

ESTTA Tracking number: **ESTTA69683**

Filing date: **03/07/2006**

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

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	La Prairie, Inc.
Granted to Date of previous extension	03/08/2006
Address	680 Fifth Avenue New York, NY 10019 UNITED STATES
Attorney information	Martin P. Michael, Esq. Sonnenschein Nath & Rosenthal LLP Wacker Drive Station - Sears Tower - P. O. Box 061080 Chicago, IL 60606-1080 UNITED STATES trademarks@sonnenschein.com Phone:212-768-6700

### Applicant Information

Application No	78552431	Publication date	11/08/2005
Opposition Filing Date	03/07/2006	Opposition Period Ends	03/08/2006
Applicant	Reicks, Dana C. 2012 DD Road Lebanon, KS 66952 UNITED STATES		

### Goods/Services Affected by Opposition

Class 004. All goods and services in the class are opposed, namely: Scented candles in container jars
--

Attachments	la prairie-prairiewindcandle.pdf ( 6 pages )
-------------	--

Signature	/martinpmichael/
Name	Martin P. Michael, Esq.
Date	03/07/2006

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

In the matter of trademark application:

Serial No.: 78-552,431  
Filing Date: January 24, 2005  
Applicant: DANA C. REICKS  
Trademark: PRAIRIE WIND CANDLE CO.  
Class: International Class 4  
Published: November 8, 2005  
1300 O.G. No. 2 at TM 487

LA PRAIRIE, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
DANA C. REICKS	)	
	)	
Applicant.	)	
	)	

To: Honorable Commissioner for Trademarks  
Attn: TTAB, 600 Dulany Street, Alexandria, Virginia 22314

SIR:

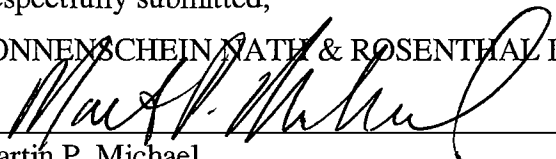
We are enclosing herewith the Notice of Opposition to the above-identified application.

Please charge the \$300.00 opposition filing fee plus any additional charges against the Amex credit card of Sonnenschein Nath & Rosenthal LLP.

Respectfully submitted,  
SONNENSCHN NATH & ROSENTHAL LLP

Dated: March 7, 2006

By: \_\_\_\_\_

  
Martin P. Michael  
P. O. Box 061080  
Wacker Drive Station - Sears Tower  
Chicago, Illinois 60606-1080  
Tel: (212) 768-6700  
Fax: (212) 768-6800  
E-mail: trademarks@sonnenschein.com  
*Attorney for Opposer*

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

In the matter of trademark application:

Serial No.: 78-552,431  
Filing Date: January 24, 2005  
Applicant: DANA C. REICKS  
Trademark: PRAIRIE WIND CANDLE CO.  
Class: International Class 4  
Published: November 8, 2005  
1300 O.G. No. 2 at TM 487

_____	)	
LA PRAIRIE, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
DANA C. REICKS	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

La Prairie, Inc., a corporation organized and existing under the laws of the State of New Jersey, located and doing business at 680 Fifth Avenue, New York, New York 10019, believes it will be damaged by registration of the mark shown in the above-referenced application, and hereby opposes said application.

As grounds of opposition, Opposer alleges that:

1) By the application herein opposed (the "Opposed Application"), Applicant seeks to register the mark "PRAIRIE WIND CANDLE CO." (the "Opposed Mark") for "scented candles in container jars" in International Class 4" (the "Opposed Products"). The filing date of the Opposed Application is January 24, 2005. The Opposed Application is based on an intent-to-use the Opposed Mark in the future, not actual past use of the Opposed Mark.

2) Opposer markets and sells under the LA PRAIRIE name and mark a wide variety of cosmetics, skin care products, eau de parfum and other fragrance products. Scented candles is among the fragrance products that Opposer has marketed under the LA PRAIRIE mark.

3) Opposer is the owner of the LA PRAIRIE trademark for such cosmetics, skin care products, fragrance products and the goodwill of the business associated therewith.

4) Since long prior to the filing date of the Opposed Application, Opposer has used the LA PRAIRIE mark in commerce in connection with its products and business.

5) Opposer is the owner of the following valid and subsisting registrations on the Principal Register of the Patent and Trademark Office for its "LA PRAIRIE" mark:

<u>TRADEMARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS/SERVICES</u>
LA PRAIRIE	1,150,741	Apr. 14, 1981	topical cellular based cosmetics - namely, day cream, night cream, anti-wrinkle cream, mask, beauty milk, cellular body treatment cream and cellular neck treatment cream
LA PRAIRIE and Design	1,257,311	Nov. 15, 1983	topical cellular based cosmetics - namely, day cream, night cream, anti-wrinkle cream, mask, beauty milk, cellular body treatment cream and cellular neck treatment cream
LA PRAIRIE	1,665,540	Nov. 19, 1991	beauty salon services

<u>TRADEMARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS/SERVICES</u>
LA PRAIRIE	2,089,187	Aug. 19, 1997	skin care treatment products, namely, day cream, night cream, anti-wrinkle cream, facial masks, body treatment cream, neck cream, skin cream, facial toner lotion, anti-blemish lotion, eye cleanser, facial cleanser, exfoliator, moisturizers for the eyes, hands, body and face, and skin lightener; cosmetics, namely, compact foundation, foundation makeup, cream foundation, loose and pressed facial powder, blush, eye shadow, mascara, eyebrow pencil, concealer, eye pencil, lip pencil, lipstick, and lip balm; suncare products namely, suntan cream and self-tanning lotions; and fragrance products, namely, perfume, eau de cologne, eau de toilette, fragranced body moisturizer and fragranced skin soap; cosmetic and eyebrow brushes
LA PRAIRIE SWITZERLAND and Design	1,334,997	May 14, 1985	topical cellular based cosmetics - namely, day cream, night cream, anti-wrinkle cream, mask, beauty milk, cellular body treatment cream and cellular neck treat cream

6) There is no issue as to priority. Each of the above-listed registrations issued prior to Applicant's filing date and is valid and subsisting. Each of said registrations is *prima facie* evidence of the validity of the registered mark and of the registration thereof, of Opposer's ownership of the registered mark, and of Opposer's exclusive right to use the mark in commerce in connection with the goods specified in the registration. In addition, each of Opposer's incontestable registrations is conclusive evidence of the validity of the registered mark and of the registration thereof, of Opposer's ownership of the registered mark, and of Opposer's exclusive right to use the registered mark in commerce in connection with the goods or services specified in the registration.

7) The Opposed Products are identical or closely related to goods in connection with which the Opposer has used and is using its LA PRAIRIE marks and goods specified in Opposer's registrations for such marks.

8) Opposer's LA PRAIRIE mark is a strong and famous trademark. Sales of Opposer's products bearing the LA PRAIRIE mark have totaled millions of dollars. Opposer has spent and continues to spend substantial sums of money in advertising and promoting its products bearing the LA PRAIRIE name and mark.

9) By reason of the extensive, long continued and widely promoted sale, promotion and advertising of products bearing Opposer's LA PRAIRIE mark and due to the high quality of such products, a valuable goodwill has been built in Opposer's LA PRAIRIE mark and an enviable reputation has been established for products sold under and distinguished by Opposer's LA PRAIRIE trademark. Members of both the trade and the public recognize and understand that products bearing the LA PRAIRIE mark are the high quality products of Opposer.

10) The undisclaimed portion of the Opposed Mark is confusingly similar to Opposer's LA PRAIRIE mark.

11) If Applicant were permitted to use or register the Opposed Mark for the Opposed Products, it would cause damage and injury to Opposer's business reputation and would injure and impair Opposer's rights in its LA PRAIRIE mark and because said use or registration is likely to cause confusion, or to cause mistake, or to deceive by creating the erroneous impression that Applicant's products originate with Opposer or from the same source as Opposer's products, or that Applicant's products are authorized, licensed or endorsed by or are connected in some way with Opposer or its products.

12) Applicant's use and registration of the Opposed Mark would further damage Opposer by diluting the distinctive quality of Opposer's famous LA PRAIRIE mark.

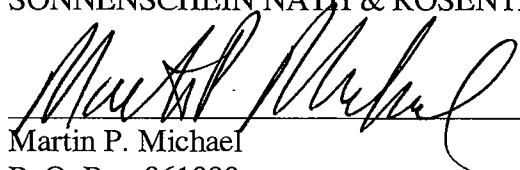
13) If Applicant were granted the registration applied for, it would thereby obtain, at least, the *prima facie* exclusive right to use the Opposed Mark on the Opposed Products. Such registration would thus be a source of damage and injury to Opposer and would be inconsistent with Opposer's rights in its LA PRAIRIE mark and the registrations therefor.

WHEREFORE, Opposer prays that said application Serial No. 76-552,431 be rejected and that the registration of the Opposed Mark be refused and denied.

SONNENSCHN NATH & ROSENTHAL LLP

Dated: March 7, 2006

By:

  
\_\_\_\_\_  
Martin P. Michael

P. O. Box 061080

Wacker Drive Station - Sears Tower

Chicago, Illinois 60606-1080

Tel: (212) 768-6700

Fax: (212) 768-6800

E-mail: trademarks@sonnenschein.com

*Attorney for Opposer*