

TTAB



02-28-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

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

Amitee Cosmetics, Inc.,

Opposer,

v.

L'Oreal, Societe Anonyme,

Applicant.

*Awaiting
fax of
ext. 5
filed*

Opposition No. _____

Appl. Serial No.: 76/036,219

Mark: CITRI-VIVE

Published for Opposition:
December 26, 2000

01 APR 12 AM 9:30
TRADEMARK TRIAL AND APPEAL BOARD

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
Box TTAB/Fee
2900 Crystal Drive
Arlington, Virginia 22202-3513

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on: *2-23-01*
By: *Laurie A. Rossi*

Opposer Amitee Cosmetics, Inc., a California corporation ("Opposer"), which is located at 151 Kalmus Drive, Costa Mesa, California 92626, believes that it is and will be damaged by the registration on the Principal Register of "CITRI-VIVE" in connection with "hair care products, namely, shampoo" in International Class 3. "CITRI-VIVE" is the subject of

03/02/2001 SREED1 00000096 76036219
01 FC:377 300.00 OP

am
3/9/01
LADOC5\2669435 1

Application Serial No. 76/036,219 owned by L'Oreal, Societe Anonyme. Opposer hereby opposes registration thereof.¹

As grounds of opposition, it is alleged that:

1. Opposer manufactures and distributes hair care preparations in connection with the trademark "CITRÉ SHINE."
2. Opposer's CITRÉ SHINE trademark is well known and famous. Opposer has been using its CITRÉ SHINE mark in connection with its hair care preparations since at least as early as August 1989.
3. Opposer is the owner of two federal registrations of CITRÉ SHINE: Registration No. 1,603,327 issued June 26, 1990 in connection with hair care products, namely shampoo and conditioners in International class 3, and Registration No. 1,778,606 issued June 29, 1993 in connection with non-medicated hair care preparations in International class 3.
4. On information and belief, Applicant, L'Oreal, is a Societe Anonyme of France.
5. Applicant is the owner of record of Application Serial No. 76/036,219 filed April 27, 2000 for registration of "CITRI-VIVE" based on an intention to use such mark for "hair care products, namely, shampoo" in International Class 3.
6. Opposer believes that it is likely to be damaged by the registration of "CITRI-VIVE" in connection with "hair care products, namely, shampoo" within the meaning of Section 13(a) of the Trademark Act (15 U.S.C. §1063(a)).

¹/ Opposer has requested an extension of time through February 24, 2001 in which to oppose this application.

7. On information and belief, Applicant has not yet commenced use of "CITRI-VIVE" in connection with the goods set forth in Application Serial No. 76/036,219, and based upon such information and belief, Opposer is the senior user of the "CITRÉ SHINE" mark.

8. The sound, appearance and commercial and visual impression engendered by "CITRI-VIVE" is confusingly similar to that of Opposer's CITRÉ SHINE mark. Applicant's hair care products, namely, shampoo are identical to Opposer's goods.

9. Applicant's mark so resembles Opposer's CITRÉ SHINE mark as to be likely, when used in connection with hair care products, namely, shampoo, to cause confusion, or to cause mistake, or to deceive. Consumers are likely to believe that Applicant's use of "CITRI-VIVE" is in some way associated or connected with or sponsored, authorized or warranted by Opposer. Any objection or fault found with Applicant's goods marketed in connection with "CITRI-VIVE" would reflect upon and seriously injure the reputation that Opposer has established for its goods sold in connection with its CITRÉ SHINE mark.

10. Applicant's use and registration of CITRI-VIVE is likely to dilute the distinctive quality of the CITRÉ SHINE mark.

11. If Applicant is granted registration of "CITRI-VIVE" in connection with hair care products, namely, shampoo, it would thereby obtain at least a prima facie exclusive right to the use of this mark for such goods. Such registration is likely to be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. §1063), Opposer Amitee Cosmetics, Inc. prays that this Opposition be sustained and that "CITRI-

VIVE," the subject of Application Serial No. 76/036,219, be refused registration in connection with the goods identified in said application.

The required fee of three hundred dollars (\$300) is enclosed. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

A duplicate copy of the Notice of Opposition is filed herewith.

Respectfully submitted,
JEFFER, MANGELS, BUTLER & MARMARO LLP

Dated: February 23, 2001

By: 

Rod S. Berman
Steven Plotkin
Attorneys for Opposer
JEFFER, MANGELS, BUTLER & MARMARO LLP
2121 Avenue of the Stars
Suite 1000
Los Angeles, California 90067
(310) 203-8080



02-28-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Amitee Cosmetics, Inc.,	)	Opposition No. _____
)	
Opposer,)	
	)	Appl. Serial No.: 76/036,219
v.)	
	)	Mark: CITRI-VIVE
L'Oreal, Societe Anonyme,)	
	)	Published for Opposition:
Applicant.	)	December 26, 2000
)	
)	

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
Box TTAB/Fee
2900 Crystal Drive
Arlington, Virginia 22202-3513

<u>CERTIFICATE OF MAILING</u>	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on: <u>2-23-01</u>	
By:	<i>Laurie L. Rossi</i>

Opposer Amitee Cosmetics, Inc., a California corporation ("Opposer"), which is located at 151 Kalmus Drive, Costa Mesa, California 92626, believes that it is and will be damaged by the registration on the Principal Register of "CITRI-VIVE" in connection with "hair care products, namely, shampoo" in International Class 3. "CITRI-VIVE" is the subject of

Application Serial No. 76/036,219 owned by L'Oreal, Societe Anonyme. Opposer hereby opposes registration thereof.¹

As grounds of opposition, it is alleged that:

1. Opposer manufactures and distributes hair care preparations in connection with the trademark "CITRÉ SHINE."

2. Opposer's CITRÉ SHINE trademark is well known and famous. Opposer has been using its CITRÉ SHINE mark in connection with its hair care preparations since at least as early as August 1989.

3. Opposer is the owner of two federal registrations of CITRÉ SHINE: Registration No. 1,603,327 issued June 26, 1990 in connection with hair care products, namely shampoo and conditioners in International class 3, and Registration No. 1,778,606 issued June 29, 1993 in connection with non-medicated hair care preparations in International class 3.

4. On information and belief, Applicant, L'Oreal, is a Societe Anonyme of France.

5. Applicant is the owner of record of Application Serial No. 76/036,219 filed April 27, 2000 for registration of "CITRI-VIVE" based on an intention to use such mark for "hair care products, namely, shampoo" in International Class 3.

6. Opposer believes that it is likely to be damaged by the registration of "CITRI-VIVE" in connection with "hair care products, namely, shampoo" within the meaning of Section 13(a) of the Trademark Act (15 U.S.C. §1063(a)).

^{1/} Opposer has requested an extension of time through February 24, 2001 in which to oppose this application.

7. On information and belief, Applicant has not yet commenced use of "CITRI-VIVE" in connection with the goods set forth in Application Serial No. 76/036,219, and based upon such information and belief, Opposer is the senior user of the "CITRÉ SHINE" mark.

8. The sound, appearance and commercial and visual impression engendered by "CITRI-VIVE" is confusingly similar to that of Opposer's CITRÉ SHINE mark. Applicant's hair care products, namely, shampoo are identical to Opposer's goods.

9. Applicant's mark so resembles Opposer's CITRÉ SHINE mark as to be likely, when used in connection with hair care products, namely, shampoo, to cause confusion, or to cause mistake, or to deceive. Consumers are likely to believe that Applicant's use of "CITRI-VIVE" is in some way associated or connected with or sponsored, authorized or warranted by Opposer. Any objection or fault found with Applicant's goods marketed in connection with "CITRI-VIVE" would reflect upon and seriously injure the reputation that Opposer has established for its goods sold in connection with its CITRÉ SHINE mark.

10. Applicant's use and registration of CITRI-VIVE is likely to dilute the distinctive quality of the CITRÉ SHINE mark.

11. If Applicant is granted registration of "CITRI-VIVE" in connection with hair care products, namely, shampoo, it would thereby obtain at least a prima facie exclusive right to the use of this mark for such goods. Such registration is likely to be a source of damage and injury to Opposer.

WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. §1063), Opposer Amitee Cosmetics, Inc. prays that this Opposition be sustained and that "CITRI-

VIVE," the subject of Application Serial No. 76/036,219, be refused registration in connection with the goods identified in said application.

The required fee of three hundred dollars (\$300) is enclosed. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

A duplicate copy of the Notice of Opposition is filed herewith.

Respectfully submitted,
JEFFER, MANGELS, BUTLER & MARMARO LLP

Dated: February 23, 2001

By: 

Rod S. Berman
Steven Plotkin
Attorneys for Opposer
JEFFER, MANGELS, BUTLER & MARMARO LLP
2121 Avenue of the Stars
Suite 1000
Los Angeles, California 90067
(310) 203-8080



02-28-2001

U.S. Patent & TMO/TM Mail RptDt. #71

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

Amitee Cosmetics, Inc.,)	
	)	Opposition No. _____
Opposer,)	
	)	Appl. Serial No.: 76/036,219
v.)	
	)	Mark: CITRI-VIVE
L'Oreal, Societe Anonyme,)	
	)	Published for Opposition:
Applicant.	)	December 26, 2000
)	
)	

NOTICE OF OPPOSITION

Assistant Commissioner for Trademarks
Box TTAB/Fee
2900 Crystal Drive
Arlington, Virginia 22202-3513

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail, postage prepaid, in an envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on: <u>2-23-01</u>
By: <u>Laurie A. Rossi</u>

Opposer Amitee Cosmetics, Inc., a California corporation ("Opposer"), which is located at 151 Kalmus Drive, Costa Mesa, California 92626, believes that it is and will be damaged by the registration on the Principal Register of "CITRI-VIVE" in connection with "hair care products, namely, shampoo" in International Class 3. "CITRI-VIVE" is the subject of

Application Serial No. 76/036,219 owned by L'Oreal, Societe Anonyme. Opposer hereby opposes registration thereof.¹

As grounds of opposition, it is alleged that:

1. Opposer manufactures and distributes hair care preparations in connection with the trademark "CITRÉ SHINE."
2. Opposer's CITRÉ SHINE trademark is well known and famous. Opposer has been using its CITRÉ SHINE mark in connection with its hair care preparations since at least as early as August 1989.
3. Opposer is the owner of two federal registrations of CITRÉ SHINE: Registration No. 1,603,327 issued June 26, 1990 in connection with hair care products, namely shampoo and conditioners in International class 3, and Registration No. 1,778,606 issued June 29, 1993 in connection with non-medicated hair care preparations in International class 3.
4. On information and belief, Applicant, L'Oreal, is a Societe Anonyme of France.
5. Applicant is the owner of record of Application Serial No. 76/036,219 filed April 27, 2000 for registration of "CITRI-VIVE" based on an intention to use such mark for "hair care products, namely, shampoo" in International Class 3.
6. Opposer believes that it is likely to be damaged by the registration of "CITRI-VIVE" in connection with "hair care products, namely, shampoo" within the meaning of Section 13(a) of the Trademark Act (15 U.S.C. §1063(a)).

¹/ Opposer has requested an extension of time through February 24, 2001 in which to oppose this application.

7. On information and belief, Applicant has not yet commenced use of "CITRI-VIVE" in connection with the goods set forth in Application Serial No. 76/036,219, and based upon such information and belief, Opposer is the senior user of the "CITRÉ SHINE" mark.

8. The sound, appearance and commercial and visual impression engendered by "CITRI-VIVE" is confusingly similar to that of Opposer's CITRÉ SHINE mark. Applicant's hair care products, namely, shampoo are identical to Opposer's goods.

9. Applicant's mark so resembles Opposer's CITRÉ SHINE mark as to be likely, when used in connection with hair care products, namely, shampoo, to cause confusion, or to cause mistake, or to deceive. Consumers are likely to believe that Applicant's use of "CITRI-VIVE" is in some way associated or connected with or sponsored, authorized or warranted by Opposer. Any objection or fault found with Applicant's goods marketed in connection with "CITRI-VIVE" would reflect upon and seriously injure the reputation that Opposer has established for its goods sold in connection with its CITRÉ SHINE mark.

10. Applicant's use and registration of CITRI-VIVE is likely to dilute the distinctive quality of the CITRÉ SHINE mark.

11. If Applicant is granted registration of "CITRI-VIVE" in connection with hair care products, namely, shampoo, it would thereby obtain at least a prima facie exclusive right to the use of this mark for such goods. Such registration is likely to be a source of damage and injury to Opposer.

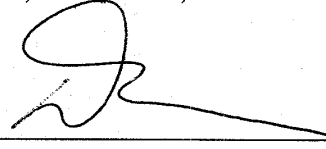
WHEREFORE, in accordance with Section 13 of the Trademark Act (15 U.S.C. §1063), Opposer Amitee Cosmetics, Inc. prays that this Opposition be sustained and that "CITRI-

VIVE," the subject of Application Serial No. 76/036,219, be refused registration in connection with the goods identified in said application.

The required fee of three hundred dollars (\$300) is enclosed. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0440.

A duplicate copy of the Notice of Opposition is filed herewith.

Respectfully submitted,
JEFFER, MANGELS, BUTLER & MARMARO LLP



Dated: February 23, 2001

By: _____

Rod S. Berman
Steven Plotkin
Attorneys for Opposer
JEFFER, MANGELS, BUTLER & MARMARO LLP
2121 Avenue of the Stars
Suite 1000
Los Angeles, California 90067
(310) 203-8080