

ESTTA Tracking number: **ESTTA612027**

Filing date: **06/25/2014**

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	Westridge Laboratories, Inc.		
Entity	Corporation	Citizenship	CA
Address	1671 E. Saint Andrew Place Santa Ana, CA 92705 UNITED STATES		

Attorney information	Jay Geller 12100 Wilshire Bl., Suite 500 Los Angeles, CA 90025 UNITED STATES jhgeller@aol.com Phone:3109799966		
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Applicant Information

Application No	76640900	Publication date	06/24/2014
Opposition Filing Date	06/25/2014	Opposition Period Ends	07/24/2014
Applicant	BARE ESCENTUALS BEAUTY, INC. 71 STEVENSON STREET SAN FRANCISCO, CA 94105 UNITED STATES		

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: Cosmetic skin creams, astringents for cosmetic purposes, lotions for face; gels for skin and face; essential oils used as cosmetics, hair shampoos and hair conditioners; non-medicated foot care products, namely, creams, lotions and gels for the feet; cosmetics, namely, mascara, eye shadow, dusting powder, face powder, and lipstick

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.	2573871	Application Date	03/21/2001
Registration Date	05/28/2002	Foreign Priority Date	NONE
Word Mark	I D		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 Gels, liquids and lotions for use as personal lubricants

U.S. Registration No.	2515606	Application Date	03/20/2001
Registration Date	12/04/2001	Foreign Priority Date	NONE
Word Mark	I D		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1994/05/18 First Use In Commerce: 1994/05/18 Gels, liquids and lotions for use as personal lubricants		

U.S. Registration No.	3609675	Application Date	11/20/2007
Registration Date	04/21/2009	Foreign Priority Date	NONE
Word Mark	I D MOMENTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2008/08/15 First Use In Commerce: 2008/08/15 Gels for use as personal lubricant; Water-based personal lubricants		


U.S. Registration No.	2955769	Application Date	11/11/2003
Registration Date	05/24/2005	Foreign Priority	NONE


		Date	
Word Mark	ID SENSATION		
Design Mark	<p style="text-align: center;">ID SENSATION</p>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2004/08/06 First Use In Commerce: 2004/08/06 Massage oils and lotions, and skin moisturizers and conditioners		

U.S. Registration No.	3106538	Application Date	06/23/2005
Registration Date	06/20/2006	Foreign Priority Date	NONE

Word Mark	ID GLIDE		
Design Mark	<p style="text-align: center;">ID GLIDE</p>		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1998/01/00 First Use In Commerce: 1998/01/00 Personal lubricants		

U.S. Registration No.	3989480	Application Date	11/12/2010
Registration Date	07/05/2011	Foreign Priority Date	NONE
Word Mark	I D		

Design Mark	
Description of Mark	The mark consists of the stylized letters "I" and "D".
Goods/Services	Class 005. First use: First Use: 1997/00/00 First Use In Commerce: 1997/00/00 Gels for use as personal lubricant; Medical lubricant, namely, vaginal lubricants; Personal lubricants; Silicone-based personal lubricants; Water-based personal lubricants


U.S. Registration No.	4259263	Application Date	03/19/2012
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	ID HERO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2012/09/19 First Use In Commerce: 2012/09/19 personal lubricants; personal sexual lubricants		


U.S. Registration No.	4269252	Application Date	09/22/2011
Registration Date	01/01/2013	Foreign Priority Date	NONE
Word Mark	ID FRUTOPIA		

Design Mark	ID FRUTOPIA
Description of Mark	NONE
Goods/Services	Class 005. First use: First Use: 2012/01/27 First Use In Commerce: 2012/01/27 Personal lubricants; Personal sexual lubricants

U.S. Registration No.	4354730	Application Date	10/07/2011
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	ID SILK		
Design Mark	ID SILK		
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/04/04 First Use In Commerce: 2013/04/05 Personal lubricants; Personal sexual lubricants		

U.S. Registration No.	4408677	Application Date	07/13/2012
Registration Date	09/24/2013	Foreign Priority Date	NONE
Word Mark	ID		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2013/04/11 First Use In Commerce: 2013/04/11 Condoms

U.S. Registration No.	4466512	Application Date	04/11/2013
Registration Date	01/14/2014	Foreign Priority Date	NONE
Word Mark	ID LUBRICANTS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 1994/05/18 First Use In Commerce: 1994/05/18 Gels for use as personal lubricant; personal lubricants; personal sexual lubricants; silicone-based personal lubricants; water-based personal lubricants</p> <p>Class 021. First use: First Use: 2003/10/24 First Use In Commerce: 2003/10/24 Bottles, sold empty; empty water bottles for bicycles; plastic water bottles sold empty; reusable plastic water bottles sold empty; water bottles sold empty</p> <p>Class 025. First use: First Use: 2003/08/08 First Use In Commerce: 2003/08/08 Baseball caps; caps; caps with visors; shirts; T-shirts; tee shirts</p> <p>Class 041. First use: First Use: 2011/03/07 First Use In Commerce: 2011/03/07 On-line journals, namely, blogs featuring personal lubricants</p>		

Attachments	<p>78054214#TMSN.gif(bytes) 77334741#TMSN.jpeg(bytes) 78326043#TMSN.jpeg(bytes) 78657057#TMSN.jpeg(bytes) 85175665#TMSN.jpeg(bytes)</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	/jhgeller/
Name	Jay Geller
Date	06/25/2014

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

Westridge Laboratories, Inc.)	
)	
Opposer)	<u>NOTICE OF OPPOSITION</u>
)	
v.)	Serial Number 76650900
)	Mark: i.d. bareMinerals
Bare Escentuals Beauty, Inc.)	
)	
Applicant.)	
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To The Commissioner of Patents and Trademarks:

Westridge Laboratories, Inc. hereby opposes registration of Applicant's trademark, i.d.|bareMinerals published in the Official Gazette of June 24, 2014. The following allegations are submitted in support of this Notice of Opposition:

1. Opposer is a California corporation, with its principal place of business in Santa Ana, CA.

2. Applicant, upon information and belief, is a corporation under the laws of California with its principal place of business in San Francisco, CA.

3. Applicant has applied for serial number 76640900 for the trademark i.d.|bareMinerals in Class 3 for personal care items claiming a bona fide intent to use. The application was filed on May 15, 2005.

4. Opposer has at least since 1994, long prior to the date of filing of the subject application, used the trademark ID in interstate commerce in the United States with respect to goods in International Classes 3 and 5, particularly personal lubricants,

skin moisturizers and skin conditioners and similar goods, and more recently expanded such use to condoms in International Class 10.

5. Opposer is the owner of the following United States registrations all of which consist in whole or in part of the mark ID, several of which have become incontestable:

2573871	ID
2515606	ID
3609675	ID MOMENTS
2955769	ID SENSATION
3106538	ID GLIDE
3989480	ID
4259263	ID HERO
4269252	ID FRUTOPIA
4354730	ID SILK
4408677	ID

4466512 ID LUBRICANTS

6. Applicant's mark wholly incorporates Opposer's trademark ID, and the I.D. portion of applicant's mark is identical in sound, spelling and appearance to Opposer's trademark and is the most prominent portion of applicant's mark.

7. The goods upon which applicant intends to use its mark I.D. are identical and closely related to those goods upon which Opposer uses its mark ID marks.

8. The likelihood of confusion in the marketplace exists between Opposer's trademark when applied to the goods of the respective parties, and applicant's trademark.

9. Registration of applicant's trademark will result in

damage to Opposer's trademarks and Opposer's business.

Wherefore, Opposer requests that this Opposition be sustained and that the registration to the Applicant be refused.

Dated: June 25, 2014.

/jhgeller/
Jay H. Geller
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Professional Corporation
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Los Angeles, CA 90025

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I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:

Bare Escentuals Beauty, Inc.
71 Stevenson Street, 22nd Floor
Attn: Legal Department
San Francisco, California 94105

on June 25, 2014.

/jhgeller/
Jay H. Geller