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ESTTA Tracking number: **ESTTA179043**

Filing date: **12/06/2007**

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	Thierry Mugler Parfums S.A.S.
Granted to Date of previous extension	01/30/2008
Address	4 Rue Berteaux Dumas Neuilly-Sur-Seine, F-92200 FRANCE

Attorney information	Mary Catherine Merz Merz & Associates, P.C. 1140 Lake Street, Suite #304 Oak Park, IL 60301-1051 UNITED STATES docket@merz-law.com

Applicant Information

Application No	77142590	Publication date	10/02/2007
Opposition Filing Date	12/06/2007	Opposition Period Ends	01/30/2008
Applicant	Jennifer Wadsworth 1610 Penwood Trace Marietta, GA 30068 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Deodorants and antiperspirants

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3051023	Application Date	07/13/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: Bleaching preparations and detergents for laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes; face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders

U.S. Registration No.	2448037	Application Date	04/29/1997
Registration Date	05/01/2001	Foreign Priority Date	NONE
Word Mark	ANGEL MEN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1977/05/00 First Use In Commerce: 1997/05/00 toilet waters, skin moisturizing lotion, shampoo, and deodorants for personal use		

U.S. Registration No.	2516249	Application Date	07/20/1999
Registration Date	12/11/2001	Foreign Priority Date	NONE
Word Mark	SECRET D'ANGEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Creams, milks, lotions, cosmetic gels, for the face and for the body		

U.S. Registration No.	1843424	Application Date	02/16/1993
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	ANGEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 perfume		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	VIOLET ANGEL		
Goods/Services	PERFUMES		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	LILY ANGEL
Goods/Services	PERFUMES

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PEONY ANGEL		
Goods/Services	PERFUMES		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LA ROSE ANGEL		
Goods/Services	PERFUMES		

Attachments	79004618#TMSN.jpeg (1 page)(bytes) 75283669#TMSN.gif (1 page)(bytes) 22200.nop.pdf (6 pages)(167119 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ameen Imam/
Name	Ameen Imam
Date	12/06/2007

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

In the Matter of U.S. Application Serial No. 77/142,590
For: ANGEL SCENT
Filed: March 28, 2007
Date of Publication: October 2, 2007

THIERRY MUGLER PARFUMS S.A.S	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
JENNIFER WADSWORTH	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

In the matter of U.S. Trademark Application Serial No. 77/142,590 ("Serial No. 77/142,590") for the mark "ANGEL SCENT" in International Class 3, filed in the name of Jennifer Wadsworth ("applicant"), which was published for opposition in the Official Gazette of October 2, 2007. Thierry Mugler Parfums S.A.S ("TMP"), a corporation of France with its principal place of business at 4 rue Berteaux Dumas, Neuilly-sur-Seine, France 92200, believes it will be damaged by the registration of the mark in Serial No. 77/142,590 and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, TMP alleges as follows:

1. Upon information and belief, applicant is an individual who is a citizen of the United States residing at 1610 Penwood Trace, Marietta, Georgia 30068. Applicant seeks to register "ANGEL SCENT" in connection with the following goods:

deodorants and antiperspirants in International Class 3;

as evidenced by the publication of Serial No. 77/142,590 in the Official Gazette of October 2, 2007.

2. Upon information and belief, applicant filed its application on March 28, 2007 under Section 1(b) of the Trademark Act [15 U.S.C. §1051(b)], claiming an intent to use of the mark "ANGEL SCENT" in commerce for goods in Class 3.

3. Since at least 14 years prior to applicant's intent-to-use application date for the mark "ANGEL SCENT," TMP adopted and has continuously used for the United States the trademark "ANGEL" in connection with its perfumes. TMP has since created a family of marks containing "ANGEL" as an element for perfumes, such as "VIOLET ANGEL," "LILY ANGEL", "PEONY ANGEL and "LA ROSE ANGEL" (the "non-registered "ANGEL" marks), each mark representing a fragrance within the "ANGEL" family.

4. TMP is the owner of U.S. Trademark Registration No. 3,051,023 for "ANGEL" for "bleaching preparations and detergents

for laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes; face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders"; U.S. Trademark Registration No. 2,448,037 for "ANGEL MEN" for "toilet waters, skin moisturizing lotion, shampoo, and deodorants for personal use"; U.S. Trademark Registration No. 2,516,249 for "SECRET D'ANGEL" for "creams, milks, lotions, cosmetic gels, for the face and for the body"; and U.S. Trademark Registration No. 1,843,424 for "ANGEL" for "perfume" (collectively "TMP's registered 'ANGEL' marks".

6. Since at least as early as the respective dates of first use stated in its registrations, TMP has used TMP's registered "ANGEL" marks in connection with the sale of its goods covered by its "ANGEL" registrations. Such use has been valid and continuous, and has not been abandoned, with the exception of "SECRET D'ANGEL".

7. Given TMP's continuous and extensive use of "ANGEL" alone as a mark and as the common trademark element in its family of "ANGEL" fragrance products, the purchasing public has come to associate TMP with the "ANGEL" trademark.

8. Applicant has no license, consent or permission from TMP to use or register "ANGEL SCENT."

9. TMP has invested substantial amounts of time, effort and money in protecting and policing TMP's registered "ANGEL" marks and TMP's non-registered "ANGEL" marks throughout the United States. As such, in addition to the protection afforded TMP by its federal trademark registrations, TMP has extensive non-registered statutory and common law rights in its marks containing "ANGEL" as an element.

10. Applicant's mark "ANGEL SCENT" so resembles TMP's "ANGEL" mark that, when used on or in connection with applicant's goods, it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, applicant's mark and use thereof are likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that applicant's goods originate

with TMP or otherwise are authorized, licensed or sponsored by TMP.

11. By reason of all the foregoing, TMP will be gravely damaged by the registration of applicant's "ANGEL SCENT" mark, because registration of that mark would be in violation of TMP's trademark rights.

WHEREFORE, TMP prays that this Notice of Opposition be sustained in favor of TMP and that Serial No. 77/142,590 be denied registration. TMP submits herewith a payment to cover its filing fee of $300.00, as required by 37 C.F.R. §2.6(a)(17).

Respectfully submitted,

THIERRY MUGLER PARFUMS S.A.S

Date: December 6, 2007 By:

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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served on the applicant by First Class Mail this 6th day of December 2007, addressed to:

Lee B. Beitchman
Beitcman & Hudson
215 14th St NW
Atlanta, GA 30318-5303

Date: December 6 2007 **By:** [signature]