

ESTTA Tracking number: **ESTTA161101**

Filing date: **09/06/2007**

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	James Derner		
Entity	Individual	Citizenship	UNITED STATES
Address	1122 18th Street, Box 201 Santa Monica, CA 90403 UNITED STATES		

Attorney information	Jay H. Geller West Tower, Suite 4000 2425 W. Olympic Bl. Santa Monica, CA 90404 UNITED STATES jhgeller@aol.com Phone:3104491399		
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Applicant Information

Application No	77119422	Publication date	08/28/2007
Opposition Filing Date	09/06/2007	Opposition Period Ends	09/27/2007
Applicant	Nedboy, Robin L. Suite 2320 60 East 42nd Street New York, NY 10165 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2007/03/01 First Use In Commerce: 2007/03/01
All goods and services in the class are opposed, namely: Bath soaps in liquid, solid or gel form; Fragrances for personal use; Hair care preparations; Household cleaning preparations; Non-medicated skin care preparations

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		

Goods/Services	
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Attachments	CleanLiving.pdf (2 pages)(258569 bytes)
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Signature	/jhgeller/
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Name	Jay H. Geller
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Date	09/06/2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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James Derner)	
)	<u>NOTICE OF OPPOSITION</u>
Opposer,)	
)	
v.)	Serial Number 77119422
Robin L. Nedboy)	CLEAN LIVING
)	Published OG: 8-28-07
Applicant.)	
.....)	

To The Commissioner of Patents and Trademarks:

James Derner hereby opposes registration of Applicant's trademark, CLEAN LIVING, published in the Official Gazette of August 28, 2007. The following allegations are submitted in support of this Notice of Opposition:

1. Opposer is a individual United States citizen, with its principal place of business in Santa Monica, CA.
2. Applicant, upon information and belief, is an individual United States citizen with a principal place of business in New York, NY
3. Applicant has applied for serial number 77119422 for the trademark CLEAN LIVING claiming a date of first use on the goods and in commerce of March 1, 2007. The application was filed on March 1, 2007.
4. Opposer has at least since 1997, long prior to the date of filing of the subject application, used the trademark CLEAN LIVING in interstate commerce in the United States with respect to goods in International Class 3, particularly skin, shaving, and baby care products.

5. Applicant's mark wholly incorporates Opposer's trademark CLEAN LIVING.

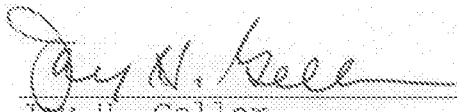
6. The goods upon which applicant allegedly sells under her mark CLEAN LIVING are identical to those goods upon which Opposer uses its mark CLEAN LIVING.

7. The likelihood of confusion in the marketplace exists between Opposer's trademark when applied to the goods of the respective parties, and applicant's trademark.

8. Registration of applicant's trademark will result in damage to Opposer's trademark and Opposer's business.

Wherefore, Opposer requests that this Opposition be sustained and that the registration to the Applicant be refused.

Dated: September 6, 2007



Jay H. Geller

Jay H. Geller, A

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