

ESTTA Tracking number: **ESTTA205328**

Filing date: **04/16/2008**

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	S. C. Johnson & Son, Inc.
Granted to Date of previous extension	04/16/2008
Address	1525 Howe Street Racine, WI 53403 UNITED STATES
Attorney information	Jody H. Drake; Gary D. Krugman Sughrue Mion, PLLC 2100 Pennsylvania Ave., NW Washington, DC 20037-3213 UNITED STATES kdaniels@sughrue.com Phone:202-293-7060

Applicant Information

Application No	77109289	Publication date	12/18/2007
Opposition Filing Date	04/16/2008	Opposition Period Ends	04/16/2008
Applicant	Classy Kid, Inc. P.O. Box 31927 Las Vegas, NV 89173 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. All goods and services in the class are opposed, namely: hand sanitizers for household use
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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.	1302352	Application Date	09/15/1983
Registration Date	10/30/1984	Foreign Priority Date	NONE
Word Mark	SCRUBBING BUBBLES		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 003. First use: First Use: 1983/08/16 First Use In Commerce: 1983/08/16 Household Cleaning Preparations		
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U.S. Registration No.	1599107	Application Date	06/05/1989
Registration Date	06/05/1990	Foreign Priority Date	NONE
Word Mark	SCRUBBING BUBBLES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1989/04/07 First Use In Commerce: 1989/04/07 ALL PURPOSE HOUSEHOLD CLEANING PREPARATIONS		

U.S. Registration No.	1832818	Application Date	07/19/1993
Registration Date	04/26/1994	Foreign Priority Date	NONE
Word Mark	SCRUBBING BUBBLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1990/01/26 First Use In Commerce: 1990/01/26 bath toys		

U.S. Registration No.	1875025	Application Date	03/22/1994
Registration Date	01/24/1995	Foreign Priority Date	NONE
Word Mark	SCRUBBING BUBBLES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1989/04/07 First Use In Commerce: 1989/04/07 household disinfectants with cleaning, deodorizing, and germicidal properties Class 009. First use: First Use: 1992/10/09 First Use In Commerce: 1992/10/09 radios Class 014. First use: First Use: 1992/09/11 First Use In Commerce: 1992/09/11 wall clocks Class 021. First use: First Use: 1992/08/28 First Use In Commerce: 1992/08/28 small domestic plastic containers for holding bathroom accessories; ceramic piggy banks Class 024. First use: First Use: 1992/09/11 First Use In Commerce: 1992/09/11 textile articles, namely beach towels; shower curtains Class 025. First use: First Use: 1992/09/11 First Use In Commerce: 1992/09/11 children's clothing, namely bibs and coverups		

U.S. Registration No.	2680700	Application Date	04/03/2002
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Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	SCRUBBING BUBBLES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2002/03/11 First Use In Commerce: 2002/03/11 DISPOSABLE WIPES IMPREGNATED WITH CHEMICALS OR COMPOUNDS FOR HOUSEHOLD USE		

Attachments	73443884#TMSN.gif (1 page)(bytes) 76390239#TMSN.gif (1 page)(bytes) SCRUB-A-BUBBLES Opposition.pdf (3 pages)(88402 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	/Jody H. Drake/
Name	Jody H. Drake; Gary D. Krugman
Date	04/16/2008

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

Application Serial No. 77/109,289
Mark: SCRUB-A-BUBBLES GERM DEFENSE

S.C. Johnson & Son, Inc.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
Classy Kid, Inc.,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

S.C. Johnson & Son, Inc., a corporation of Wisconsin, hereby opposes registration of the mark SCRUB-A-BUBBLES GERM DEFENSE which is the subject of Application Serial No. 77/109,289.

As grounds in support of this opposition, Opposer alleges as follows:

1. Opposer is a Wisconsin corporation with a business address of 1525 Howe Street, Racine, Wisconsin 53403-2236.
2. Opposer, since at least as early as 1983, through its predecessor, has continuously used the mark SCRUBBING BUBBLES for a variety of all purpose household cleaning preparations and other related goods.
3. Opposer is the owner of the following United States Principal Register registrations, which are valid, subsisting, unrevoked and uncancelled.

MARK	REG. NO.	ISSUE DATE	GOODS
SCRUBBING BUBBLES & Design	1,302,352	10/30/1984	Household cleaning preparations
SCRUBBING BUBBLES	1,599,107	06/05/1990	All purpose household cleaning preparations
SCRUBBING BUBBLE	1,832,818	04/26/1994	Bath toys
SCRUBBING BUBBLES	1,875,025	01/24/1995	Household disinfectants with cleaning, deodorizing, and germicidal properties
SCRUBBING BUBBLES	2,680,700	01/28/2003	Disposable wipes impregnated with chemicals or compounds for household use

4. Applicant, on February 16, 2007, filed an application for registration of the mark SCRUB-A-BUBBLES GERM DEFENSE for “hand sanitizers for household use”. This application was filed based on applicant’s bona fide intention to use the mark in commerce and was assigned Serial No. 77/109,289.

5. Applicant’s mark SCRUB-A-BUBBLES GERM DEFENSE for the goods set forth in Applicant’s application so resembles Opposer’s previously used and registered marks as to be likely, when applied to Applicant’s goods, to cause confusion, mistake or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, it is respectfully requested that this Opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

S. C. Johnson & Son, Inc.

By  _____


Jody H. Drake
Gary D. Krugman
Attorneys for Opposer
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, NW
Washington, DC 20037-3213
Telephone: (202) 293-7060

Date 4/16/08 _____

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **NOTICE OF OPPOSITION** has been served on Applicant's attorney of record this 16 day of April 2008 via first class mail, postage prepaid, to:

Wendy Boldt Cohen
BLACKWELL SANDERS LLP
Suite 2400
720 Olive St.
St. Louis, MO 63101-2338



Jody H. Drake