

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, Box TTAB FEE, 2900 Crystal Drive, Arlington, Virginia 22202, on

June 21, 2004
Date

Eusa M. Valenzona
Name of Applicant, Assignee or

Registered Representative

Eusa M. Valenzona
Signature

6/21/04
Date of Signature

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

ALTICOR INC.)

Opposer,)

Opposition No. _____

06/29/2004 SWILSON1 00000057 78246945)

01 FC:6402)

300.00 OP)

Mark: SATINIQUE
Serial No. 78/246,945)

BODY WISE INTERNATIONAL, INC.)

Applicant.)

NOTICE OF OPPOSITION

To The Honorable Commissioner
of Patents and Trademarks:

Alticor Inc. ("Opposer"), a corporation duly organized and existing under the laws of the state of Michigan, with its principal place of business in Ada, Michigan, believes that it will be damaged by the proposed registration of the mark shown in the above-identified application (Applicant's Mark), and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer has been and is now extensively engaged in the business of marketing and selling various goods and services in interstate commerce, including personal care products that

include, among other things, shampoos, conditioners, cream rinses, hair-treatment lotions, gels, and styling products, and in connection therewith has used the trademark SATINIQUE.

2. Opposer's use in interstate commerce of the SATINIQUE mark in connection with personal care items is prior to the filing date of the application being opposed herein and prior to Applicant's first use of Applicant's Mark.

3. Opposer is the owner of the following registrations:

(A) United States Trademark Registration No. 807,627, granted on April 26, 1966 for the mark SATINIQUE covering personal care items, namely, hair sprays and cream rinses; and

(B) United States Trademark Registration No. 1,304,567, granted on November 13, 1984 for the mark SATINIQUE covering personal care items, namely hair shampoo, anti-dandruff hair shampoo and anti-dandruff crème rinse.

These registrations are valid, subsisting and in full force and effect and are incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. §1065. Copies of the above-referenced registrations are attached hereto as Opposer's Exhibits A and B.

4. Opposer's goods bearing the SATINIQUE mark have been extensively marketed and sold in commerce in the United States. Further, Opposer has extensively advertised and promoted its goods bearing the SATINIQUE mark in commerce in the United States. By reason of such advertising, promotion and sale of Opposer's goods under the SATINIQUE mark, Opposer has developed substantial goodwill in connection with the SATINIQUE mark.

5. Notwithstanding Opposer's prior rights in and to the SATINIQUE mark, Applicant, on or about May 7, 2003, filed an intent-to-use application to register the mark SATINIQUE for personal lubricants. Said Application was given Serial No. 78/246,945 and the mark was published for opposition on March 2, 2004.

6. Applicant's SATINIQUE mark is the same in sound, meaning and appearance as Opposer's SATINIQUE mark. Further, Applicant's goods are closely related to Opposer's products as hereinabove pleaded. The registration of Applicant's Mark and use by Applicant in association with its goods is likely to cause confusion, deception and mistake.

7. Applicant's SATINIQUE mark interferes with Opposer's use of its SATINIQUE mark, and continued use or registration of Applicant's Mark will seriously damage Opposer.

WHEREOF, Opposer believes that it will be damaged by the requested registration, and prays that it be denied, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

The filing fee for this opposition in the amount of \$300.00 is enclosed.

ALTICOR INC.

Dated: 6/21/2004

By: Elisa M. Valenzona
Jeffery A. Handelman
Elisa M. Valenzona
Brinks Hofer Gilson & Lione
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Chicago, Illinois 60611-5599
(312) 321-4200

United States Patent Office

807,627

Registered Apr. 26, 1966

PRINCIPAL REGISTER Trademark

Ser. No. 220,997, filed June 14, 1965

SATINIQUE

Amway Corporation (Michigan corporation)
7575 E. Fulton Road
Ada, Mich.

For: PERSONAL CARE ITEMS—NAMELY, HAIR
SPRAYS, CREAM RINSES, BATH LOTIONS, FACIAL
MOISTURE CREAMS, CLEANSERS, AND TONERS—
in CLASS 51.

First use on or about Dec. 29, 1964; in commerce on
or about Dec. 29, 1964.

Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

United States Patent and Trademark Office

Reg. No. 1,304,567

Registered Nov. 13, 1984

TRADEMARK
Principal Register

SATINIQUE

Amway Corporation (Michigan corporation)
7575 E. Fulton Rd.
Ada, Mich. 49355

For: PERSONAL CARE ITEMS—NAMELY,
HAIR SHAMPOO, ANTI-DANDRUFF HAIR
SHAMPOO AND ANTI-DANDRUFF CREME
RINSE, in CLASS 3 (U.S. Cls. 51 and 52).

First use Sep. 1969; in commerce Sep. 1969.

Owner of U.S. Reg. No. 807,627.

Ser. No. 425,119, filed May 9, 1983.

MICHELLE S. WISEMAN, Examining Attorney

TTAB

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BRINKS
HOFER
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ANN ARBOR, MI
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June 21, 2004

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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Re: Opposer: Alticor Inc.
Applicant: Body Wise International, Inc.
Serial No.: 78/246,945
Mark: SATINIQUE
Our Ref.: 3086/1474

Dear Sir or Madam:

Enclosed for filing (in triplicate) is:

1. Notice of Opposition;
2. Check in the amount of \$300.00 for filing fee; and
3. Return receipt postcard.

The Commissioner is hereby authorized to charge any additional filing fees which may be required, or credit any overpayment, to Deposit Account No. 23-1925. If you have any questions regarding this, please contact the undersigned.

Very truly yours,



Elisa M. Valenzona

EMV:sh
Enclosure



06-24-2004