

ESTTA Tracking number: **ESTTA190950**

Filing date: **02/06/2008**

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	Avon Products, Inc.
Granted to Date of previous extension	02/06/2008
Address	1251 Avenue of the Americas New York, NY 10020 UNITED STATES

Attorney information	Michelle M. Graham Kelley Drye & Warren LLP 101 Park Avenue New York, NY 10178 UNITED STATES mgraham@kelleydrye.com, mmarcotte@kelleydrye.com Phone:(212) 808-7800
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Applicant Information

Application No	77158145	Publication date	10/09/2007
Opposition Filing Date	02/06/2008	Opposition Period Ends	02/06/2008
Applicant	Adrienne Denese, M.D., P.C. 65 Sherwood Avenue Englewood Cliffs, NJ 07632 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 2007/04/01 First Use In Commerce: 2007/04/01
All goods and services in the class are opposed, namely: Gel for cosmetic anti-wrinkle preparations; Wrinkle removing skin care preparations; Cosmetics; Make-up

Grounds for Opposition

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

U.S. Registration No.	780479	Application Date	11/29/1962
Registration Date	11/17/1964	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class U051 (International Class 003). First use: First Use: 1962/05/06 First Use In Commerce: 1962/05/06 Bath Oil

U.S. Registration No.	1748065	Application Date	06/19/1992
Registration Date	01/26/1993	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1962/05/06 First Use In Commerce: 1962/05/06 bath oil, hand and body lotion, talc, bath and shower gel, and bath oil towelettes		

U.S. Registration No.	2267373	Application Date	08/27/1998
Registration Date	08/03/1999	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1994/04/00 First Use In Commerce: 1994/04/00 Sun tan lotions, creams, gels and sunless tanning lotions		

U.S. Registration No.	2318318	Application Date	08/27/1998
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 Anti-bacterial moisturizing liquid soap, anti-bacterial deodorizing body bar soap Class 005. First use: First Use: 1998/07/00 First Use In Commerce: 1998/07/00 Anti-bacterial moisturizing hand gel and anti-bacterial moisturizing body wash		

U.S. Registration No.	2272317	Application Date	08/27/1998
Registration Date	08/24/1999	Foreign Priority Date	NONE
Word Mark	SKIN-SO-SOFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1997/04/00 First Use In Commerce: 1997/04/00		

	insect repellent with and without sunscreens and/or moisturizers; towelettes premoistened with insect repellent, with and without sunscreen and/or moisturizers
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Attachments	75543607#TMSN.gif (1 page)(bytes) 75545043#TMSN.gif (1 page)(bytes) skinso.PDF (5 pages)(391494 bytes)
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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	/Matthew D. Marcotte/
Name	Matthew D. Marcotte
Date	02/06/2008

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

NOTICE OF OPPOSITION

AVON PRODUCTS, INC.,

Opposer,

v.

ADRIENNE DENESE, M.D., P.C.

Applicant.

Opposition No.

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

AVON PRODUCTS, INC., a New York corporation with a place of business at 1251 Avenue of the Americas, New York, New York 10020-1104 (hereinafter "Opposer") believes that it will be damaged by registration of the designation SKIN SO TIGHT for "Gel for cosmetic anti-wrinkle preparations; Wrinkle removing skin care preparations; Cosmetics; Make-up" in International Class 3 shown in application Serial No. 77/158,145 filed by ADRIENNE DENESE, M.D., P.C. (hereinafter "Applicant") and hereby opposes the same.

As grounds therefor, it is alleged that:

1. Opposer is now and for many years past has, among other things, been engaged in distributorship and direct sales services, door-to-door retail merchandising, telephone shop at home services, mail order catalog sales, and interactive retail sales rendered by means of a global computer information network, all in the fields of beauty care, salon and spa services, housewares, clothing, toiletries, cosmetics, jewelry, gift items, collectibles, toys, personal care products, pre-recorded videos, audio tapes and compact discs throughout the United States and the world.

2. Since at least as early as 1962, and long prior to the April 1, 2007 claimed first use date listed in the application herein opposed, Opposer adopted, has used and is using the trademark SKIN-SO-SOFT for a wide range of skin care preparations and related goods. Opposer has prior use in interstate commerce of the SKIN-SO-SOFT trademark for skin care preparations and related goods and since the adoption and first use of the SKIN-SO-SOFT trademark as aforesaid, Opposer has continuously used the SKIN-SO-SOFT trademark on and in connection with the production, advertising, promotion, distribution and sale of skin care preparations and related goods in interstate commerce in the United States.

3. The SKIN-SO-SOFT trademark is now and ever since its first use as aforesaid has been applied to products, package materials, advertisements and product literature for the aforesaid skin care preparations and related goods. Products and materials so marked are now and for many years have been advertised and promoted, and widely shipped, distributed and sold in interstate commerce in the United States. The SKIN-SO-SOFT trademark has come to be and is famous and favorably known, and of great value to Opposer, and in the mind of the trade and public, identifies Opposer's goods and distinguishes them from the goods and services of others.

4. Opposer is the owner of Registration No. 780,479 for SKIN-SO-SOFT for "Bath oil" issued November 17, 1964; Registration No. 1,748,065 for SKIN-SO-SOFT for "Bath oil, hand and body lotion, talc, bath and shower gel, and bath oil towelettes" issued January 26, 1993; Registration No. 2,267,373 for SKIN-SO-SOFT for "Sun tan lotions, creams, gels and sunless tanning lotions" issued August 3, 1999; Registration No. 2,318,318 for SKIN-SO-SOFT for "Anti-bacterial moisturizing liquid soap, anti-bacterial deodorizing body bar soap" and "Anti-bacterial moisturizing hand gel and anti-bacterial moisturizing body wash" issued February 15, 2000; and Registration No. 2,272,317 for SKIN-SO-SOFT for "Insect repellent

with and without sunscreens and/or moisturizers; towelettes premoistened with insect repellent, with and without sunscreen and/or moisturizers” issued August 24, 1999. Said registrations are valid and subsisting, unrevoked and uncanceled, and in full force and effect.

5. By the application herein opposed, Applicant seeks to register the designation SKIN SO TIGHT for “Gel for cosmetic anti-wrinkle preparations; Wrinkle removing skin care preparations; Cosmetics; Make-up” in International Class 3.

6. The designation SKIN SO TIGHT in application Serial No. 77/158,145 so resembles Opposer’s previously used and registered SKIN-SO-SOFT trademark as to be likely, when used in connection with Applicant’s goods, to cause confusion, to cause mistake and to deceive with consequent injury to Opposer and the public.


7. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in the confusing and misleading use of Applicant’s trademark and would give to Applicant color of exclusive statutory rights to such designation in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer believes that it would be damaged by registration of Applicant’s mark and prays that it be denied.

Please recognize as attorneys for Opposer William R. Golden, Jr., Michelle M. Graham and Matthew D. Marcotte (members of the Bar of the State of New York) and the firm of Kelley Drye & Warren LLP, 101 Park Avenue, New York, New York 10178. Please address all communications to Michelle M. Graham, Esq. of said firm and address.

Dated: New York, New York
February 6, 2008

KELLEY DRYE & WARREN LLP
Attorneys for Opposer
AVON PRODUCTS, INC.

By: 
William R. Golden, Jr.
Michelle M. Graham
Matthew D. Marcotte
101 Park Avenue
New York, New York 10178
(212) 808-7800

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION has been served upon Applicant at the following address of record by first class mail, postage prepaid, this 6th day of February 2008:

Deborah A. Berlin
Corporate Service Bureau, Inc.
283 Washington Ave.
Albany NY 12206-3012



Matthew D. Marcotte