EL645100464US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application:

Serial No.: 78/122494

11-12-2003

Applicant: Bath & Body Works, Inc.

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

Mark: PURE SIMPLICITY

For: face cleansers, face moisturizers, face polishers, skin polishers, gel face washes, exfoliating scrubs for the face and body, hydrating masks, non-medicated skin serums, eye creams, night nourishing creams, night eye creams, eye makeup removers, blemish correctors, non-medicated lip treatment preparations, lip balms, shower gels, body lotions, body soaps, body scrubs, body oils, shower creams, hydrating body washes, hydrating soaps, hydrating bubble bath, hydrating body balms, soaps, hand and cuticle creams, hand washes, sun screens, self-tanning preparations, lipstick, lip gloss, lip liners, eye shadows, eye liners, mascara, makeup for the face and sachets, in International Class 3; candles, in International Class 4; series on non-fiction books on the subject of health and well-being, in International Class 16; bathing sponges, candle holders in the form of a base not of precious metal and foot brushes, in International Class 21; towels, wash cloths and wash mitts, in International Class 24; and tea, in International Class 30

Classes: 3, 4, 16, 21, 24 and 30

Published in the Official Gazette July 15, 2003, at TM 211

THIRD REQUEST FOR EXTENSION OF TIME, WITH CONSENT, TO FILE NOTICE OF OPPOSITION

Pursuant to Trademark Rule 2.102, prospective Opposer, China Mist Tea Company, an Arizona corporation having its principal place of business at 7435 East Tierra Buena Lane, Scottsdale, Arizona 85260, by its counsel Quarles & Brady Streich Lang LLP, respectfully requests that the time for filing a Notice Of Opposition against the above-identified application be extended for a period of forty-four (44) days, namely, up to and including December 26, 2003. This extension request is submitted with the consent of Applicant through its representative,

Frank Colucci, attorney for Applicant Bath & Body Works, Inc. Consent for this extension was given on November 11, 2003. For the convenience of the Board a copy of the Notice of Publication is attached.

Prospective Opposer is waiting for Applicant's promised deletion of Class 30 from the application to be reflected in the records of the Patent and Trademark Office.

All correspondence regarding this request should be submitted to prospective Opposer's Counsel, Glenn Spencer Bacal, Esq. of Quarles and Brady Streich Lang LLP at the address noted below.

This request is being submitted in triplicate, as required by 37 C.F.R. §2.102(c) and (d).

RESPECTFULLY SUBMITTED,

QUARLES & BRADY STREICH LANG LLP

By _____
Glenn S. Bacal
Renaissance One
Two North Central Avenue
Phoenix, AZ 85004-2391
602.230.5515

Dated: November 11, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of prospective Opposer's third Request for Extension of Time, With Consent, to file Notice of Opposition was served on the following attorney of record for Applicant, by depositing same with the United States Postal Service as First-Class U.S. Mail this 11th day of November, 2003, addressed as follows:

Frank J. Colucci, Esq.
Colucci & Umans
101 East 52nd Street
New York, NY 10022-6018
Attorneys for Applicant

Glenn S. Bacal

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. *1.10

Mark:	PURE SIMPLICITY
Serial No.:	78/122494
Applicant:	Bath & Body Works, Inc.
Type of Filing:	Third Request for Extension of Time, With Consent, to File Notice of Opposition

I hereby certify that this correspondence is being addressed to the Commissioner for Trademarks, TRADEMARK TRIAL AND APPEAL BOARD, 2900 Crystal Drive, Arlington, VA 22202-3513; is being deposited with the United States Postal Services "Express Mail Post Office to Addressee" service "Express Mail" Mailing Label No. EL645100464US on November 11, 2003.

Jamie Tuccio

Jamie Tuccio

November 11, 2003

Date

OF AN ANNUAL COMMUNITY CELEBRATION, ENTERTAINMENT SERVICES IN THE NATURE OF PROVIDING CHRISTMAS RELATED EVENTS FEATURING HOLIDAY CHARACTERS; ENTERTAINMENT SERVICES, NAMELY, CONDUCTING LIVE EXHIBITIONS IN THE NATURE OF BROADWAY OR STAGE THEATRICAL SHOWS, ICE SHOWS, HOLIDAY CHARACTER APPEARANCES, MOTION PICTURE SHOWS, AND MAGIC SHOWS (U.S. CLS. 100, 101 AND 107).

SN 78-121,325. JEWELULTRA LIMITED, MAIDSTONE KENT, UNITED KINGDOM, FILED 4-12-2002.

JEWELULTRA

OWNER OF ERPN CMNTY TM OFC REG. NO. 1687375, DATED 8-17-2001, EXPIRES 8-17-2011.

CLASS 2—PAINTS

FOR VARNISHES, LACQUERS IN THE NATURE OF A COATING; PREPARATIONS IN THE NATURE OF COATINGS USED FOR PROTECTION OF VEHICLES AGAINST CORROSION AND RUST AND STATIC ELECTRICITY (U.S. CLS. 6, 11 AND 16).
FIRST USE 1-0-1993; IN COMMERCE 1-0-1993.

CLASS 3—COSMETICS AND CLEANING PREPARATIONS

FOR CLEANING, POLISHING AND SCOURING PREPARATIONS FOR VEHICLES, CARPETS, FABRIC, LEATHER AND VINYL UPHOLSTERY; WAXING, SHAMPOOING AND ABRASIVE PREPARATIONS FOR VEHICLES, CARPETS, FABRICS, LEATHER AND VINYL UPHOLSTERY (U.S. CLS. 1, 4, 6, 50, 51 AND 52).
FIRST USE 1-0-1993; IN COMMERCE 1-0-1993.

SN 78-121,352. AGNELLI, GREG KEVIN, MONTE SERENO, CA. FILED 4-12-2002.

SILICONVOLLEY

CLASS 25—CLOTHING

FOR T-SHIRTS, SWEATSHIRTS, SWEATPANTS, HATS, VISORS, WALKING SHORTS, VOLLEYBALL SHORTS, SWIM TRUNKS, SWIM WEAR, BATHING SUITS, JACKETS, PANTS, BEACH COVERUPS, BEACH SHOES (U.S. CLS. 22 AND 39).
FIRST USE 10-28-2000; IN COMMERCE 12-5-2000.

CLASS 28—TOYS AND SPORTING GOODS

FOR VOLLEYBALLS, VOLLEYBALL NETS, VOLLEYBALL UPRIGHTS, VOLLEYBALL GAME PLAYING EQUIPMENT, VOLLEYBALL FLOOR PLATES, VOLLEYBALL ANTENNAS, VOLLEYBALL STANDARDS, SAFETY PADDING FOR VOLLEYBALL UPRIGHTS (U.S. CLS. 22, 23, 38 AND 50).
FIRST USE 6-19-2001; IN COMMERCE 7-27-2001.

CLASS 35—ADVERTISING AND BUSINESS

FOR RETAIL STORE SERVICES FEATURING SPORTSWEAR, ACTIVEWEAR, BEACHWEAR, SWIMWEAR, SPORTS EQUIPMENT, CHAIRS FOR THE BEACH, VOLLEYBALL AND LOUNGING; CLOTHING AND RELATED ACCESSORIES (U.S. CLS. 100, 101 AND 102).
FIRST USE 3-28-1999; IN COMMERCE 11-16-1999.

SN 78-122,421. ACCELLION, INC., SAN JOSE, CA. FILED 4-17-2002.

EDGEPOP

PRIORITY CLAIMED UNDER SEC. 44(D) ON SINGAPORE APPLICATION NO. T0202951E, FILED 3-8-2002.
PRIORITY CLAIMED UNDER SEC. 44(D) ON SINGAPORE APPLICATION NO. T0202950G, FILED 3-8-2002.

CLASS 38—COMMUNICATION

FOR PROVIDING MULTIPLE USER ACCESS TO A GLOBAL COMPUTER NETWORK; ELECTRONIC AND DIGITAL TRANSMISSION OF DATA, DOCUMENTS, INFORMATION, IMAGES, MESSAGES AND APPLICATIONS IN THE FORM OF TEXT (U.S. CLS. 100, 101 AND 104).
FIRST USE 7-0-2001; IN COMMERCE 7-0-2001.

CLASS 39—TRANSPORTATION AND STORAGE

FOR ELECTRONIC STORAGE OF DIGITAL DATA, DOCUMENTS, INFORMATION, IMAGES, MESSAGES AND APPLICATIONS IN THE FORM OF TEXT (U.S. CLS. 100 AND 105).
FIRST USE 7-0-2001; IN COMMERCE 7-0-2001.

SN 78-122,494. BATH & BODY WORKS, INC., REYNOLDSBURG, OH. FILED 4-18-2002.

PURE SIMPLICITY

CLASS 3—COSMETICS AND CLEANING PREPARATIONS

FOR FACE CLEANSERS, FACE MOISTURIZERS, FACE POLISHERS, SKIN POLISHERS, GEL FACE WASHES, EXFOLIATING SCRUBS FOR THE FACE AND BODY, HYDRATING MASKS, NON-MEDICATED SKIN SERUMS, EYE CREAMS, NIGHT NOURISHING CREAMS, NIGHT EYE CREAMS, EYE MAKEUP REMOVERS, BLEMISH CORRECTORS, NON-MEDICATED LIP TREATMENT PREPARATIONS, LIP BALMS, SHOWER GELS, BODY LOTIONS, BODY SOAPS, BODY SCRUBS, BODY OILS, SHOWER CREAMS, HYDRATING BODY WASHES, HYDRATING SOAPS, HYDRATING BUBBLE BATH, HYDRATING BODY BALMS, SOAPS, HAND AND CUTICLE CREAMS, HAND WASHES, SUN SCREENS, SELF TANNING PREPARATIONS, LIPSTICK, LIP GLOSS, LIP LINERS, EYE SHADOWS, EYE LINERS, MASCARA, MAKEUP FOR THE FACE AND SACHETS (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

CLASS 4—LUBRICANTS AND FUELS

FOR CANDLES (U.S. CLS. 1, 6 AND 15).

CLASS 16—PAPER GOODS AND PRINTED MATTER

FOR SERIES OF NON-FICTION BOOKS ON THE SUBJECT OF HEALTH AND WELL-BEING (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

CLASS 21—HOUSEWARES AND GLASS

FOR BATHING SPONGES, CANDLE HOLDERS IN THE FORM OF A BASE NOT OF PRECIOUS METAL AND FOOT BRUSHES (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

TTAB

Quarles & Brady Streich Lang LLP

One Renaissance Square
Two North Central Avenue
Phoenix, Arizona 85004-2391
Tel 602.229.5200
Fax 602.229.5690
www.quarles.com

Attorneys at Law in:
Phoenix and Tucson, Arizona
Naples and Boca Raton, Florida
Chicago, Illinois (Quarles & Brady LLC)
Milwaukee and Madison, Wisconsin

Writer's Direct Dial: 602.230.5515
E-Mail: gsbacal@quarles.com

November 11, 2003

[redacted]

11-12-2003
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #22

VIA EXPRESS MAIL
NO. EL645100464US

Assistant Commissioner for Trademarks
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, VA 22202-3513

RE: Third Request for Extension of Time, With Consent, to File a Notice of Opposition

Dear Sir:

On behalf of the prospective opposer, China Mist Tea Company, we enclose the Third Request for Extension of Time to File a Notice of Opposition, in triplicate, against:

Applicant:	Bath & Body Works, Inc.
Mark:	PURE SIMPLICITY
Serial No.	78/122494
Publication Date:	July 15, 2003

Also enclosed is a Certificate of Receipt postcard which identifies all of the enclosures. Please stamp this postcard "received" and return it to us to provide us with confirmation that you have in fact received the Request package.

If you have any questions regarding this Request, please contact me at the above-referenced address.

Sincerely,

Glenn S. Bacal

GSB:JT:sc
Enclosures