

ESTTA Tracking number: **ESTTA383925**

Filing date: **12/15/2010**

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	Global Protection Corp.
Granted to Date of previous extension	12/15/2010
Address	12 Channel Street Boston, MA 02210 UNITED STATES

Correspondence information	Emilia F. Cannella ROPES & GRAY LLP Prudential Tower, 800 Boylston Street Boston, MA 02199-3600 UNITED STATES trademarks@ropesgray.com Phone:617-951-7170
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**Applicant Information**

Application No	85002844	Publication date	08/17/2010
Opposition Filing Date	12/15/2010	Opposition Period Ends	12/15/2010
Applicant	Ansell Limited Victoria Gardens Level 3/678 Victoria St Richmond, 3121 AUSTRALIA		

**Goods/Services Affected by Opposition**


Class 005. All goods and services in the class are opposed, namely: Silicone-based personal lubricants
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**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.	85065710	Application Date	06/17/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LUX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: Personal lubricants

Attachments	TOP007 Notice of Opposition.pdf ( 5 pages )(219220 bytes ) 85065710#TMSN.jpeg ( 1 page )( 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	/Emilia F Cannella/
Name	Emilia F. Cannella
Date	12/15/2010



1. Opposer, Global Protection Corp., is a Massachusetts corporation having its principal place of business at 12 Channel Street, Boston, Massachusetts 02210.
2. Upon information and belief, Applicant, Ansell Limited, is an Australian corporation having a place of business at Victoria Gardens Level 3/678 Victoria St, Richmond 3121, Australia.
3. Opposer previously requested and was granted extensions of time to oppose the subject application, up to and including December 15, 2010.
4. Opposer is the owner of pending U.S. application Serial No. 85/065,710 for LUX, filed on June 17, 2010, for "Personal lubricants" (hereinafter the "LUX Mark"). Applicant's application Serial No. 85/002,844 was cited by the Examining Attorney in the Notice of Suspension dated September 20, 2010, as a potential basis for refusal of Opposer's application Serial No. 85/065,710.
5. Commencing prior to March 31, 2010 (the filing date of Applicant's application Serial No. 85/002,844) and continuing to the present, Opposer has extensively used the LUX Mark in the United States in connection with personal lubricants.
6. By virtue of Opposer's use and advertising of the LUX Mark in connection with its products, the LUX Mark has become known by the relevant public and is symbolic of the goodwill and customer recognition established by the Opposer in the mark.
7. Upon information and belief, notwithstanding Opposer's prior rights in and to the LUX Mark, on or about March 31, 2010, Applicant filed its application for registration of its LIFESTYLES LUXE mark, Application Serial No. 85/002,844, for "Silicone-based personal lubricants," in International Class 5.

8. Upon information and belief, Applicant's registration application was made with knowledge of Opposer's prior rights and prior use of the LUX Mark in connection with the same or similar goods.

9. Upon information and belief, Applicant made no bona fide use of its LIFESTYLES LUXE mark in the ordinary course of trade prior to March 31, 2010, when application Serial No. 85/002,844 was filed.

10. The mark Applicant seeks to register, namely, LIFESTYLES LUXE, so resembles the LUX Mark as to be likely, when applied to Applicant's products, to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's products originate with or come from Opposer or from the same source as Opposer's products, or that Applicant's products are authorized by or endorsed by or are sponsored by Opposer or are connected in some way with Opposer or its products.

11. Applicant's intended use and use of the designation LIFESTYLES LUXE is without license, authorization, or permission of Opposer.

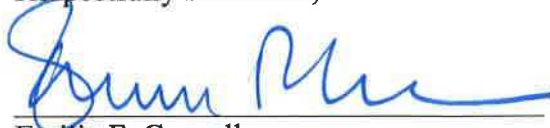
12. The granting of a trademark registration of LIFESTYLES LUXE to Applicant would be contrary to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and would violate or diminish the prior rights of Opposer in the LUX Mark.

13. Based on the foregoing, and pursuant to 15 U.S.C. § 1063(a), Opposer will be damaged if application Serial No. 85/002,844 should be granted because Applicant will obtain statutory rights in the LIFESTYLES LUXE trademark in violation and derogation of the prior rights of Opposer.

WHEREFORE, Opposer prays that its opposition be sustained, that application Serial No. 85/002,844 be rejected, and that registration of LIFESTYLES LUXE as a trademark to Applicant be refused and denied.

Dated: 15 December 2010

Respectfully submitted,



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Global Protection Corp.

