Exhibit A to Notice of Opposition

Orchard Trading Limited v. Worth Co Beauty

Opposition to Application Serial No. 86691800

1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
2. TSDR now displays information regarding [TM5 Common Status Descriptors](#).

STATUS DOCUMENTS

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Mark: WORTH

No Image exists for this case.

US Serial Number: 72099523

Application Filing Date: Jun. 22, 1960

US Registration Number: 716261

Registration Date: May 30, 1961

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Apr. 05, 2011

Mark Information

Mark Literal Elements: WORTH

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US [0570902](#) and others
Registrations:

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: Soaps

International Class(es): 003

U.S Class(es): 052 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 1945

Use in Commerce: Oct. 1945

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

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: ORCHARD TRADING LIMITED

Owner Address: P.O. BOX 301
40 ESPLANADE
ST HELIER, JERSEY JE4 8UG CHANNEL ISLANDS JE4 8UG

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: CHANNEL ISLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ann K. Ford

Attorney Primary Email Address: dctrademarks@dlapiper.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Ann K. Ford
DLA Piper LLP
500 8th Street, NW
Washington, DISTRICT OF COLUMBIA UNITED STATES 20004

Phone: 202.799.4000

Fax: 202.799.5000

Correspondent e-mail: dctrademarks@dlapiper.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 08, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 08, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 05, 2011	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	66607
Apr. 05, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 01, 2011	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	66607
Mar. 30, 2011	TEAS SECTION 8 & 9 RECEIVED	
Oct. 27, 2008	CASE FILE IN TICRS	
May 28, 2002	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
May 28, 2002	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 14, 2002	RESPONSE RECEIVED TO POST REG. ACTION - SEC. 8 & 9	
Jan. 18, 2002	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	
Nov. 06, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 25, 1984	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
May 30, 1981	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 30, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Apr. 05, 2011

[Assignment Abstract Of Title Information - Click to Load](#)

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1. The Post Registration "Maintenance Tab" has been temporarily disabled. It will return soon.
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Mark: WORTH

No Image exists for this case.

US Serial Number: 72240184

Application Filing Date: Mar. 04, 1966

US Registration Number: 821277

Registration Date: Dec. 27, 1966

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Apr. 04, 2007

Mark Information

Mark Literal Elements: WORTH

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: [0303565](#), [0716261](#)

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: PERFUME, TOILET WATER, TALCUM AND DUSTING POWDER, COSMETIC LOTIONS, AND BATH OIL

International Class(es): 003

U.S Class(es): 051 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 10, 1924

Use in Commerce: Mar. 10, 1924

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

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: ORCHARD TRADING LIMITED

Owner Address: RATHBONES HOUSE
15 ESPLANADE
ST. HELIER, JERSEY CHANNEL ISLANDS JE1 1RB

Legal Entity Type: CORPORATION **State or Country Where Organized:** CHANNEL ISLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Ann K. Ford

Attorney Primary Email Address: dctrademarks@dlapiper.com **Attorney Email Authorized:** Yes

Correspondent

Correspondent Name/Address: Ann K. Ford
DLA Piper LLP
500 8th Street, NW
Washington, DISTRICT OF COLUMBIA UNITED STATES 20004

Phone: 202.799.4000 **Fax:** 202.799.5000

Correspondent e-mail: dctrademarks@dlapiper.com **Correspondent e-mail Authorized:** Yes

Domestic Representative

Domestic Representative Name: RONALD E. SHAPIRO

Prosecution History

Date	Description	Proceeding Number
Dec. 27, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jul. 08, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 08, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 02, 2009	CASE FILE IN TICRS	
Apr. 04, 2007	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	73376
Apr. 04, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 30, 2007	ASSIGNED TO PARALEGAL	73376
Mar. 05, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 05, 2007	PAPER RECEIVED	
Dec. 27, 1986	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Dec. 22, 1986	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Dec. 27, 2006

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Feb. 02, 2009

[Assignment Abstract Of Title Information - Click to Load](#)

[Proceedings - Click to Load](#)

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed to Applicant on July 27, 2016,
by first class mail, postage prepaid, at the following address:

Worth Co Beauty
941 S Vermont Ave.
Ste. 101, Unit 70
Los Angeles, California 90006

/Ronald E. Shapiro/
Ronald E. Shapiro