

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

DEAN ELLIOTT,

Opposer,

v.

BODYWISE LIMITED,

Applicant.

Opposition No. 91174723

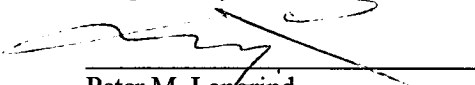
76/639,594

OPPOSER'S RESPONSE TO APPLICANT'S MOTION FOR SUMMARY JUDGMENT

Upon the attached Declaration, Memorandum and exhibits, Opposer Dean Elliot, by and through his attorneys, respectfully requests that the Board deny Applicant's motion pursuant to Fed. R. Civ. P. 56, 37 CFR § 2.127 and TBMP § 528 for summary judgment dismissing the subject proceeding.

Dated: New York, New York
October 28, 2008

Respectfully submitted,


Peter M. Langrind
Jacobs deBrauwere LLP
445 Park Avenue, 17th Floor
New York, NY 10022
(212) 207-8787

Attorneys for Opposer Dean Elliott

CERTIFICATE OF SERVICE

This is to certify that a copy of Opposer's Response to Applicant's Motion for Summary Judgment, along with Declaration, Memorandum in Support thereof and copies of exhibits attached thereto were served by first-class mail with proper postage affixed on this 28th day of October, 2008, upon counsel for Applicant, Donald L. Dennison, Esq., c/o Dennison, Schultz & MacDonald, 1727 King Street, Suite 105, Alexandria, Virginia 22314.


Peter M. Langrind



11-13-2008

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

DEAN ELLIOTT,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91174723
)	
BODYWISE LIMITED,)	
)	
Applicant.)	
)	

**DECLARATION IN SUPPORT OF OPPOSER'S RESPONSE TO APPLICANT'S
MOTION FOR SUMMARY JUDGMENT**

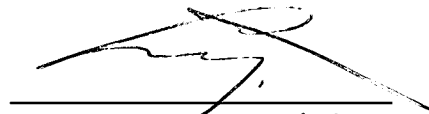
PETER M. LANGRIND, pursuant to 28 U.S.C. § 1746, declares and says as follows, and swears under the penalties of perjury of the laws of United States that the following is true and correct:

1. I am an attorney with the law firm Jacobs deBrauwere LLP, attorneys for Opposer Dean Elliott in this proceeding.
2. I submit this declaration in support of Opposer's Response to Applicant's Motion for Summary Judgment.
3. Attached as Exhibit A are true and correct copies of trademark records downloaded from the USPTO's TESS database on October 28, 2008, showing registrations and applications for marks in which the word SILK is disclaimed.

4. Attached as Exhibit B is a true and correct copy of copy of the August 19, 2003 final Office Action against Application Serial No. 78/159,392 for SILK ELEMENTS, as downloaded from the USPTO's TDR database on October 27 and 28, 2008.

5. Attached as Exhibit C are true and correct copies of advertising materials downloaded from the Internet on February 26 and October 28, 2008 showing different brands of personal lubricants that contain the word "Silk."

Dated: New York, New York
October 28, 2008



Peter M. Langrind

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

DEAN ELLIOTT,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91174723
)	
BODYWISE LIMITED,)	
)	
Applicant.)	
)	

**MEMORANDUM IN SUPPORT OF OPPOSER DEAN ELLIOTT'S RESPONSE TO
APPLICANT'S MOTION FOR SUMMARY JUDGMENT**

JACOBS DEBRAUWERE LLP
445 Park Avenue, 17th Floor
New York, NY 10022
(212) 207-8787

Attorneys for Opposer Dean Elliott

FACTUAL BACKGROUND

Opposer has brought this proceeding against Applicant's LIQUID SILK application, under Serial No. 76/977,298, covering "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," in International Class 3.

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. Applicant is a corporation of the United Kingdom that produces and distributes a personal lubricant under the brand name LIQUID SILK.

On April 5, 2005, Applicant wrote to Opposer to demand that Opposer cease use of the word SILK in conjunction with his SLIQUID mark, on the ground that such use infringes Applicant's common law rights in its mark. Opposer rejected this demand, on the grounds that the word "silk" is highly descriptive when used to refer to personal lubricants and body care products, that his mark is distinguishable from Applicant's mark by virtue of the unique element SLIQUID, that other, unrelated third parties use SILK for such goods and that he should not have to forgo use of a word in common and descriptive use by his competitors for the same goods. Applicant filed its LIQUID SILK application Serial No. 76/977,298 on May 26, 2005 and has continued to demand that Opposer cease use of SILK in connection with his personal lubricants. Opposer commenced this proceeding on December 21, 2006 and Applicant made the subject motion for summary judgment on December 27, 2007.

ARGUMENTS

I. Legal Standard for Summary Judgment Before the TTAB.

Summary judgment is an appropriate method of disposing of a case in which there are no genuine issues of material fact. *See*, Fed. R. Civ. P. 56(c). The function of the Board in deciding a motion for summary judgment, however, is not to make findings of fact concerning an assertion that a mark is not descriptive. Rather, the Board must determine solely whether genuine issues of material fact exist. The non-moving party need only come forward with sufficient evidence to demonstrate that there is a genuine issue or issues of material fact. *See*, TBMP § 528.

Moreover, the non-moving party must be given the benefit of all reasonable doubt whether genuine issues of material fact exist; and the evidentiary record on summary judgment and all inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the nonmoving party. *See, Opryland USA, Inc. v. Great American Music Show, Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992). The non-moving party receives the benefit of the doubt even on the basic question whether a genuine issue of material fact exists at all. *See*, TBMP § 528.01.

In this case, Applicant argues in support of its Motion that Opposer lacks the necessary standing and there is no genuine issue of material fact concerning its marks suitability for registration. In fact, Opposer clearly has standing to oppose Applicant's application for its mark and raises genuine issues of material fact regarding the descriptiveness of Applicant's Mark.

II. Opposer Has Standing to Bring the Subject Proceeding.

Opposer's standing to bring the subject proceeding is clear and well-grounded. Under the Lanham Act 15 U.S.C. § 1063, "any entity that believes it is or will be damaged by a registration may file an opposition seeking to prevent registration or may file a petition to cancel a registration." Opposer has a very real basis to believe he will be damaged if Applicant's mark is registered on the Principal Register.

First, where a party challenges registration of a mark on the ground of mere descriptiveness, that party may establish its standing by pleading and then proving that it is engaged in the manufacture or sale of the same or related products as the applicant. *See, Mars Money Systems v. Coin Acceptors, Inc.*, 217 USPQ 285 (TTAB 1983). As noted in Paragraph 1 of his Notice of Opposition, Opposer produces and distributes personal lubricants, which are identical in purpose and form to the products produced and distributed by Applicant and covered in the identification of goods under its application Serial No. 76/977,298. As SILK is a term often used in connection with personal lubricants and body care products, as shown below, Opposer clearly has a real interest in this proceeding because it has a present right to use SILK descriptively in connection with his personal lubricant products, and grant of a registration to Applicant for its mark would impair his right to use it in a descriptive way.

Second, Applicant has threatened Opposer with litigation. This genesis of this case is claim letters Applicant and its attorney sent to Opposer demanding that he cease all use of SILK and threatening legal action if he did not. Moreover, in Paragraph 4 of its answer to the Notice of Opposition, Applicant stated flatly "that it may renew its attempts to force Opposer to cease use of SILK in connection with its products." If Applicant secures a registration for its mark on the Principal Register, 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 will be able to rely as a basis to attempt to enjoin Opposer's use of the word SILK in connection with such goods. Opposer will be damaged by the registration of Applicant's mark in that if it secures a registration for its mark, it is certain to renew its attempts, based on such registration, to force Opposer to cease use of SILK in connection with its products.

Accordingly, Opposer clearly has standing to maintain its opposition proceeding.

III. The Word SILK is Descriptive for Personal Lubricants and Body Care Products.

Under the Lanham Act, a mark that is merely descriptive cannot be registered on the Principal Register. 15 U.S.C. §§ 1052(e)(1); see, *In re Abcor Development Corp.*, 588 F.2d 811, 813, 200 USPQ 215, 217 (C.C.P.A. 1978). A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods and/or services. TMEP §1209.01(b); see *In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987). The word SILK is manifestly descriptive when used in the context of personal lubricants or with body care products in Class 3, as silk is characteristic of softness or a soft, tender feeling of silk against the skin. Thus, while Applicant states in its Motion that its goods are not made from and do not contain silk, the word SILK, as used in Applicant's mark, nevertheless is descriptive, because Applicant's goods have the feel of silk or softness when applied to the skin, which, of course, is the intended use of Applicant's product.

That the Examination Division did not refuse Applicant's mark or require Applicant to disclaim SILK is, of course, not dispositive of a lack of descriptiveness of the word in connection

with Applicant's goods. Though Applicant points to other registrations of trademarks containing the word SILK as proof the word is not descriptive. However, whether the word is descriptive or not obviously depends on the product in question. In fact, the Examination Division has required applicants to disclaim the word SILK precisely because it is descriptive and the Principal Register contains registrations and applications in Class 3 that include the word SILK, which have had the element disclaimed as descriptive.

In this regard, the prosecution history of Registration No. 2,935,496, for the mark SILK ELEMENTS, covering "hair care preparations" in Class 3 is instructive, in that the Examining Attorney required a disclaimer of SILK as descriptive of a characteristic of the goods of interest. As shown in the copy of the August 19, 2003 final Office Action rejecting the proprietor's arguments against disclaimer of SILK, the Examining Attorney noted that "the term 'silk' is unregistrable on the Principal Register because it is descriptive of the applicant's goods. In the instant case, it means 'polish, wax, varnish, gloss, glaze, shine, finish, slipperiness, slipway, slide, chute, lubricity, **oiliness, greasiness, lubrication** (emphasis added by the Examining Attorney). . .'" The Examining Attorney went on to say that these "terms are attributes of hair and hair preparations." These terms are attributes of a personal lubricant and body care products, in addition to hair preparations, and the word SILK is descriptive because of their connotation. Opposer attaches as Exhibit B copies of records from the USPTO's TESS database showing numerous other marks in Class 3 in which the word SILK has been disclaimed, including, but not limited to: ULTRA SILK, SILK CLEAN PIE, PLATINUM SILK, SILK LUXE COMPLEX, SILK ELEMENTS, PRO SILK, SILK ELEMENTS REVIVE AND RESTORE, SILK BLOSSOM, SILK ESSENCE, SILK FUSION, SILK SERUM, and ROYAL SILK.

Moreover, since “silk” is such a desirable characteristic of a personal lubricant, others use the term as well for their lubricants, precisely to convey this descriptive connotation. As the advertising material attached as Exhibit C shows, in addition to Opposer’s and Applicant’s use of SILK in connection with personal lubricants, *competing identical products* include “K-Y Personal Lubricant Silk,” “Silk Touch Personal Lubricant,” “Sensual Silk,” “Maximus Liquid Silk” and “Endurance Silk.” The Board has refused to grant an applicant’s motion for summary judgment in opposition proceedings where the widespread use of a term by third parties, in a descriptive way, for particular goods or in a particular field, raised a genuine issue of material fact concerning the mark’s descriptiveness. In *James River Petroleum Inc. v. Petro Stopping Centers L.P.*, 57 USPQ2d 1249, 1252 (TTAB 2000), the Board noted the widespread descriptive use of the word PETRO in the petroleum products field and denied the applicant’s motion for summary judgment, stating that “a genuine issue of material fact does exist with respect to the descriptive nature of applicant’s mark PETRO in relation to the services identified in its application, i.e., truck stop services.” Given the descriptive connotation of the word SILK in connection with personal lubricants and body care products and the number of unrelated third-party users of the word in connection these products, a genuine issue of material fact likewise clearly exists with respect to the registrability of Applicant’s mark that preclude summary judgment in favor of Applicant.

Indeed, on showings of descriptiveness comparable to Opposer’s here, the Board has even granted motions for summary judgment rejecting applications on the ground of descriptiveness. *See, e.g., Dena Corp. v. Belvedere International Inc.*, 21 USPQ2d 1047 (Fed. Cir. 1991) (vacating the TTAB’s granting of summary judgment on the ground that “European Formula” for cosmetics is so descriptive that it cannot function as a trademark); *Sweats Fashions*

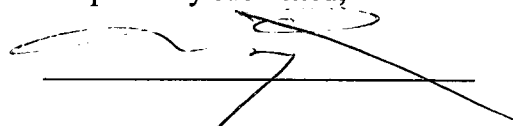
Inc. v. Pannill Knitting Co. Inc., 4 USPQ2d 1793 (Fed. Cir. 1987) (upholding the TTAB's grant of opposer's summary judgment motion on the ground that SWEATS is descriptive of fleece garments); *Callaway Vineyard & Winery v. Endsley Capital Group Inc.*, 63 USPQ2d 1919 (TTAB 2002) (granting opposer's summary judgment motion on the ground that "Coastal Winery" is merely descriptive of where applicant makes its wines and the term has a specific meaning used by other wine makers); and *Interpayment Services Ltd. v. Doctors & Thiede*, 66 USPQ2d 1463 (TTAB 2003).

As the foregoing amply demonstrates, there is a genuine issue of material fact with respect to the descriptiveness, and thus the registrability, of the word SILK for personal lubricants and body care products, and, consequently, this matter cannot be disposed of by summary judgment.

CONCLUSION

For the foregoing reasons, Applicant's motion for summary judgment should be denied and Bodywise Limited's Application Serial No. 76/977,298 should be rejected.

Respectfully submitted,



Peter M. Langrind
Jacobs deBrauwere LLP
445 Park Avenue, 17th Floor
New York, NY 10022
(212) 207-8787
Attorneys for Opposer Dean Elliott

Date: October 28, 2008

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

DEAN ELLIOTT,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91174723
)	
BODYWISE LIMITED,)	
)	
Applicant.)	
)	

CERTIFICATE OF MAILING

The undersigned hereby certifies that, pursuant to 37 CFR § 1.10, the foregoing
Opposer's Response to Applicant's Motion for Summary Judgment, along with Declaration,
Memorandum in Support thereof and copies of exhibits attached thereto is being served upon the
United States Patent and Trademark Office, Trademark Trial and Appeal Board, on this October
28, 2008, by depositing it with the United States Postal Service, as First-Class Mail, in an
envelope addressed to:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451
Attn: Trademark Trial and Appeal Board



Peter M. Langrind

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/159392

APPLICANT: Beauty Holding Company, Inc.

CORRESPONDENT ADDRESS:

Patricia M. DeSimone
Alberto-Culver Company
2525 Armitage Avenue
Melrose Park IL 60160

AUG 20 2003

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom111@uspto.gov

MARK: SILK ELEMENTS

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

RE: Serial Number 78/159392

This letter responds to the applicant's communication filed on 07/16/03.

The applicant argued against the disclaimer requirement. However, the applicant's arguments are unpersuasive, thus the requirement is made FINAL.

Disclaimer

The applicant must insert a disclaimer of SILK in the application. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP section 1213. The term "silk" is unregistrable on the Principal Register because it is descriptive of the applicant's goods. In the instant case, it means "polish, wax, varnish, gloss, glaze, shine, finish, slipperiness, slipway, slide, chute, lubricity, oiliness, greasiness, lubrication..."¹

¹ The Original Roget's Thesaurus of English Words and Phrases (Americanized Version) is licensed from Longman Group UK Limited. Copyright © 1994 by Longman Group UK Limited. All rights reserved.

Trademark Act Section 6(a), 15 U.S.C. Section 1056(a), states that the Commissioner may require the applicant to disclaim an unregistrable component of a mark. Trademark Act Section 2(e), 15 U.S.C. Section 1052(e), bars the registration of a mark which is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive of the goods. Therefore, the Commissioner may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive. If an applicant does not comply with a disclaimer requirement, the examining attorney may refuse registration of the entire mark. TMEP section 1213.01(b).

A disclaimer does not remove the disclaimed matter from the mark. It is simply a statement that the applicant does *not* claim exclusive rights in the disclaimed wording or design apart from the mark as shown in the drawing.

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.09(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use SILK apart from the mark as shown.

See *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

The applicant argued that the mark is suggestive. This argument is unpersuasive because it is not necessary that a term describe all of the purposes, functions, characteristics or features of the goods/services to be merely descriptive. It is enough if the term describes **one attribute** of the goods/services. *In re H.U.D.D.L.E.*, 216 USPQ 358 (TTAB 1982); *In re MBAssociates*, 180 USPQ 338 (TTAB 1973). TMEP §1209.01(b). Additionally, the examining attorney must consider whether a mark is merely descriptive in relation to the identified goods/services, not in the abstract. *In re Omaha National Corp.*, 819 F.2d 1117, 2 USPQ2d 1859 (Fed. Cir. 1987); *In re Abcor Development Corp.*, 588 F.2d 811, 200 USPQ 215 (C.C.P.A. 1978); *In re Venture Lending Associates*, 226 USPQ 285 (TTAB 1985); *In re American Greetings Corp.*, 226 USPQ 365 (TTAB 1985). TMEP §1209.01(b). Here, the term silk refers to "polish, wax, varnish, gloss, glaze, shine, finish, slipperiness, slipway, slide, chute, lubricity, oiliness, greasiness, lubrication..." The identified terms are attributes of hair and hair preparations. Additionally, The examining attorney refers to the excerpted articles from the examining attorney's search in a computerized data base in which "silk" appeared in several stories. See attachments and website. These stories indicate that the term is descriptive of the goods. The Trademark Trial and Appeal Board has held that materials obtained through computerized text searching are competent evidence to show the descriptive use of terms under Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1). *In re National Data Corp.*, 222 USPQ 515, 517 n.3 (TTAB 1984). Accordingly, the requirement is maintained and made FINAL.

Options


Please note that the only appropriate responses to a final action are (1) compliance with the outstanding requirements, if feasible, (2) filing of an appeal to the Trademark Trial and Appeal Board, or (3) filing of a petition to the Director if permitted by 37 C.F.R. §2.63(b). 37 C.F.R. §2.64(a); TMEP §715.01. Regarding petitions to the Director, see 37 C.F.R. §2.146 and TMEP Chapter 1700. If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

Status and Information

If the applicant has access to the internet, current status and status date information is available on our website at www.uspto.gov. The website provides several searchable databases, as well as general information about trademarks.

If the applicant does not have internet access, current status and status date information is available, via push button telephone, for all federal trademark registration and application records maintained in the automated Trademark Reporting and Monitoring (TRAM) system. The information may be accessed by calling (703) 305-8747 from 6:30 a.m. until midnight, Eastern Time, Monday through Friday, and entering a seven-digit registration number or eight-digit application number, followed by the "#" symbol, after the welcoming message and tone. Callers may request information for up to five registration number or application number records per call.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.


Zachary R Bello
/Zachary R Bello/
Trademark Attorney
Law Office 111
(703) 308-9111 ext 409
ecom111@uspto.gov

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

EXHIBIT B

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TARR Status	ASSIGN Status	TDR	TTAB Status
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ULTRA SILK

Word Mark	ULTRA SILK
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair and skin preparations, namely, hair shampoos, hair conditioners, hair sprays, hair gels, skin moisturizers, and hair and skin lotions
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77159041
Filing Date	April 17, 2007
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	October 21, 2008
Owner	(APPLICANT) Badran, Heitham H. INDIVIDUAL UNITED STATES 250 Pennbright, Suite 150 Houston TEXAS 77090
Attorney of Record	Ben D. Tobor
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

Word Mark	SILK CLEAN PIE
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Personal care products, namely, shower cream, body wash, skin lotion, hair lotion, bath gel, styling gel, body spray. FIRST USE: 20010601. FIRST USE IN COMMERCE: 20010601
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	76164558
Filing Date	November 14, 2000
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 15, 2002
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2664190
Registration Date	December 17, 2002
Owner	(REGISTRANT) FASMA, LLC LTD LIAB CO DELAWARE 7329 WEST HARRISON STREET FOREST PARK ILLINOIS 60130
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	OSCAR L. ALCANTARA
Prior Registrations	2319889

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK CLEAN" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Start List At: OR Jump to record: **Record 21 out of 42**

TARR Status	ASSIGN Status	TDR	TTAB Status
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PLATINUM
~ ~ ~ **Silk**

Word Mark	PLATINUM SILK
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: HAIR RELAXER and PERMS and CONDITIONERS and SHAMPOO. FIRST USE: 20030101. FIRST USE IN COMMERCE: 20030101
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s) 26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal
Trademark Search Facility Classification Code	SHAPES-BAR-BANDS Designs with bar, bands or lines
Serial Number	76653226
Filing Date	January 11, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	June 3, 2008
Registration Number	3486748
Registration Date	August 19, 2008

Owner (REGISTRANT) Platinum Silk Platinum Silk Products, LLC, a Mississippi limited liability company, and FLAVA, LLC, a Mississippi limited liability company PARTNERSHIP MISSISSIPPI 2058 RICHMOND STREET BELDON MISSISSIPPI 388268717

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN

Description of Mark Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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SILK LUXE COMPLEX

Word Mark	SILK LUXE COMPLEX
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Combination of ingredients sold as an integral component part of hair care preparations. FIRST USE: 20070615. FIRST USE IN COMMERCE: 20070615
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77046036
Filing Date	November 16, 2006
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 27, 2007
Registration Number	3369975
Registration Date	January 15, 2008
Owner	(REGISTRANT) L'Oreal USA Creative, Inc. CORPORATION DELAWARE 575 Fifth Avenue New York NEW YORK 10017
Attorney of Record	Lisa M. Gigliotti
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK OR COMPLEX" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Typed Drawing

Word Mark	SILK ELEMENTS
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair care preparations. FIRST USE: 20031005. FIRST USE IN COMMERCE: 20031005
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78159392
Filing Date	August 29, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 2, 2003
Registration Number	2935496
Registration Date	March 22, 2005
Owner	(REGISTRANT) Beauty Holding Company, Inc. CORPORATION DELAWARE Clarendon House, 2 Church Street Hamilton BERMUDA HM11 (LAST LISTED OWNER) BEAUTY HOLDING LLC LTD LIAB CO 3001 DENTON TEXAS 76210
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Daniel M. Vincenzo
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
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Typed Drawing

Word Mark	PRO SILK
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair care preparations, namely, shampoo, conditioner, hair color, styling mousse, hair gel, and hairspray. FIRST USE: 20030630. FIRST USE IN COMMERCE: 20030630
	IC 009. US 021 023 026 036 038. G & S: Electric hair curling irons, electric hair straightening irons, and electric hair rollers. FIRST USE: 20030630. FIRST USE IN COMMERCE: 20030630
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78210663
Filing Date	February 4, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 10, 2004
Registration Number	2990281
Registration Date	August 30, 2005
Owner	(REGISTRANT) Ben's Beauty Supply Dist. CORPORATION TEXAS 5631 Hartsdale Drive Houston TEXAS 77036
Attorney of Record	Elizabeth W. King
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL

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Silk
Elements
Revive & Restore

Word Mark	SILK ELEMENTS REVIVE & RESTORE
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair care preparations. FIRST USE: 20040118. FIRST USE IN COMMERCE: 20040118
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s) 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters
Serial Number	78422156
Filing Date	May 20, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 11, 2005
Registration Number	3174884
Registration Date	November 21, 2006
Owner	(REGISTRANT) Beauty Holding Company, Inc. CORPORATION DELAWARE 25 Church Street Hamilton BERMUDA HM12 (LAST LISTED OWNER) BEAUTY HOLDING LLC LTD LIAB CO 3001 DENTON TEXAS 76210
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Daniel M. Vincenzo
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
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Word Mark SILK BLOSSOM

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: antiperspirant and deodorant. FIRST USE: 20011201. FIRST USE IN COMMERCE: 20011201

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78057595

Filing Date April 10, 2001

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition June 4, 2002

Registration Number 2792794

Registration Date December 9, 2003

Owner (REGISTRANT) Conopco, Inc. DBA Helene Curtis CORPORATION NEW YORK 325 N. Wells St. Chicago ILLINOIS 60610

(LAST LISTED OWNER) UNILEVER SUPPLY CHAIN, INC. CORPORATION DELAWARE 1 JOHN STREET CLINTON CONNECTICUT 06413

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Lisa W. Rosaya, Esq.

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE



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Typed Drawing

Word Mark	SILK ESSENCE
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: hair shampoo and hair conditioner. FIRST USE: 19990809. FIRST USE IN COMMERCE: 19990809
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75747085
Filing Date	July 8, 1999
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 22, 2000
Registration Number	2428945
Registration Date	February 13, 2001
Owner	(REGISTRANT) FREELIFE INTERNATIONAL, LLC. LTD LIAB CO CONNECTICUT 333 Quarry Road Milford CONNECTICUT 06460 (LAST LISTED OWNER) FREELIFE INTERNATIONAL HOLDINGS, LLC LTD LIAB CO CONNECTICUT 3925 E. BROADWAY SUITE 201 PHOENIX ARIZONA 85040
Assignment Recorded	ASSIGNMENT RECORDED
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).
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 (Use the "Back" button of the Internet Browser to return to TESS)**SILK FUSION**

Word Mark	SILK FUSION
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hair care and styling preparations. FIRST USE: 20060130. FIRST USE IN COMMERCE: 20060130
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78516187
Filing Date	November 12, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	October 11, 2005
Registration Number	3160291
Registration Date	October 17, 2006
Owner	(REGISTRANT) Henkel KGaA KG FED REP GERMANY Henkelstrasse 67 Duesseldorf FED REP GERMANY D-40191 (LAST LISTED OWNER) HENKEL AG & CO. KGAA PARTNERSHIP LIMITED BY SHARES FED REP GERMANY 67 HENKELSTRASSE DUESSELDORF FED REP GERMANY 40589
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record Susan F. Evans**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Silk" APART FROM THE MARK AS SHOWN**Type of Mark** TRADEMARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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Typed Drawing

Word Mark	SILK SERUM
Goods and Services	IC 003. US 051. G & S: COSMETIC CREAMS AND LOTIONS. FIRST USE: 19860726. FIRST USE IN COMMERCE: 19860726
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73720850
Filing Date	April 4, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	October 25, 1988
Registration Number	1520432
Registration Date	January 17, 1989
Owner	(REGISTRANT) SCOTIA SERUM CORPORATION CORPORATION NEW YORK 241 CENTRAL PARK WEST NEW YORK NEW YORK 10024 (LAST LISTED OWNER) SILK SERUM ENTERPRISES, INC. CORPORATION ASSIGNEE OF NEW YORK 4 DAVENPORT AVENUE P.O. BXO 632 GREENWICH CONNECTICUT 068360632
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	THOMAS G. CARULLI
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR).
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Word Mark	ROYAL SILK
Goods and Services	IC 003. US 052. G & S: LAUNDRY SOAP. FIRST USE: 19850900. FIRST USE IN COMMERCE: 19860200
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	24.11.02 - Crowns open at the top 25.01.25 - Borders, ornamental; Other framework and ornamental borders 26.11.01 - Rectangles as carriers or rectangles as single or multiple line borders
Serial Number	73601040
Filing Date	May 27, 1986
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 13, 1987
Registration Number	1435217
Registration Date	April 7, 1987
Owner	(REGISTRANT) ROYAL SILK LTD. CORPORATION NEW JERSEY 45 EAST MADISON AVENUE CLIFTON NEW JERSEY 07011 (LAST LISTED OWNER) ROYAL SILK PRODUCTS, INC. CORPORATION NEW JERSEY

6117 HARRISON PLACE WEST NEW YORK NEW JERSEY 07093

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record DONNA MIRMAN BROOME
Prior Registrations 1281587
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SILK" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20071029.
Renewal 1ST RENEWAL 20071029
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A Single Sensual Silk - 4.5 oz. Lubricant.

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at [Undercover Condoms](#)

Sensual Silk - 1.5 oz. Lubricant

A Single Sensual Silk - 1.5 oz. Lubricant.

\$9.95 at [Undercover Condoms](#)

See It



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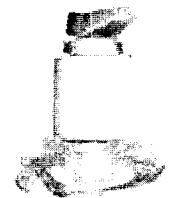


Health & Personal Care Store

ค้นหา

MAXIMUS Liquid Silk Personal Lubricant Lube Pump Bottle (250ml)

Filed under: Sexual Wellness |
Posted on December 10th, 2007 by admin



MAXIMUS

MAXIMUS is a water based lubricant with a high glycol content. This helps retain any naturally occurring moisture and makes the lubricant even longer lasting. MAXIMUS is also formulated to be bio-static, this means, should it be exposed to any bacteria, yeast infection or fungal spores it will stop them spreading. This makes it an ideal lubricant for anal intercourse as well as all other forms of sexual contact.

Health and Beauty:

Company: MaximusLiquidSilk

List Price:

Amazon Price: \$12.99

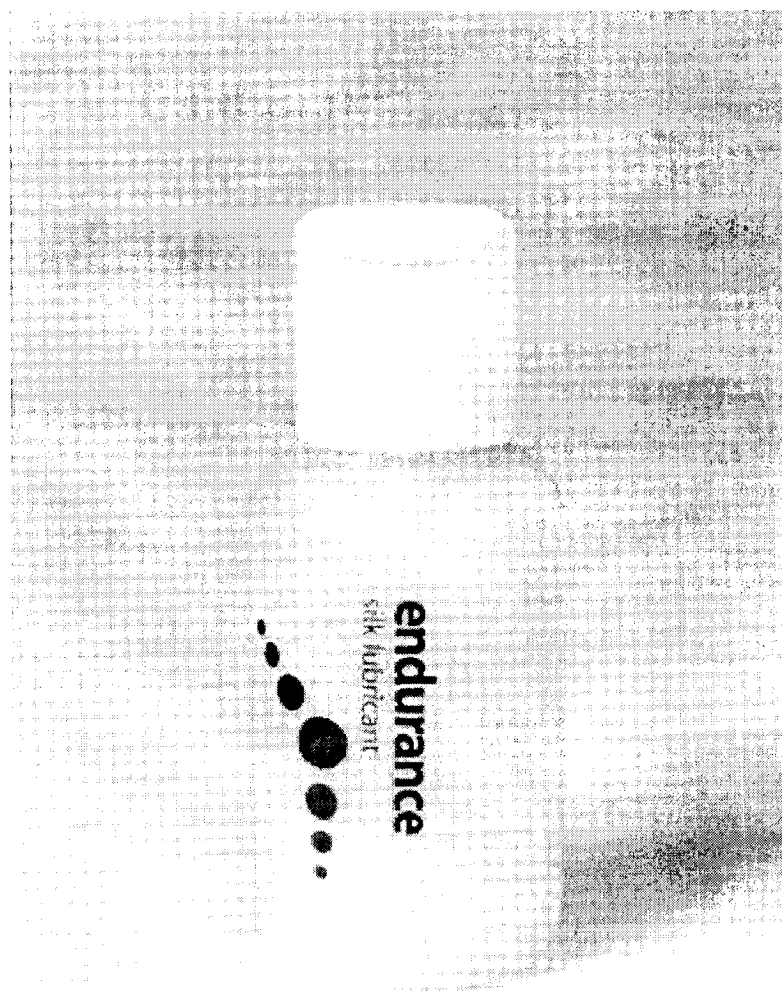
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Recommended Product

- Germanium GE-132 Organic 100mg Dietary Supplement from Jarrow Formulations (60

Endurance Silk Lubricant 50ml



This Silk Lubricant is the best intimate lubricant we have found. It really does feel like silk. Perfect for use with toys or simply for massaging in. Small sized lubricant 50 ml. Convenient hand bag or top drawer size.

Lm3.95

[Buy Now](#)

€9.20



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A Message to All Women



Sylk personal lubricant is the only 100% natural lubricant made from Kiwifruit vine extract. Women choose to use Sylk personal lubricant because it truly feels natural and it doesn't cause irritation the way most conventional lubricants do.

Women LOVE Sylk Personal Lubricant!

- 100% natural, water-based formula
- Fragrance-free
- No chemical additives or preservatives
- Paraben-free

Sylk *feels* just like a woman's natural vaginal lubrication.

[Ingredients](#) | [Directions](#)

Buy Sylk 1 (3.4oz) bottle - \$21.95 (plus s/h)

Buy one Sylk, get the second for half-price! - \$32.93 (plus s/h)

Benefits

Sylk and Sensation are the ONLY personal lubricants made from genuine New Zealand Kiwifruit vine extract.

- Water-based
- Gentle & safe for sensitive skin
- Ultra slippery, non-sticky formula
- Long lasting
- No fragrance or flavor
- Increases sensitivity
- Heightens sexual pleasure
- Doctor recommended
- It's the lubricant that women prefer!

[Click here](#) to shop for Sylk products!

SENSATION by Sylk



Sensation is the only *all-natural warming lubricant* made from Kiwifruit vine extract. It's like Sylk, but with a kick!

Sensation features a special cinnamon extract which creates an amazing warming sensation that's guaranteed to spice up any intimate encounter!

[Ingredients](#) | [Directions](#)

WOMEN CHOOSE SYLK

The only all-natural, paraben-free personal lubricant - Buy one, get the second for half price!



ONLY
\$32.93

INTRODUCING SENSATION

All-natural warming up! Made from the same Kiwifruit vine extract as Sylk, but with a kick!



TRY IT NOW
\$19.95

Testimonials

"I just had to write to let you know that your product has made a HUGE difference in my life."

"After our first use of Sylk, this is the comment from my sweetie: That was the best sex I ever had!"

"Sylk is an absolute marvel. I love it."

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