

**Exhibits**

TTAB

Opposition by Laura Ashley Limited  
To registration of Serial No. 75/829,009



01-22-2002

5174/01

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

124,722 (Acas)

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

Laura Ashley Limited )  
)  
Opposer, )  
)  
v. )  
)  
Milton John Verrett.<sup>1</sup> )  
)  
Applicant. )

Opposition No. \_\_\_\_\_

01/23/2002  
08

Serial No.: 75/829,009  
Mark: DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN  
Goods: Cosmetics  
Class: 3  
Filed: October 22, 1999  
Published: Official Gazette of September 25, 2001

**NOTICE OF OPPOSITION**

Opposer, Laura Ashley Limited, ("Laura Ashley"), is a United Kingdom corporation, having a place of business at 27 Bagleys Lane, Fulham, SW6 2QA, United Kingdom, and believes that it would be damaged by the registration of the mark DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN, U.S. Trademark Application 75/829,009, and hereby opposes that application.

As grounds of opposition, Laura Ashley alleges: 01/23/2002 SWILSON 00000213 75829009

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<sup>1</sup> Opposer, Laura Ashley Limited, notes that the application may have been assigned to Ashley Skin Nutrition. The USPTO Web site, however, lists Mr. Verrett as the Applicant.

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History of Opposer and its LAURA ASHLEY mark

1. Laura Ashley was founded in 1954 as a manufacturer of original headscarves, table mats, and napkins with the company's now-famous patterns;
2. Laura Ashley continuously has used its LAURA ASHLEY mark in the United States since 1954 and has never abandoned its mark in the United States;
3. The LAURA ASHLEY mark has been widely advertised and promoted in the United States and the LAURA ASHLEY brand has been enormously successful in the United States;
4. Over the last forty-eight years, Laura Ashley has evolved into a "lifestyle" company and has expanded its business to include, among numerous goods and services, full lines of women's and children's clothing and accessories, cosmetics, perfumes, beauty products and toiletries, home furnishings and home accessories, and interior design services;
5. Over the last six years, Laura Ashley has been aggressively expanding its presence in the perfume and toiletry sector;
6. Laura Ashley and its franchisees operate retail stores, which sell its LAURA ASHLEY and ASHLEY brand merchandise throughout the world, including in Austria, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Panama, United Kingdom, United States, and Russia;
7. The LAURA ASHLEY brand has been widely successful in the United States and worldwide with worldwide annual sales exceeding \$370 million in the years 2000 and 2001;

8. The LAURA ASHLEY mark is an asset of substantial value to Laura Ashley as a symbol of Laura Ashley, its quality goods and services, business enterprise and goodwill;

9. The trade and public associate the LAURA ASHLEY mark with Laura Ashley.

Laura Ashley United States Trademark Registrations and Applications

10. In 1975, nearly thirty years ago, Laura Ashley received its first United States trademark registration, Reg. No. 1,009,960, for its LAURA ASHLEY mark in connection with textiles and clothing (See Exhibit A);

11. In 1985, seventeen years ago, Laura Ashley received Registration No. 1,352,300, for its LAURA ASHLEY AND DESIGN mark in connection with “perfumes and toilet waters, full line of cosmetics, talc, bath salts, body lotion and personal soap” (See Exhibit B);

12. In 1993, Laura Ashley received Registration No. 1,789,975 for its LAURA ASHLEY mark and Registration No. 1,762,233 for its LAURA ASHLEY AND DESIGN mark, both in connection with over a dozen toiletry items, including, perfume, cologne, makeup, lotions, deodorants, bathing products and powders (See Exhibit C); and

13. In total, Laura Ashley owns nine LAURA ASHLEY United States trademark registrations and two LAURA ASHLEY trademark applications in the United States for a wide variety of goods including toiletries and cosmetics, clothing and personal accessories, household furnishings and home accessories, toys, food, and furniture (See Exhibit D).

Likelihood of Confusion

14. On information and belief, Applicant is an individual having an address at 5604 N. Scout Island Circle, Austin, Texas 78759, United States;
15. On information and belief, on October 22, 1999, Applicant, filed an intent-to-use application, Application Serial No. 75/829,009, to register the mark DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN in connection with “cosmetics” (See Exhibit E);
16. On information and belief, Laura Ashley has actual use priority of its LAURA ASHLEY mark over Applicant’s filing date for the identical and closely-related goods;
17. On information and belief, Laura Ashley has numerous United States trademark registrations for its LAURA ASHLEY mark in connection with cosmetics and other goods and services that precede Applicant’s filing date;
18. Applicant’s DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN mark wrongfully appropriates a substantial portion of the LAURA ASHLEY mark and prominently displays the ASHLEY portion of the mark in a manner that is nearly identical in appearance, pronunciation, and overall commercial impression to Laura Ashley’s mark for closely-related goods and services.
19. It is likely that Applicant’s DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN mark, when applied to Applicant’s goods, will cause confusion, or cause mistake, or deceive because Applicant’s DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN mark appropriates a substantial portion of the LAURA ASHELY mark for closely-related goods.

For the above reasons, Laura Ashley would be damaged by the registration of the  
**DOCTOR FORMULATED ASHLEY SKIN NUTRITION AND DESIGN** mark,  
Application Serial No. 75/829,009.


WHEREFORE, Laura Ashley prays that this opposition is sustained and that  
registration of Application Serial No. 75/829,009 is denied.

The Notice of Opposition and Exhibits are filed in duplicate. Laura Ashley notes  
that the required opposition fee of \$300 accompanies this Notice. If the Filing Fee is  
found to be insufficient for any reason, please charge such deficiency to our Deposit  
Account No. 03-3415.

Respectfully submitted,

**LAURA ASHLEY LIMITED**

Date: January 18, 2002

By:   
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