

ESTTA Tracking number: **ESTTA370339**

Filing date: **09/27/2010**

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	Ulrich Juestrich Holding AG
Granted to Date of previous extension	09/29/2010
Address	Unterdorf Walzenhausen, 9428 SWITZERLAND

Attorney information	Michael J. Striker Striker, Striker & Stenby 103 East Neck Road Huntington, NY 11743 UNITED STATES striker@strikerlaw.com Phone:(631) 549 4700
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Applicant Information

Application No	77915011	Publication date	06/01/2010
Opposition Filing Date	09/27/2010	Opposition Period Ends	09/29/2010
Applicant	Kao Kabushiki Kaisha 14-10, Nihonbashi Kayabacho 1-chome Chuo-ku, Tokyo, 103-8210 JAPAN		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Hair 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. Registration No.	2438323	Application Date	12/30/1999
Registration Date	03/27/2001	Foreign Priority Date	NONE
Word Mark	JUST		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 003. First use: COSMETIC PRODUCTS, NAMELY, SKIN AND BODY CREAMS, LOTIONS, TONICS AND BALSAMS, EYE CREAMS, HAND CREAMS, FOOT CREAMS AND FOOTBATH SALTS, MASSAGE OILS AND CREAMS, SUN CARE AND SUN PROTECTION CREAMS; COSMETIC BATH AND SHOWER PREPARATIONS, BATH ESSENCES; SHAMPOOS, [HAIR DRYING AND] HAIR SETTING LOTIONS, SHAMPOOS AGAINST DANDRUFF, PERSONAL DEODORANTS; ALL-PURPOSE CLEANING AND POLISHING PREPARATIONS; [LAUNDRY BLEACH;] ESSENTIAL OILS FOR PERSONAL USE; [EAU DE PARFUM; EAU DE TOILETTE; PERFUME AND COLOGNE; DENTIFRICES]</p> <p>Class 021. First use: [EYEBROW BRUSHES, HAIR BRUSHES, NAIL BRUSHES, SHAVING BRUSHES, SHOE BRUSHES,] COSMETIC BRUSHES, [CLOTHES BRUSHES,] DUSTING BRUSHES, [FLOOR BRUSHES, LAMP GLASS BRUSHES, SCRAPING BRUSHES, POT CLEANING BRUSHES, SCRUBBING BRUSHES, TOILET BRUSHES, AND DISHWASHING BRUSHES]</p>

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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	/Michael J. Striker/
Name	Michael J. Striker
Date	09/27/2010

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

Ulrich Juestrich Holding AG,)	
)	
Opposer,)	
)	
v)	Opposition No.
)	
Kao Kabushiki Kaisha AKA)	
Kao Corporation,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

September 27, 2010

Opposer, Ulrich Juestrich Holding AG, hereby opposes the registration of Trademark Application Serial No. 77/915,011 for the mark JUST SMOOTH for hair care preparations filed by Kao Kabushiki Kaisha AKA Kao Corporation (hereinafter referred to as 'Kao Corporation'). The following reasons are assigned in support of this Notice of Opposition:

1. Opposer, Ulrich Juestrich Holding AG, is a corporation organized under the laws of the country of Switzerland having an office in Walzenhausen, Switzerland.

2. Upon information and belief Applicant, Kao Corporation, is a corporation having an office in Tokyo, Japan.

3. On January 19, 2010 Kao Corporation caused to be filed U.S. Trademark Application Serial No. 77/915,011 for the mark JUST SMOOTH for hair care preparations.

4. Trademark Application Serial No. 77/915,011 is based upon Intent to Use and therefore has an effective first use date of January 19, 2010.

5. Opposer, Ulrich Juestrich Holding AG, is engaged in the business of manufacture and offering for sale and sale of cosmetic products including without limitation hair care preparations. Since long prior to any date of first use upon which Kao Corporation can rely, the Opposer herein has offered for sale and sold within the United States goods including cosmetic products and hair care preparations under the trademark JUST.

6. Opposer, Ulrich Juestrich Holding AG, is the owner of U.S. Trademark Registration No. 2,438,323 for the trademark JUST & DESIGN which registered on March 27, 2001.

7. Applicant's trademark, JUST SMOOTH, contains Opposer's mark JUST in its entirety. The word SMOOTH is merely suggestive and the dominant portion of each mark is the word JUST.


8. The goods involved are identical and the marks highly similar. Confusion in the marketplace is therefore likely to occur between the respective marks JUST and JUST SMOOTH for identical products.

9. Any inferior quality of the Applicant's goods will tarnish the valued reputation of Opposer. Accordingly, Opposer will be damaged by the registration of Trademark Application Serial No. 77/915,011.

In view of all of the above it is requested that registration of Application Serial No. 77/915,011 be refused and that this Opposition be sustained.

The required fee is submitted herewith. If the fee is missing or insufficient, authorization is given to debit the account of the undersigned 19-4675.

Respectfully submitted,


Michael J. Striker
Attorney for Opposer
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

CERTIFICATE OF MAILING

It is hereby certified that a true and complete copy of this Notice of Opposition was mailed by First Class Mail, postage prepaid, to counsel for the Applicant at the following address:

Fross, Zelnick, Lehrman & Zissu
866 UN Plaza
New York, NY 10017

Attention: Susan Upton Douglas

Dated: 9/27/10


MICHAEL J. STRIKER