

TTAB

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

OPPOSITION TO THE REGISTRATION OF A MARK, WITH DECLARATION

In the matter of trademark application Serial No. 76/215,316
Filed 2/23/2001
For the mark **CLINIQUE IN TOUCH**
International Class(es) 9, 42
In the name of Clinique Laboratories, Inc.
Published in the Official Gazette on July 16, 2002

TRADEMARK TRIAL AND APPEAL BOARD
02 SEP - 2 AM 12: 05

Mary Kay, Inc. v. Clinique Laboratories, Inc.
(Name of opposer) (Name of applicant)

Opposition No. _____
(To be inserted by Patent & Trademark Office)

U.S. Patent & TMO/TM Mail Rcpt. Dt. #57
08-13-2002

Opposer's Name, Address, and Entity Information:

Mary Kay Inc., a Delaware Corporation
16251 Dallas Parkway
Dallas, Texas 75024
Representative: Margo Lynn Hablutzel, Senior Attorney
Voice: (972) 687-5725 - email: MargoLynn.Hablutzel@mkcorp.com

NOTICE OF OPPOSITION

The above-identified opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same. The grounds for opposition are as follows: *Opposer holds the registration for "MARY KAY INTOUCH" (No. 2,122,018, Registered December 16, 1997) in International Class 9. This mark has remained at all times since the date of first use (June 1995) in active use by Opposer, and are used in conjunction with each other on the same good and servicess. Opposer believes that the general public will be confused and deceived by the use of the opposed mark, pursuant to 15 USC §1052(d).*

Signature: Margo Lynn Hablutzel
Name: Margo Lynn Hablutzel
Authority: Attorney for Opposer
Date: August 9, 2002

08/27/2002 EPIMAI 00000089 131965 76215316
01 FC:377 300.00 CH

CERTIFICATE OF COURIER DELIVERY UNDER 37 C.F.R. § 1.10
I hereby certify that this correspondence is being deposited in Express Mail, United States Post Office, for service under 37 C.F.R. 1.10 in an envelope addressed to: Box TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513 on the following date: August 13, 2002

Judy James
Judy James, Administrative Assistant

Label No. EV 079648899 US

Margo Lynn Hablutzel
Senior Attorney
Global Legal Resources

U.S. Patent & TMO/c/TM Mail Rpt. Dt. #57



08-13-2002

MARY KAY®

August 13, 2002

USPS EXPRESS MAIL # EV 079648899 US

BOX TTAB – FEE
Assistant Commissioner for Trademarks
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, VA 22202-3513

RE: NOTICE OF OPPOSITION
Applicant: Clinique Laboratories, Inc.
For Mark: CLINIQUE IN TOUCH
Serial No.: 76/215,316
Classes: 9, 42

TRADEMARK TRIAL AND
APPEAL BOARD
02 SEP -2 AM 12:05

Dear Sir:

Enclosed please find the following:

1. Notice Of Opposition;
2. Deposit Account Form;
3. Return postcard.

You are hereby authorized to charge payment of fees associated with the foregoing papers or to credit any overpayment thereof, to Deposit Account 13-1965.

If you have any questions, please feel free to contact me at (972) 687-5725.

Sincerely,

Margo Lynn Hablutzel
Senior Attorney

MLH/jj
Enclosures

Mary Kay Inc.
P.O. Box 799045
Dallas, TX 75379-9045
972-687-5725
Fax 972-687-1604 or 972-687-1648
margolynn.hablutzel@mkcorp.com