

ESTTA Tracking number: **ESTTA364973**

Filing date: **08/25/2010**

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	08/25/2010
Address	1251 Avenue of the Americas New York, NY 10020 UNITED STATES

Attorney information	Matthew D. Marcotte Kelley Drye & Warren LLP 101 Park Avenue New York, NY 10178 UNITED STATES mmarcotte@kelleydrye.com
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Applicant Information

Application No	77880388	Publication date	04/27/2010
Opposition Filing Date	08/25/2010	Opposition Period Ends	08/25/2010
Applicants	Britton, Devon #112A 13929 Marquesas Way Marina Del Rey, CA 90292 UNITED STATES Zeiger, Gina 2361 W Lake Brantley Drive Longwood, FL 32779 UNITED STATES		

Goods/Services Affected by Opposition


Class 003. All goods and services in the class are opposed, namely: Non-medicated facial firming, line and wrinkle reducing anti-aging serum

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.	77877167	Application Date	11/20/2009
Registration Date	NONE	Foreign Priority	NONE

		Date	
Word Mark	SCENTINI		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Eau de toilette		

Attachments	77877167#TMSN.jpeg (1 page)(bytes) skintini.pdf (4 pages)(249438 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 Overnight Courier on this date.

Signature	/Matthew D. Marcotte/
Name	Matthew D. Marcotte
Date	08/25/2010

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

NOTICE OF OPPOSITION

In the Matter of Application
Serial No. 77/880,388 Published
in the Official Gazette of April 27, 2010

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AVON PRODUCTS, INC., :
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 Opposer, :
 :
 v. :
 :
DEVON BRITTON and GINA ZEIGER : **Opposition No.**
 :
 Applicants. :
 :
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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 SKINTINI for "Non-medicated facial firming, line and wrinkle reducing anti-aging serum," in International Class 3 shown in Application Ser. No. 77/880,388, filed by DEVON BRITTON and GINA ZEIGER (hereinafter "Applicants") 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

and wellness products, pre-recorded videos, audio tapes, and compact discs throughout the United States and the world.

2. Prior to the filing date of the intent-to-use application herein opposed, Opposer's predecessor in interest made use of the SCENTINI mark for perfume, body butter, and body scrub.

3. Opposer is the owner in the United States of all right, title, and interest in and to trademark application Serial No. 77/877,167 for the mark SCENTINI for "eau de toilette," which has been allowed by the USPTO. Opposer continues to intend to use the SCENTINI mark for such goods and services.

4. By the application herein opposed, Applicants seek to register the designation SKINTINI for "Non-medicated facial firming, line and wrinkle reducing anti-aging serum," in International Class 3.

5. Applicants' designation SKINTINI in application Serial No. 77/880,388 so resembles Opposer's previously used and SCENTINI mark as to be likely, when used in connection with Applicants' goods, to cause confusion, to cause mistake, and to deceive with consequent injury to Opposer and the public.

6. Opposer will be damaged by the registration sought by Applicants because such registration would support and assist Applicants in the confusing and misleading use of Applicants' trademark and would give to Applicants 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., Matthew D. Marcotte, and Anna Jakobsson (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 Matthew D. Marcotte, Esq. of said firm and address.

Dated: New York, New York
August 25, 2010

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

By: 

William R. Golden, Jr.
Matthew D. Marcotte
Anna Jakobsson
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 Applicants at the following address of record by Federal Express, this 25th day of August, 2010:

Devon Britton
13929 Marquesas Way, Apt. 112A
Marina Del Rey, CA 90292-6027



Matthew D. Marcotte