

ESTTA Tracking number: **ESTTA95972**

Filing date: **08/23/2006**

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	Reckitt Benckiser Inc.
Granted to Date of previous extension	08/23/2006
Address	399 Interpace Parkway Parsippany, NJ 07054 UNITED STATES

Attorney information	Mark Lerner SATTERLEE STEPHENS BURKE & BURKE LLP 230 Park Avenue New York, NY 10169 UNITED STATES mlerner@ssbb.com Phone:(212) 404-8714
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**Applicant Information**

Application No	78513637	Publication date	04/25/2006
Opposition Filing Date	08/23/2006	Opposition Period Ends	08/23/2006
Applicant	Diaderm Laboratories PO Box 1608 Huntington Beach, CA 92647 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. First Use: 2002/03/01 First Use In Commerce: 2002/03/01 All goods and services in the class are opposed, namely: Skin and nail creams, skin care preparations, non-medicated foot cream, nail care preparations, body powder, foot powder, shampoo, non-medicated skin care preparations for the treatment of warts, scars, corns, spider veins and wrinkles
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Attachments	clearzal opp.pdf ( 6 pages )(20599 bytes ) Clearzal Ex A.pdf ( 35 pages )(1027800 bytes ) Clearzal Ex B.pdf ( 5 pages )(123245 bytes )
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Signature	/Mark Lerner/
Name	Mark Lerner
Date	08/23/2006



2. CLEARASIL<sup>®</sup> products are the best selling anti-acne products in the U.S., with sales last year of approximately \$77.7 million. Those products are also sold and distributed globally, to more than 120 countries.

3. In this opposition, Reckitt seeks to prevent registration of the confusingly similar mark CLEARZAL in connection with skin care products in International Class 3 – the very class in which many CLEARASIL<sup>®</sup> marks are registered.

4. In the United States, Reckitt and its predecessors in interest own seven (7) registered trademarks for CLEARASIL<sup>®</sup>, all of which bear filing dates prior to the November 9, 2004 filing date of Diaderm's application for CLEARZAL. Four (4) CLEARASIL<sup>®</sup> marks bear registration dates prior to the filing date of Diaderm's application for CLEARZAL. Applications to register three (3) additional CLEARASIL<sup>®</sup> marks are pending. Annexed hereto as Exhibit A is a list of Reckitt's registered marks in the United States, together with the pertinent TESS printouts. As set forth in Exhibit A, the CLEARASIL<sup>®</sup> registrations cover a wide range of skin- and body-care goods including:

- a. medicated and non-medicated skin care preparations (see, e.g., Reg. Nos. 1951073, 3068968); and
- b. medicated and non-medicated skin cleansers, cosmetics, creams and lotions, wipes and pads, body washes, essential oils and soaps (see, e.g., Reg. Nos. 0620540, 2710837).

5. Reckitt and its immediate predecessor in interest, Boots Healthcare USA, Inc., are the exclusive assignees of live CLEARASIL<sup>®</sup> marks in the United States.

6. Since 1950, Reckitt, by itself and by its predecessors in interest, has continuously used the mark CLEARASIL<sup>®</sup> as a trademark in interstate commerce in connection with products intended to help heal or eliminate acne break-outs.

7. In use in commerce for more than five (5) decades, CLEARASIL<sup>®</sup> products are among the most famous and successful products in their class, both in the United States and abroad.

8. The owners of the CLEARASIL<sup>®</sup> mark have expended great efforts and funds to cultivate and foster distinctiveness and brand-name recognition. The brand's remarkable success is due in part to its owners' extensive and prominent use of that mark in the distribution and promotion of their products. The mark is heavily advertised in the U.S. as well as internationally and the product is sold in stores throughout the world.

9. Indeed, Reckitt's advertising and market expenditures in the U.S. in just the past six months have exceeded \$10,000,000.

10. In 2005, annual global sales of CLEARASIL<sup>®</sup> products were approximately \$180 million. It is the best selling acne treatment gel brand and the number three (3) young skin care brand.

11. Indeed, net sales in the U.S. of CLEARASIL<sup>®</sup> products in just the past six months are nearly \$40 million.

12. Reckitt has actively expanded the range of goods offered under the CLEARASIL<sup>®</sup> brand, widening the brand from medicated spot treatment to include all kinds of personal care products.

13. Consumers are thus accustomed to seeing the CLEARASIL<sup>®</sup> mark used in connection with new products. Moreover, all kinds of skin and body care preparations are within the normal zone of expansion for a brand such as CLEARASIL<sup>®</sup>.

14. As a result of its extensive marketing support, longstanding use, and sales, CLEARASIL<sup>®</sup> signifies goods originating with Reckitt.

15. Reckitt's goods offered under the CLEARASIL<sup>®</sup> mark have achieved a reputation for excellence because of the high quality of Reckitt's goods.

16. As a result of its advertising and sales, Reckitt has exceedingly valuable goodwill established in the CLEARASIL<sup>®</sup> mark.

17. In light of the foregoing, the CLEARASIL<sup>®</sup> mark designates goods originating with Reckitt and has become a famous mark.

18. CLEARASIL<sup>®</sup> is unique on the U.S. Federal Register.

19. Reckitt and its predecessors in interest are the sole owners of CLEARASIL<sup>®</sup> marks on the Federal Register.

### **Diaderm's Proposed Trademark and Usage**

20. On November 9, 2004, long after Reckitt's CLEARASIL<sup>®</sup> mark had become famous, Diaderm filed its application to register the mark CLEARZAL in connection with the following goods in International Class 3: "Skin and nail creams, skin care preparations, non-medicated foot cream, nail care preparations, body powder, foot powder, shampoo, non-medicated skin care preparations for the treatment of warts, scars, corns, spider veins and wrinkles." The TESS printout showing Diaderm's application for registration is attached hereto as Exhibit B.

21. Diaderm filed its application for CLEARZAL on the basis of use in commerce.

30. Reckitt's goods are sold in supermarkets, chain stores, warehouse stores, drug stores and other retail outlets, as well as through online vendors. Because Reckitt and Diaderm have not specifically limited their respective channels of trade in their applications and registrations, the goods must be assumed to be sold (or intended to be sold) through all available channels. Thus, the channels of trade for products bearing Applicant's proposed mark overlap with the channels of trade for Reckitt's CLEARASIL<sup>®</sup> products.

31. As set forth above, Reckitt's CLEARASIL<sup>®</sup> mark is famous and is unique on the register. There is no other CLEARASIL<sup>®</sup>, nor other closely related mark.

32. Applicant's use and registration of the proposed mark CLEARZAL is thus likely to dilute the famous CLEARASIL<sup>®</sup> mark by lessening the distinctiveness of the CLEARASIL<sup>®</sup> mark.

33. In view of the foregoing, Applicant's mark is likely to cause confusion and mistake as to the origin of its products and is likely to dilute Opposer's mark, and should therefore not proceed to registration.



# EXHIBIT A



# Trademarks > Trademark Electronic Search System(Tess)

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Current Search: S1: (clearasil)[COMB] docs: 19 occ: 44

	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78724892		CLEARASIL CORRECT & REPAIR	TARR	LIVE
2	78681483		CLEARASIL	TARR	LIVE
3	78941342		CLEARASIL ULTRA QUICK START	TARR	LIVE
4	78261641	3068968	CLEARASIL ULTRA	TARR	LIVE
5	78152689	2978275	CLEARASIL ICEWASH	TARR	LIVE
6	78152676	2972759	CLEARASIL ICEWASH	TARR	LIVE
7	78209803		CLEARASIL TOTALCONTROL	TARR	DEAD
8	76355469	2710837	CLEARASIL	TARR	LIVE
9	75530550	2339266	CLEARASIL STAYCLEAR	TARR	LIVE
10	75376557		CLEARASIL COMPLETE	TARR	DEAD
11	74631193	1951073	CLEARASIL	TARR	LIVE
12	74130726		CLEARASIL NIGHT CLEAR	TARR	DEAD
13	73828014	1596031	CLEARASIL TOUCHSTICK	TARR	DEAD
14	73825334	1589703	CLEARASIL CLEARSTICK	TARR	DEAD
15	73821366		CLEARASIL QUICKSTICK	TARR	DEAD
16	73025685	1013948	CLEARASIL CLEARLY	TARR	DEAD
17	71674227	0620540	CLEARASIL	TARR	LIVE
18	72314287	0891488	CLEARASIL	TARR	DEAD
19	71593908	0593778	CLEARASIL	TARR	DEAD

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## CLEARASIL ULTRA QUICK START

<b>Word Mark</b>	<b>CLEARASIL ULTRA QUICK START</b>
<b>Goods and Services</b>	<p>IC 003. US 001 004 006 050 051 052. G &amp; S: Non-medicated skin cleanser, non-medicated skin preparations and cosmetics for covering and concealing acne blemishes, non-medicated soap; creams and lotions; non-medicated skin preparations, namely wipes and pads impregnated with cleansing and toning preparations</p> <p>IC 005. US 006 018 044 046 051 052. G &amp; S: Medicated skin cleanser; medicated skin care preparations and cosmetics for treating, covering and concealing acne blemishes, namely medication skin cream, moisturizers, gels; medicated body washes; medicated soap, creams and lotions; medicated skin preparations, namely wipes and pads impregnated with cleansing and toning preparations</p>
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78941342
<b>Filing Date</b>	July 31, 2006
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Owner</b>	(APPLICANT) Reckitt Benckiser Inc. CORPORATION DELAWARE 399 Interpace Parkway Parsippany NEW JERSEY 07054
<b>Attorney of Record</b>	Robert A. Hyde
<b>Prior Registrations</b>	2710837;3068968
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## CLEARASIL CORRECT & REPAIR

**Word Mark**            **CLEARASIL CORRECT & REPAIR**

**Goods and Services**    IC 003. US 001 004 006 050 051 052. G & S: Non-medicated toilet preparations; cosmetics; essential oils; soaps; shampoos; personal deodorants; non-medicated bath preparations; skin care preparations; preparations for the care of the teeth; preparations for the hair; preparations for the nails; self tanning preparations, self tanning creams, lotions, sprays, mists and wipes; facial wipes and pads; make up removal wipes and pads, cotton wool in the form of wipes and pads for cosmetic use; shaving preparations; shaving creams, gels, sprays, lotions and balms; aftershave preparations; aftershave balms, gels, sprays, lotions and creams

IC 005. US 006 018 044 046 051 052. G & S: Medicated skin care preparations

**Standard Characters Claimed**

**Mark Drawing Code**    (4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number**            78724892

**Filing Date**            October 3, 2005

**Current Filing Basis**    1B

**Original Filing Basis**    1B

**Owner**                    (APPLICANT) Boots Healthcare USA, Inc. CORPORATION DELAWARE Corporation Trust Center 1209 Orange Street; Wilmington DELAWARE 198011196

**Attorney of Record**        Karen A. Butcher

**Type of Mark**            TRADEMARK

**Register**                  PRINCIPAL

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# CLEARASIL

<b>Word Mark</b>	<b>CLEARASIL</b>
<b>Goods and Services</b>	<p>IC 003. US 001 004 006 050 051 052. G &amp; S: Non-medicated skin preparations, namely wipes and pads impregnated with cleansing and toning preparations; shaving products, namely shaving gels, creams and lotions, aftershave gels, creams and lotions</p> <p>IC 005. US 006 018 044 046 051 052. G &amp; S: Medicated skin preparations, namely wipes and pads impregnated with cleansing and toning preparations; shaving products, namely shaving gels, creams and lotions, aftershave gels, creams and lotions</p>
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78681483
<b>Filing Date</b>	July 29, 2005
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Owner</b>	(APPLICANT) Boots Healthcare USA, Inc. CORPORATION DELAWARE Corporation Trust Center, 1209 Orange St reet; Wilmington DELAWARE 198011196
<b>Attorney of Record</b>	Karen A. Butcher
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## Typed Drawing

**Word Mark** CLEARASIL ULTRA

**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: Medicated skin care preparations, namely moisturisers and gels, medicated body washes, medicated soaps. FIRST USE: 20040100. FIRST USE IN COMMERCE: 20040100

**Mark Drawing Code** (1) TYPED DRAWING

**Design Search Code**

**Serial Number** 78261641

**Filing Date** June 12, 2003

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** January 20, 2004

**Registration Number** 3068968

**Registration Date** March 14, 2006

**Owner** (REGISTRANT) Boots Healthcare USA, Inc. CORPORATION DELAWARE Corporation Trust Center 1209 Orange Street Wilmington DELAWARE 198011196

(LAST LISTED OWNER) RECKITT BENCKISER INC. CORPORATION DELAWARE MORRIS CORPORATE CENTER IV 399 INTERPACE PARKWAY PARSIPPANY NEW JERSEY 070541115

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Lawrence E. Abelman

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Assignment  
Recorded**

ASSIGNMENT RECORDED

**Attorney of  
Record**

Lawrence E. Abelman

**Description of  
Mark**

The mark consists of the words "Clearasil" with a diamond in red appearing over the letter "i" and "icewash" in blue with a diamond in red appearing over the letter "i", with arbitrary red and blue designs on a label.

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Live/Dead  
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## Typed Drawing

<b>Word Mark</b>	<b>CLEARASIL ICEWASH</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin care preparations and cosmetics, namely skin cleaner; non-medicated skin care preparations for covering and concealing acne blemishes. FIRST USE: 20030131. FIRST USE IN COMMERCE: 20030131
	IC 005. US 006 018 044 046 051 052. G & S: medicated preparations for the treatment of acne and for skin care. FIRST USE: 20030131. FIRST USE IN COMMERCE: 20030131
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	78152676
<b>Filing Date</b>	August 9, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 18, 2004
<b>Registration Number</b>	2972759
<b>Registration Date</b>	July 19, 2005
<b>Owner</b>	(REGISTRANT) Boots Healthcare USA, Inc. CORPORATION DELAWARE Corporation Trust Center 1209 Orange Street Wilmington DELAWARE 198011196
	(LAST LISTED OWNER) RECKITT BENCKISER INC. CORPORATION DELAWARE MORRIS CORPORATE CENTER IV 399 INTERPACE PARKWAY PARSIPPANY NEW JERSEY 070541115
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Lawrence E. Abelman
<b>Prior Registrations</b>	0620540;1951073;2339266
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Clearasil  
totalcontrol

**Word Mark** CLEARASIL TOTALCONTROL  
**Goods and Services** (ABANDONED) IC 003. US 001 004 006 050 051 052. G & S: Skin cleansing preparation creams and lotions  
 (ABANDONED) IC 005. US 006 018 044 046 051 052. G & S: Anti-acne treatment preparations  
**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM  
**Design Search Code**  
**Serial Number** 78209803  
**Filing Date** February 1, 2003  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** June 29, 2004  
**Owner** (APPLICANT) Boots Healthcare USA, Inc. CORPORATION DELAWARE Corporation Trust Center 1209 Orange Street Wilmington DELAWARE 198011196  
**Attorney of Record** Lawrence E. Abelman  
**Prior Registrations** 0620540;2710837;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** DEAD  
**Abandonment Date** September 22, 2005

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**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## Typed Drawing

**Word Mark** CLEARASIL STAYCLEAR  
**Goods and Services** IC 005. US 006 018 044 046 051 052. G & S: acne medication. FIRST USE: 19990310. FIRST USE IN COMMERCE: 19990310  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 75530550  
**Filing Date** August 4, 1998  
**Current Filing Basis** UNKNOWN  
**Original Filing Basis** 1B  
**Published for Opposition** July 6, 1999  
**Registration Number** 2339266  
**Registration Date** April 4, 2000  
**Owner** (REGISTRANT) Procter & Gamble Company, The CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45202  
  
 (LAST LISTED OWNER) RECKITT BENCKISER INC. CORPORATION DELAWARE MORRIS CORPORATE CENTER IV 399 INTERPACE PARKWAY PARSIPPANY NEW JERSEY 070541115  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Carol J. Ney  
**Prior Registrations** 0891488;1589703;1951073  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## Typed Drawing

**Word Mark** CLEARASIL COMPLETE  
**Goods and Services** (ABANDONED) IC 005. US 006 018 044 046 051 052. G & S: medicated skin cleanser  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 75376557  
**Filing Date** October 21, 1997  
**Current Filing Basis** 1B  
**Original Filing Basis** UNKNOWN  
**Published for Opposition** January 19, 1999  
**Owner** (APPLICANT) Procter & Gamble Company, The CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45201  
**Attorney of Record** CAROL J NEY  
**Prior Registrations** 0620540;0891488;1589703;1951073;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** DEAD  
**Abandonment Date** October 14, 1999

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## Typed Drawing

<b>Word Mark</b>	<b>CLEARASIL</b>
<b>Goods and Services</b>	IC 005. US 006 018 044 046 051 052. G & S: pharmaceutical preparation, namely a greaseless medication for external application to pimples and acne. FIRST USE: 19500210. FIRST USE IN COMMERCE: 19500210.
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	74631193
<b>Filing Date</b>	February 7, 1995
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 31, 1995
<b>Registration Number</b>	1951073
<b>Registration Date</b>	January 23, 1996
<b>Owner</b>	(REGISTRANT) Procter & Gamble Company CORPORATION OHIO One Procter & Gamble Plaza Cincinnati OHIO 45202  (LAST LISTED OWNER) RECKITT BENCKISER INC. CORPORATION DELAWARE MORRIS CORPORATE CENTER IV 399 INTERPACE PARKWAY PARSIPPANY NEW JERSEY 070541115
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	LAWRENCE E ABELMAN
<b>Prior Registrations</b>	0620540;0891488;1013948;1589703;1596031;AND OTHERS
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20060516.
<b>Renewal</b>	1ST RENEWAL 20060516

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## Typed Drawing

**Word Mark** CLEARASIL NIGHT CLEAR  
**Goods and Services** (ABANDONED) IC 005. US 018. G & S: nighttime acne medication  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 74130726  
**Filing Date** January 15, 1991  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** August 11, 1992  
**Owner** (APPLICANT) Richardson-Vicks Inc. CORPORATION DELAWARE One Procter & Gamble Plaza Cincinnati OHIO 45202  
**Attorney of Record** Gretchen R. Hatfield  
**Prior Registrations** 0593778;0620540;0891488;1013948;1589703;1596031;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "NIGHT" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** DEAD  
**Abandonment Date** November 4, 1993

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## Typed Drawing

**Word Mark**                    **CLEARASIL TOUCHSTICK**  
**Goods and Services**        (CANCELLED) IC 005. US 018. G & S: ACNE MEDICATION. FIRST USE: 19890503. FIRST USE IN COMMERCE: 19890503  
**Mark Drawing Code**        (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number**                73828014  
**Filing Date**                    September 27, 1989  
**Current Filing Basis**        1A  
**Original Filing Basis**        1A  
**Published for Opposition**    February 20, 1990  
**Registration Number**        1596031  
**Registration Date**            May 15, 1990  
**Owner**                            (REGISTRANT) RICHARDSON-VICKS INC. CORPORATION DELAWARE ONE PROCTER & GAMBLE PLAZA CINCINNATI OHIO 45202  
**Assignment Recorded**        ASSIGNMENT RECORDED  
**Attorney of Record**         CAROL J. NEY  
**Prior Registrations**         0593778;AND OTHERS  
**Type of Mark**                    TRADEMARK  
**Register**                         PRINCIPAL  
**Live/Dead Indicator**         DEAD  
**Cancellation Date**            November 18, 1996

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## Typed Drawing

**Word Mark**                      **CLEARASIL CLEARSTICK**

**Goods and Services**                      (CANCELLED) IC 005. US 018. G & S: ACNE MEDICATION. FIRST USE: 19890503. FIRST USE IN COMMERCE: 19890503

**Mark Drawing Code** (1) TYPED DRAWING

**Design Search Code**

**Serial Number**                      73825334

**Filing Date**                      September 14, 1989

**Current Filing Basis**                      1A

**Original Filing Basis**                      1A

**Published for Opposition**                      January 9, 1990

**Registration Number**                      1589703

**Registration Date**                      April 3, 1990

**Owner**                      (REGISTRANT) RICHARDSON-VICKS INC. CORPORATION DELAWARE ONE PROCTER & GAMBLE PLAZA CINCINNATI OHIO 45202

(LAST LISTED OWNER) PROCTER & GAMBLE COMPANY, THE CORPORATION ASSIGNEE OF OHIO LEGAL, GOC-2 ONE PROCTER & GAMBLE PLAZA CINCINNATI OHIO 45202

**Assignment Recorded**                      ASSIGNMENT RECORDED

**Attorney of Record**                      CAROL J. NEY

**Prior Registrations**                      0593778;AND OTHERS

**Type of Mark**                      TRADEMARK

**Register**                      PRINCIPAL

**Affidavit Text**                      SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator**                      DEAD

**Cancellation Date**                      April 28, 2001

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## Typed Drawing

**Word Mark** CLEARASIL QUICKSTICK  
**Goods and Services** (ABANDONED) IC 005. US 018. G & S: ACNE MEDICATION. FIRST USE: 19890503. FIRST USE IN COMMERCE: 19890503  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 73821366  
**Filing Date** August 24, 1989  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Owner** (APPLICANT) RICHARDSON-VICKS INC. CORPORATION DELAWARE ONE PROCTER & GAMBLE PLAZA CINCINNATI OHIO 45202  
**Attorney of Record** CAROL J. NEY  
**Prior Registrations** 0593778;AND OTHERS  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** DEAD  
**Abandonment Date** December 6, 1990

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**Word Mark**                    CLEARASIL CLEARLY  
**Goods and Services**        (CANCELLED) IC 003. US 051. G & S: COMPLEXION SOAP. FIRST USE: 19740603. FIRST USE IN COMMERCE: 19740603

(EXPIRED) IC 005. US 052. G & S: MEDICATED CLEANSER FOR THE SKIN. FIRST USE: 19740520. FIRST USE IN COMMERCE: 19740520

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Design Search Code**

**Serial Number**            73025685

**Filing Date**              July 1, 1974

**Current Filing Basis**     1A

**Original Filing Basis**    1A

**Registration Number**     1013948

**Registration Date**        June 24, 1975

**Owner**                      (REGISTRANT) RICHARDSON-MERRELL INC. CORPORATION DELAWARE 10 WESTPORT ROAD WILTON CONNECTICUT 06897

**Assignment Recorded**     ASSIGNMENT RECORDED

**Prior Registrations**      0593778;0897262;AND OTHERS

**Type of Mark**              TRADEMARK

**Register**                    PRINCIPAL

**Affidavit Text**             PARTIAL SECT 8 (6-YR).

**Live/Dead Indicator**      DEAD



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# Clearasil

<b>Word Mark</b>	<b>CLEARASIL</b>
<b>Goods and Services</b>	IC 003. US 052. G & S: MEDICATED TOILET AND BATH SOAP. FIRST USE: 19520818. FIRST USE IN COMMERCE: 19520818
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Design Search Code</b>	
<b>Serial Number</b>	71674227
<b>Filing Date</b>	October 4, 1954
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Registration Number</b>	0620540
<b>Registration Date</b>	January 31, 1956
<b>Owner</b>	(REGISTRANT) CLEARASIL, INCORPORATED CORPORATION DELAWARE 110 MAMARONECK AVE. WHITE PLAINS NEW YORK  (LAST LISTED OWNER) RECKITT BENCKISER INC. CORPORATION DELAWARE MORRIS CORPORATE CENTER IV 399 INTERPACE PARKWAY PARSIPPANY NEW JERSEY 070541115
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	LAWRENCE E. ABELMAN
<b>Prior Registrations</b>	0593778
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECTION 8(10-YR) 20060516.  
**Renewal** 3RD RENEWAL 20060516  
**Live/Dead Indicator** LIVE

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## Typed Drawing

**Word Mark**                    **CLEARASIL**

**Goods and Services**        (EXPIRED) IC 005. US 018. G & S: THERAPEUTIC SKIN CLEANSER AND MEDICATED SKIN PREPARATIONS AND MEDICATED SKIN CREAM. FIRST USE: 19500210. FIRST USE IN COMMERCE: 19500307

  (EXPIRED) IC 003. US 052. G & S: MEDICATED SOAP. FIRST USE: 19520818. FIRST USE IN COMMERCE: 19520818

**Mark Drawing Code**        (1) TYPED DRAWING

**Design Search Code**

**Serial Number**                72314287

**Filing Date**                    December 12, 1968

**Current Filing Basis**        1A

**Original Filing Basis**        1A

**Registration Number**        0891488

**Registration Date**            May 26, 1970

**Owner**                            (REGISTRANT) RICHARDSON-MERRELL INC. CORPORATION DELAWARE 122 E. 42ND ST. NEW YORK NEW YORK 10017

  (LAST LISTED OWNER) RICHARDSON-VICKS INC. CORPORATION ASSIGNEE OF DELAWARE ONE PROCTER & GAMBLE PLAZA CINCINNATI OHIO 45202

**Assignment Recorded**        ASSIGNMENT RECORDED

**Prior Registrations**        0593778;0620540

**Type of Mark**                    TRADEMARK

**Register**                         PRINCIPAL

**Affidavit Text**                 SECT 15.

**Renewal**                         1ST RENEWAL 19900717

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# Clearasil

**Word Mark** CLEARASIL

**Goods and Services** (EXPIRED) IC 005. US 018. G & S: PHARMACEUTICAL PREPARATION-NAMELY, A GREASELESS MEDICATION FOR EXTERNAL APPLICATION TO PIMPLES AND ACNE. FIRST USE: 19500210. FIRST USE IN COMMERCE: 19500307

**Mark Drawing Code** (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

**Design Search Code**

**Serial Number** 71593908

**Filing Date** March 14, 1950

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Registration Number** 0593778

**Registration Date** August 17, 1954

**Owner** (REGISTRANT) CLEARASIL, INCORPORATED CORPORATION DELAWARE 919 N. MICHIGAN AVE. CHICAGO ILLINOIS

**Assignment Recorded** ASSIGNMENT RECORDED

**Prior Registrations** 0350091

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15.

**Renewal** 1ST RENEWAL 19740817

Live/Dead  
Indicator

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# EXHIBIT B



# Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Fri Aug 18 04:20:58 EDT 2006

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### ClearZal

<b>Word Mark</b>	<b>CLEARZAL</b>
<b>Goods and Services</b>	IC 003. US 001 004 006 050 051 052. G & S: Skin and nail creams, skin care preparations, non-medicated foot cream, nail care preparations, body powder, foot powder, shampoo, non-medicated skin care preparations for the treatment of warts, scars, corns, spider veins and wrinkles. FIRST USE: 20020301. FIRST USE IN COMMERCE: 20020301
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78513637
<b>Filing Date</b>	November 9, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	April 25, 2006
<b>Owner</b>	(APPLICANT) Diaderm Laboratories CORPORATION TEXAS PO Box 1608 Huntington Beach CALIFORNIA 92647
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 2006-08-18 11:05:35 ET**

**Serial Number:** 78513637 Assignment Information

**Registration Number:** (NOT AVAILABLE)

**Mark**

**ClearZal**

**(words only):** CLEARZAL

**Standard Character claim:** Yes

**Current Status:** A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

**Date of Status:** 2006-05-25

**Filing Date:** 2004-11-09

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 102

**Attorney Assigned:**  
SUAREZ MARIA VICTORIA Employee Location

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-03-17

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

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1. Diaderm Laboratories

**Address:**  
Diaderm Laboratories  
PO Box 1608  
Huntington Beach, CA 92647  
United States

**Legal Entity Type:** Corporation  
**State or Country of Incorporation:** Texas

Friday, August 18, 2006Ur

**Phone Number:** 714 847 1103

**Fax Number:** 714 847 5122

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**GOODS AND/OR SERVICES**

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**International Class:** 003

**Class Status:** Active

Skin and nail creams, skin care preparations, non-medicated foot cream, nail care preparations, body powder, foot powder, shampoo, non-medicated skin care preparations for the treatment of warts, scars, corns, spider veins and wrinkles

**Basis:** 1(a)

**First Use Date:** 2002-03-01

**First Use in Commerce Date:** 2002-03-01

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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2006-05-25 - Extension Of Time To Oppose Received

2006-04-25 - Published for opposition

2006-04-05 - Notice of publication

2006-03-04 - Law Office Publication Review Completed

2006-02-24 - Assigned To LIE

2006-02-21 - Examiner's amendment mailed

2006-02-21 - Approved for Pub - Principal Register (Initial exam)

2006-02-21 - Examiner's Amendment Entered

2006-02-21 - Examiners Amendment - Written

2006-01-13 - Abandonment Notice Mailed - Failure To Respond

2006-02-21 - Previous action count withdrawn

2005-06-17 - Non-final action mailed

2005-06-17 - Non-Final Action Written

2005-06-14 - Assigned To Examiner

2004-11-15 - New Application Entered In Tram

Friday, August 18, 2006Ur

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## CORRESPONDENCE INFORMATION

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**Correspondent**

DIADERM LABORATORIES  
PO BOX 1608  
HUNTINGTON BEACH, CA 92647

**Phone Number:** 714 847 1103

**Fax Number:** 714 847 5122

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