

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



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In the Matter of Application
Serial No. 76/331,212
Published: January 7, 2003

01-23-2003

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #3

CHESEBROUGH-POND'S INC. and CONOPCO, INC.
dba LEVER BROTHERS COMPANY

NOTICE OF OPPOSITION

Opposers,

v.

PHOENIX INTANGIBLES HOLDING COMPANY and
MELLON BANK, N.A.

Applicants.
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Opposers, CHESEBROUGH-POND'S INC., a corporation organized and existing under the laws of Delaware, with its address at 501 Silverside Road, Wilmington, Delaware 19809, and CONOPCO, INC. dba LEVER BROTHERS COMPANY, a corporation organized and existing under the laws of New York, with its address at 33 Benedict Place, Greenwich, Connecticut 06830, (collectively, "Opposers") believe that they will be damaged by registration of the mark SNUGGLES as shown in Application Serial No. 76/331,212 as applied to "disposable diapers," (hereinafter "Goods") and hereby oppose registration of same.

As grounds for opposition, it is alleged that:

1. Opposer, Chesebrough-Pond's Inc., is the owner of the trademark SNUGGLE (the "SNUGGLE Mark") and the following registrations therefor, issued by the United States Patent and Trademark Office:

SNUGGLE, Registration No. 1,246,754 for fabric softener, registered on August 2, 1983; SNUGGLE and Design, Registration No. 2,332,490 for fabric softener,

registered on March 21, 2000; and SNUGGLE, Registration No. 1,599,689 for toy bears, registered on June 5, 1990.

The above-listed registrations are valid, subsisting, unrevoked and uncanceled.

2. Opposer, Conopco, Inc., dba Lever Brothers Company, is the licensee of Chesebrough-Pond's Inc. to sell products, including fabric softener, under the SNUGGLE Mark in the United States.

3. For many years, and long prior to any date upon which Applicants can rely for purposes of priority, Opposers have used the SNUGGLE Mark in commerce in connection with the nationwide production, distribution, sale and promotion of fabric softener, and on various other products, including toy bears, porcelain figurines, junior apparel and tote bags. As a result of these efforts, Opposers' SNUGGLE Mark is famous in the United States and is associated with Opposers and their high quality products only. Opposers' SNUGGLE Mark became famous long before the filing date of Applicants' application, was famous on the filing date of Applicants' application and is famous as of the date of filing this opposition.

4. Applicant's application was filed on or about October 30, 2001 under the Intent to Use provision of the Trademark Act, 15 U.S.C. Section 1051 (b).

5. Applicants are not entitled to register the mark SNUGGLES for Applicants' Goods, namely disposable diapers, because consumers familiar with Opposers' SNUGGLE Mark used in connection with fabric softeners, toy bears and other products are likely to believe, mistakenly, that Applicants or Applicants' Goods emanate from, are sponsored, endorsed or authorized by, or are otherwise associated with Opposers in violation of Section 2(d) of the Lanham Trademark Act, as amended, 15 U.S.C. Section 1052(d). As a result, the granting of the registration applied for will cause substantial damage and injury to Opposers.

6. Use or registration by Applicants of the mark SNUGGLES for Applicants' Goods is likely to cause dilution of Opposers' famous SNUGGLE Mark, in violation of Section 2 of the Lanham Trademark Act, as amended, 15 U.S.C. Section 1052. As a result, the granting of the registration applied for will cause substantial damage and injury to Opposers.

WHEREFORE, Opposers believe they will be damaged by registration of the mark SNUGGLES shown in Application Serial No. 76/331,212 and respectfully request that the registration sought by Applicants be denied.

Dated: January 23, 2003

Respectfully submitted,

CHESEBROUGH-POND'S INC. and
CONOPCO, INC. dba LEVER BROTHERS
COMPANY

By: 

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CERTIFICATE OF MAILING


In the Matter of Application Serial No. 76/331,211

Mark: SNUGGLE

Published in the OG: January 7, 2003

Date of Deposit: January 23, 2003

I hereby certify than an original and two copies of the NOTICE OF OPPOSITION in the above-referenced matter are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.


Rowena DeLeon



TTAB



01-23-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

January 23, 2003

BY EXPRESS MAIL
EF115901825US

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

Re: Mark: SNUGGLES
Applicant: Phoenix Intangibles Holding Company and Mellon Bank N.A.
Filed: October 30, 2001
Published: January 7, 2003

Dear Sir:

Please find enclosed for filing:

- 1) Original and two copies of a Notice of Opposition;
- 2) Certificate of Mailing; and
- 3) Acknowledgement Postcard.

We enclose a self-addressed, stamped postcard to be returned to us indicating receipt of the above documents.

Please debit our account no. 03-1595 in the amount of \$300 to cover the fee for filing the Notice of Opposition. You are also authorized to debit an additional amount in excess of the amount above to cover any fees required in connection with this filing.

Sincerely yours,

Rowena DeLeon

Enclosures

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