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

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 :
DEBONAIR TRADING INTERNACIONAL LDA.
 :
Opposer, **Opposition No.** _____
 :
 v.
 :
AMITEE COSMETICS INC. and HENKEL
CORPORATION,
 :
Applicants.
 ----- X

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513



05-05-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

MADAM:

NOTICE OF OPPOSITION

In the Matter of Application Serial No. 78/143228 published in the Official Gazette on September 2, 2003, Debonair Trading Internacional LDA., a corporation organized and existing under the laws of Portugal, located and doing business at Avenida do Infante, 50 9000 Funchal, Madeira, Portugal, believes that it will be damaged by registration of the mark SO SMOOTH shown in such application, and hereby opposes the same. As grounds for opposition, it is alleged that:

1. Opposer is the prior user and owner of the trademark SO. . . ? in commerce in and with the United States for perfumes and related fragrance products in International Class 3.
2. Opposer has continuously used the trademark SO. . . ? in commerce in and with the United States since circa 1992, and has applied to register the mark SO. . . ? KISS ME in the United States Patent and Trademark Office under Section 1(b) of the Trademark Act. Said application has been assigned S.N. 78/227511.

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3. Said Application of Opposer has been refused registration on the Principal Register under Section 2(d) of the Trademark Act on the ground that it is likely to cause confusion with the mark that is the subject of the Application herein opposed.
4. The goods identified in the Application herein opposed, hair care products in International Class 3, and the perfume and fragrance products sold by Opposer under the mark SO. . .?, and to be sold under the mark SO. . .? KISS ME, are closely related.
5. Applicant's registration and use of its applied-for mark is likely to cause confusion, mistake or deception of the American public as to the source of its hair care products.
6. Applicant's registration and intention to use the mark herein opposed damages, and will damage Opposer and the good will of its business

WHEREFORE, Opposer prays that its opposition be sustained under Section 2(d) of the Trademark Act, and that accordingly, the opposed Application be denied registration.

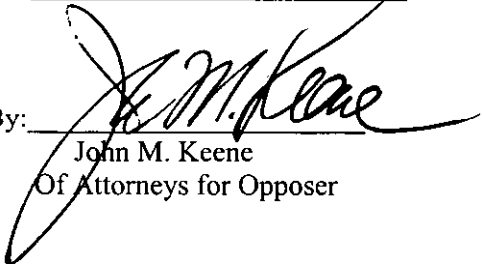
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A duplicate copy of this Notice of Opposition and a check for \$300.00 payable to the Commissioner for Patents and Trademarks are enclosed herewith.

Respectfully submitted,

GRAHAM, CAMPAIGN P.C.

By: _____

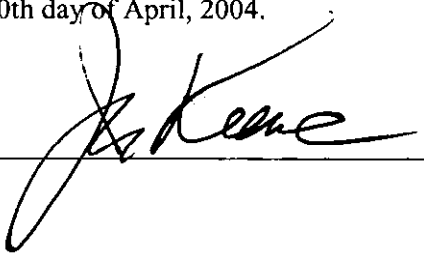

John M. Keene
Of Attorneys for Opposer

Dated: New York, New York
April 30, 2004

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CERTIFICATE OF MAILING

I hereby certify that the foregoing NOTICE OF OPPOSITION to Application Serial No. 78/143228 is being deposited with the U.S. Postal Service, via first-class mail, with sufficient postage prepaid, in an envelope addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, and deposited with the U.S. Postal Service on this 30th day of April, 2004.



A handwritten signature in black ink, appearing to read "J. Keene", is written over a horizontal line. The signature is stylized and cursive.

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jkbt/00/01/50/00
beckgreenersosmoothnoticeoppn30apr04
enclosures