

ESTTA Tracking number: **ESTTA733278**

Filing date: **03/14/2016**

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	Bioevolve Enterprises Ltd.
Granted to Date of previous extension	03/13/2016
Address	16770 24th Avenue Surrey, BC V3S0B8 CANADA

Attorney information	Kathryn Jennison Shultz Jennison & Shultz, P.C. 2001 Jefferson Davis Highway, Suite 1102 Arlington, VA 22202 UNITED STATES kjs@jennisonlaw.com Phone:7034151640
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Applicant Information

Application No	86467775	Publication date	09/15/2015
Opposition Filing Date	03/14/2016	Opposition Period Ends	03/13/2016
Applicant	PIERRE FABRE DERMO-COSMETIQUE 45, Place Abel Gance BOULOGNE, 92100 FRANCE		

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; cosmetic preparations; hair care preparations
Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Dermatologicals; medicated dermo-cosmetic preparations; medicated hair care preparations; dietary supplements

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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ETHICAL SCIENCE		

Goods/Services	skin care preparations
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Attachments	notice of opp ETHICAL SCIENCE.pdf(3162634 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	/Kathryn Jennison Shultz/
Name	Kathryn Jennison Shultz
Date	03/14/2016

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

In the matter of trademark application Serial No. 86467775
Filed December 1, 2014
For the mark ETHICAL SCIENCE FOR AESTHETICS
Published in the Official Gazette on September 15, 2015

BIOEVOLVE ENTERPRISES LTD.,	:	
	:	
Opposer,	:	Opposition No.
	:	
v.	:	
	:	
PIERRE FABRE DERMO-COSMETIQUE,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Bioevolve Enterprises Ltd. (hereinafter "Opposer"), a Canadian corporation with a business address of 16770 24th Avenue, Surrey, VC V3S0B8, Canada, believes that it will be damaged by the registration of the mark shown in the above-identified application, and, having been granted extension of time until March 13, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. On December 1, 2014, Applicant filed with the U.S. Patent and Trademark Office an application to register ETHICAL SCIENCE FOR AESTHETICS as a trademark for use on or in connection with "cosmetics; cosmetic preparations; hair care preparations" in International Class 3, and "dermatologicals; medicated dermo-cosmetic preparations; medicated hair care preparations; dietary supplements" in International Class 5. The application based on an alleged intention to use the mark in commerce, as is

evidenced by the publication of said mark in the September 15, 2015 issue of the Official Gazette, was assigned Serial No.86467775.

2. Upon information and belief, applicant did not make use of the ETHICAL SCIENCE FOR AESTHETICS mark on or in connection with any of the Class 3 goods identified in its subject application on or before the December 1, 2014 filing date of the subject application.
3. Upon information and belief, applicant did not make use of the ETHICAL SCIENCE FOR AESTHETICS mark on or in connection with any of the Class 5 goods identified in its subject application on or before the December 1, 2014 filing date of the subject application.
4. Upon information and belief, applicant did not make use of the ETHICAL SCIENCE FOR AESTHETICS mark on or in connection with any of the Class 3 goods identified in its subject application in commerce in the United States on or before the December 1, 2014 filing date of the subject application.
5. Upon information and belief, applicant did not make use of the ETHICAL SCIENCE FOR AESTHETICS mark on or in connection with any of the Class 5 goods identified in its subject application in commerce in the United States on or before the December 1, 2014 filing date of the subject application.
6. Opposer is now, and prior to the filing of the application here opposed and prior to any date claimed by the applicant, engaged in the manufacture, distribution and sale of skin care preparations.

7. Opposer is now, and prior to the filing of the application here opposed and prior to any date claimed by the applicant, used ETHICAL SCIENCE as a trademark in connection with the distribution and sale of skin care preparations in commerce in the United States.
8. The mark that Applicant seeks to register, ETHICAL SCIENCE FOR AESTHETICS contains the Opposer's prior used ETHICAL SCIENCE trademark. As a result, the applied-for mark and the Opposer's claimed trademark are confusingly similar.
9. The goods listed in the subject application and Opposer's skin care preparations may be promoted and sold to the same customers.
10. The goods listed in the subject application and Opposer's skin care preparations may be promoted and sold in the same or similar channels of trade.
11. Based on the similarity of the marks and the named goods, the public is likely to associate the goods offered by Applicant under the applied-for mark with Opposer or Opposer's goods, or to believe that Applicant's goods are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.
12. Opposer is likely to be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark Applicant seeks to have registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

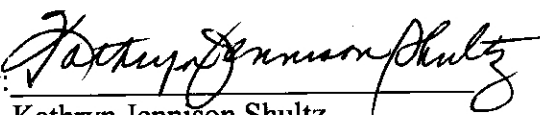
13. For the reasons set forth above, any use of the mark ETHICAL SCIENCE FOR AESTHETICS by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the goods sold under the applied-for mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer believes it will be damaged by registration of application Serial No. 86467775 and respectfully prays that the registration sought by Applicant be refused, and that this Notice of Opposition be sustained.

Respectfully submitted,

BIOEVOLVE ENTERPRISES LTD.

Date: March 14, 2016

By: 
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Attorneys for Opposer

CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing Notice of Opposition was served upon Applicant, by forwarding same via First Class Mail, postage prepaid, to Applicant's attorney of record, G. Patrick Sage, Esq., Hueschen and Sage PLLC, 107 West Michigan Avenue, Seventh Floor, Kalamazoo Building, Kalamazoo, Michigan 49007, this 14th day of March, 2016.



Kathryn Jennison Shultz