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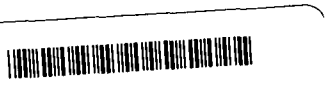
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



02-11-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #76

SAFESKIN CORPORATION	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
QUANTUM LABS, INC.	)	
	)	
Applicant.	)	

02/12/2002 JHARLEY 00000119 110875 75809167
01 FC:377 300.00 CH

OPPOSITION

In the matter of the application for the registration of the mark SOFTSKIN for medical supplies, namely, disposable examination gloves sold exclusively and directly to dentists, Serial No. 75/809,167, filed September 27, 1999, by Quantum Labs, Inc., Minneapolis, MN ("applicant"), published in the *Official Gazette* on September 11, 2001; Safeskin Corporation ("opposer"), a corporation organized and existing under the laws of the State of Florida, with offices in Roswell, Georgia, believes that it will be damaged by the proposed registration, and hereby opposes the application for registration of the aforesaid mark. Opposer is a wholly owned subsidiary of Kimberly-Clark Corporation.

The grounds for opposition are as follows:

1. The opposer is and has been engaged in the manufacture and sale of disposable examination gloves for the medical profession including the dental profession, in interstate commerce throughout the United States, under the SAFESKIN trademark.

2. Opposer has used its SAFESKIN trademark in interstate commerce for disposable examination gloves prior to applicant's date of first use of the SOFTSKIN trademark, July 13, 1999, and prior to applicant's filing of Application Serial No.

75/809,167, in the United States, based on Section 1(a) of the Trademark Act, July 5, 1946, as amended. Opposer is the owner of the following registrations for SAFESKIN:

- Reg. No. 1,507,969 for latex or rubber gloves for medical use and prophylactics;
- Reg. No. 1,921,725 for latex gloves for protective use in industrial and laboratory environments;
- Reg. No. 2,033,585 for latex gloves for medical use; and
- Reg. No. 2,216,305 for powder-free latex gloves for medical use.

Copies of these registrations are enclosed herewith.

3. Opposer's products bearing the trademark SAFESKIN have been offered in commerce directly and through distributors to buyers and end users, including doctors, dentists and others in the dental profession. Opposer has extensively advertised its gloves in association with SAFESKIN in commerce in the United States. This advertising includes placement in trade magazines and distributor catalogues, issuing publicity releases, participating in trade shows, and distributing samples and literature to dental distributors, dental distributor sales representatives and end users in the dental profession. By reason of such advertising, distribution and sale of opposer's product bearing the SAFESKIN trademark, purchasers have come to recognize the trademark as signifying opposer's goods, and opposer has built up goodwill in connection with the sale of its goods bearing this trademark.

4. Notwithstanding opposer's prior rights in and to the trademark SAFESKIN in association with medical and dental gloves, applicant filed an application on September 27, 1999, for the registration of the SOFTSKIN trademark for examination gloves sold to dentists. Said application was given Serial No. 75/809,167, and the mark was published for opposition on September 11, 2001. The time to file an opposition was duly extended to February 8, 2002.

5. The mark SOFTSKIN which applicant seeks to register is confusingly similar to opposer's SAFESKIN trademark. Registration of SOFTSKIN is likely to cause confusion as to the source of origin and mislead customers, all to opposer's damage.

6. Applicant's mark as used with applicant's goods is likely to cause confusion in the minds of the public and deceive purchasers. Seeing said mark on or in connection with applicant's goods, the public would believe that such goods originated with or have some connection with the opposer; and opposer avers that applicant's use of said mark interferes with opposer's use of SAFESKIN which dates back to 1987. Opposer avers further that applicant's use of said mark will embarrass opposer in the free use of said mark, and registration of SOFTSKIN by applicant will seriously damage the opposer.

WHEREFORE, opposer believes that it will be damaged by said registration, and prays that it will not be allowed.

Respectfully submitted,

SAFESKIN CORPORATION

By: Nancy Lee Carter

Nancy Lee Carter
Senior Trademark Counsel

401 North Lake Street
Neenah, Wisconsin 54911
Telephone: 920-721-2841
Date: February 8, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in a postage prepaid envelope addressed to:
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513 on

2/8/02
(Date)

Kimberly-Clark Corporation
Neenah, Wisconsin 54956
(920)721-2000

Int. Cl.: 10

Prior U.S. Cl.: 44

Reg. No. 1,507,969

United States Patent and Trademark Office

Registered Oct. 11, 1988

TRADEMARK
PRINCIPAL REGISTER

SAFESKIN

SAFESKIN CORPORATION (FLORIDA CORPORATION)
SUITE 201
1701 PONCE DE LEON BOULEVARD
CORAL GABLES, FL 33134

FOR: LATEX OR RUBBER GLOVES FOR MEDICAL USE AND PROPHYLACTICS, IN CLASS 10 (U.S. CL. 44).

FIRST USE 10-12-1987; IN COMMERCE 10-25-1987.

SER. NO. 699,029, FILED 12-4-1987.

RICHARD A. STRASER, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 1,921,725

United States Patent and Trademark Office Registered Sep. 26, 1995

TRADEMARK
PRINCIPAL REGISTER

SAFESKIN

SAFESKIN CORPORATION (FLORIDA CORPORATION)
5100 TOWN CENTER CIRCLE
BOCA RATON, FL 33486

FOR: LATEX GLOVES FOR PROTECTIVE USE IN INDUSTRIAL AND LABORATORY ENVIRONMENTS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-28-1991; IN COMMERCE 10-28-1991.

OWNER OF U.S. REG. NO. 1,507,969.

SER. NO. 74-573,065, FILED 9-13-1994.

MARTHA SANTOMARTINO, EXAMINING ATTORNEY

Safeskin + Design

Int. Cls.: 9 and 10

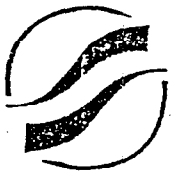
Prior U.S. Cls.: 21, 23, 26, 36, 38, 39 and 44

United States Patent and Trademark Office

Reg. No. 2,033,585

Registered Jan. 28, 1997

TRADEMARK
PRINCIPAL REGISTER



SAFESKIN

SAFESKIN CORPORATION (FLORIDA CORPORATION)
5100 TOWN CENTER CIRCLE
BOCA RATON, FL 33486

FOR: LATEX GLOVES FOR INDUSTRIAL PROTECTIVE USE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-1-1995; IN COMMERCE 9-1-1995.

FOR: LATEX GLOVES FOR MEDICAL USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 9-1-1995; IN COMMERCE 9-1-1995.

OWNER OF U.S. REG. NOS. 1,507,969, 1,921,725, AND 1,953,750.

THE MARK CONSISTS, IN PART, OF THE STYLIZED LETTER "S" AND THE WORD "SAFESKIN".

SER. NO. 75-011,356, FILED 10-27-1995.

KATHLEEN M. VANSTON, EXAMINING ATTORNEY

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 2,216,305

Registered Jan. 5, 1999

TRADEMARK
PRINCIPAL REGISTER

SAFESKIN PFE-XTRA

SAFESKIN CORPORATION (FLORIDA CORPORATION)
12671 HIGH BLUFF DRIVE
SAN DIEGO, CA 92130

FOR: POWDER-FREE LATEX GLOVES FOR MEDICAL USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 1-5-1998; IN COMMERCE 1-5-1998.

OWNER OF U.S. REG. NOS. 1,507,969, 1,953,750 AND OTHERS.

SER. NO. 75-390,571, FILED 11-14-1997.

JOYCE A. WARD, EXAMINING ATTORNEY

Kimberly-Clark

Nancy Lee Carter
Senior Trademark Counsel

02-11-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #76

February 8, 2002

BOX TTAB
FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

02 FEB 20 P 4:53

Re: **SUBMISSION OF NOTICE OF OPPOSITION**
Application Serial No.: 75/809,167
Applicant: Quantum Labs, Inc.
Opposer: Kimberly-Clark Corporation
Trademark: SOFTSKIN
Published: September 11, 2001

Madam:

We respectfully submit the enclosed Notice of Opposition in regard to the above-captioned matter. It is requested that the subject opposition be instituted and that notification as to Answer Dates and Testimony Periods be forwarded to the undersigned in due course.

Please charge the filing fee in the amount of three hundred dollars ($300.00) to the Deposit Account of Kimberly-Clark Corporation, No. 11-0875. Two extra copies of this letter are enclosed for this purpose.

Respectfully submitted,

Nancy Lee Carter

Nancy Lee Carter
Senior Trademark Counsel

NLC:lml
Enclosures

Kimberly-Clark Corporation 401 North Lake Street P.O. Box 349 Neenah, Wisconsin 54957-0349
(920) 721-2841 (920) 721-4808 Facsimile E-mail: ncarter@kcc.com