

ESTTA Tracking number: **ESTTA115967**

Filing date: **12/20/2006**

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	Mr.DeanElliott
Granted to Date of previous extension	12/20/2006
Address	5706 Goodwin Ave. Dallas, TX 75206 UNITED STATES

Attorney information	Peter M. Langrind, Esq. Jacobs deBrauwere LLP 445 Park Ave. New York, NY 11572 UNITED STATES pml@jddl.com
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**Applicant Information**

Application No	76639594	Publication date	08/22/2006
Opposition Filing Date	12/20/2006	Opposition Period Ends	12/20/2006
Applicant	Bodywise Limited 348 Richmond Road Twickenham, Middlesex, TW1 2DU, UNITED KINGDOM		

**Goods/Services Affected by Opposition**

Class 003. First Use: 1994/11/00 First Use In Commerce: 1994/11/00 All goods and services in the class are opposed, namely: Cleaning preparations and solutions for use on the body and for sexual toys, body creams and massaging lotions, moisturizing creams and lotions, and skin conditioners
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Attachments	Opposition.pdf ( 1 page )(58723 bytes )
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Signature	/peter m langrind/
Name	Peter M. Langrind, Esq.
Date	12/20/2006

Opposer, Dean Elliott ("Opposer"), an individual, citizen of the United States, of 5706 Goodwin Avenue, Dallas, Texas 75206, through his undersigned counsel, hereby opposes the above-identified application, Serial No. 76/639,594, for the mark LIQUID SILK, and asserts as follows:

1. Opposer produces and distributes its popular line of personal lubricants under the brand name "Sliquid." Individual products in the Sliquid line include Sliquid Silk, Sliquid Swirl, Sliquid Sizzle, Sliquid Smooth, Sliquid Silver and Sliquid H2O. Additionally, Opposer owns federal trademark registration Nos. 2,745,252 and 2,912,512 for SLIQUID and SLIQUID (stylized), covering personal lubricants, as well as federal trademark registration No. 3,039,092, covering shirts and hats.

2. Applicant's identification of goods under LIQUID SILK application Serial No. 76/977,298 is "cleaning preparations and solutions for use on the body and for sexual toys, body creams and massaging lotions, moisturizing creams and lotions, and skin conditioners." However, given the numerous coexisting marks and uses of silk for these goods, as well as that the word "silk" is highly descriptive when used to refer to personal lubricants and all other body cleansers, creams, lotions, moisturizers and conditioners, any trademark use of this word for such goods in conjunction with a further unique word or element suffices to distinguish such trademark from other marks containing the word "silk" for the same goods, such that confusion is unlikely, within the meaning of the Trademark Act Section 2(d), 15 U.S.C. §1052(d).

3. Applicant has objected to Opposer's use of "silk" in connection with Opposer's brand name Sliquid, on the ground that Applicant allegedly has trademark rights in the word "silk," by virtue of its use of the word in conjunction with "Liquid" as the name of its personal lubricant product. Opposer has rejected Applicant's demand on the ground that "silk" is so widely used for, and highly descriptive of, personal lubricants, personal lubricants, body cleansers, creams, lotions, moisturizers and conditioners, such that Opposer's use of the unique, coined mark SLIQUID in conjunction with "silk" renders confusion of Opposer's mark with Applicant's mark unlikely.

4. If Applicant's mark is registered, it will receive federally enforceable rights in a word that is a commonly used and highly descriptive term for personal lubricants, body cleansers, creams, lotions, moisturizers and conditioners, but upon which it nevertheless will be able to rely as a basis to attempt to enjoin Applicant's use of the word "silk" in connection with such goods. Opposer will be damaged by the registration of Applicant's mark in that, given Applicant's prior fruitless objections to Opposer's descriptive use of "silk" in conjunction with its registered SLIQUID mark, Applicant is certain to renew its attempt to force Opposer to cease use of the word, based on such registration.

WHEREFORE, Opposer requests that the Board refuse registration of the subject application, and the underlying mark, and that this opposition be sustained in favor of Opposer.