

ESTTA Tracking number: **ESTTA571650**

Filing date: **11/19/2013**

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	The Procter & Gamble Company
Granted to Date of previous extension	11/20/2013
Address	One Procter & Gamble Plaza Cincinnati, OH 45202 UNITED STATES

Correspondence information	The Procter & Gamble Company Lynne M. Miller, Attorney 299 East 6th Street S-8 Cincinnati, OH 45202 UNITED STATES miller.l@pg.com Phone:513-983-8325
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Applicant Information

Application No	85841473	Publication date	07/23/2013
Opposition Filing Date	11/19/2013	Opposition Period Ends	11/20/2013
Applicant	Athena Cosmetics, Inc. 1838 Eastman Ave, Suite 200 Ventura, CA 93003 NV		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cosmetics and make-up; Cosmetics in general, including perfumes
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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. Registration No.	2949551	Application Date	04/05/2002
Registration Date	05/10/2005	Foreign Priority Date	NONE
Word Mark	REGENERIST		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 003. First use: First Use: 2003/01/31 First Use In Commerce: 2003/01/31 Skin care preparations

Attachments	Oppn_PGCo vs Athena Cosmetics_REGENESIS BEAUTY.pdf(133908 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	/Lynne M. Miller/
Name	The Procter & Gamble Company
Date	11/19/2013

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

In re Application Serial No.: 85/841473

Filed: February 5, 2013

Trademark: REGENESIS BEAUTY

THE PROCTER & GAMBLE COMPANY, INC.,

Opposer,

- against -

ATHENA COSMETICS, INC.

Applicant

Opposition No.

NOTICE OF OPPOSITION

Opposer, The Procter & Gamble Company, a corporation organized and existing under the laws of the State of Ohio, with its principal place of business at One Procter & Gamble Plaza, Cincinnati, OH 45202, believes that it will be damaged by the registration of REGENESIS BEAUTY for "Cosmetic and make-up; Cosmetics in general, including perfumes" in International Class 3 in US Trademark Application Serial No. 85/841473 (the "Application") and having been granted an extension of time to oppose the Application up to and including November 20, 2013, hereby opposes the same. As grounds for the opposition, it is alleged that:

1. Opposer is the owner of the registration of the word REGENERIST for a variety of goods in International Class 3, including "skin care preparations." US Reg.No.249551, dated May 10, 2005.

The printout of US Trademark Office electronic records of status and title of such registration is attached hereto as Exhibit A.

2. Opposer's Registered Mark is valid and subsisting and constitutes *prima facie* evidence of Opposer's exclusive right to use said mark in commerce on the goods specified in said registration.
3. Opposer has used the REGENERIST mark as early as January 2003 and has used and promoted said mark in commerce as an indicia of origin for a variety of beauty care goods on an exclusive basis long prior to Applicant's application dated February 5, 2013.
4. As a result of the extensive sales and promotion of its goods and services bearing or offered in connection with Opposer's REGENERIST Mark, Opposer has built up highly valuable goodwill in Opposer's REGENERIST Mark, and said goodwill has become closely and uniquely identified and associated with Opposer.
5. Opposer's REGENERIST brand is distinctive, well known and famous with respect to the beauty care goods and services to which it is applied and became distinctive, well known and famous with respect to the beauty care goods and services to which it is applied prior to Applicant's application.
6. Opposer actively uses the REGENERIST Mark in the course of its business and in connection with the goods in International Class 3 identified above, among others.
7. The REGENESIS BEAUTY Mark that is the subject of the Application (hereinafter the "REGENESIS BEAUTY Mark"), when considered in its entirety, is similar in appearance, sound and commercial impression to the REGENERIST Mark. It should be noted that Applicant has disclaimed the exclusive right to use "BEAUTY" apart from the mark as shown. Further, the goods covered by the Application

are nearly identical and/or closely related to those goods and services covered by the Opposer's Registered Mark and common law REGENERIST Mark.

8. Upon information and belief, Opposer's rights in its REGENERIST Mark precede Applicant's date of February 5, 2013 and any use by Applicant of its REGENESIS BEAUTY Mark in United States commerce.

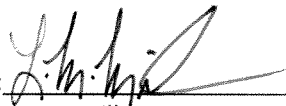
9. The REGENESIS BEAUTY Mark so resembles Opposer's REGENERIST Mark, as to be likely when applied to Applicant's goods to cause confusion, or to cause mistake, or to deceive the trade and public, who are likely to believe that Applicant's goods and services have their origin with Opposer and/or that such goods and services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. The REGENESIS BEAUTY Mark is also likely to be dilutive of the distinctive character of Opposer's REGENERIST Mark. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's REGENESIS BEAUTY Mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that Application No. 85/841473 not be permitted to proceed to registration.

Dated November 19, 2013

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By: 
Lynne M. Miller
Attorney for Opposer
299 E. Sixth Street, SY8-114
Cincinnati, OH 45202
(513)983-2105

I hereby certify that a true and complete copy of the Notice of Opposition has been served on Marina L. Lang, Attorney of Record for Applicant, by mailing said copy on November 19, 2013, via courier, postage prepaid to:

Marina L. Lang
Social IP Group LLP
310 N. Westlake Blvd, Ste. 120
Westlake Village, CA 91362

And further certify that a true and complete copy of the Notice of Opposition has also been also served on Athena Cosmetics, Inc., Applicant, by mailing of said copy on November 19, 2013, via courier, postage prepaid to:

Athena Cosmetics, Inc.
1838 Eastman Ave., Ste. 200
Ventura, CA 93003

By: 
Kathy Donoghue

Exhibit A

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

Reg. No. 2,949,551

United States Patent and Trademark Office

Registered May 10, 2005

**TRADEMARK
PRINCIPAL REGISTER**

REGENERIST

PROCTER & GAMBLE COMPANY, THE (OHIO
CORPORATION)
ONE PROCTER & GAMBLE PLAZA
CINCINNATI, OH 45202

FIRST USE 1-31-2003; IN COMMERCE 1-31-2003.

SN 78-119,732, FILED 4-5-2002.

FOR: SKIN CARE PREPARATIONS, IN CLASS 3
(U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TINA L. SNAPP, EXAMINING ATTORNEY