

ESTTA Tracking number: **ESTTA991622**

Filing date: **07/31/2019**

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	Clarins Fragrance Group S.A.S.
Granted to Date of previous extension	07/31/2019
Address	9 RUE DU COMMANDANT PILOT NEUILLY-SUR-SEINE, 92200 FRANCE

Attorney information	MARY CATHERINE MERZ MERZ & ASSOCIATES, PC 408 MADISON STREET SUITE A OAK PARK, IL 60302 UNITED STATES docket@merz-law.com, jwidmer@merz-law.com 7083838801
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**Applicant Information**

Application No	88185091	Publication date	04/02/2019
Opposition Filing Date	07/31/2019	Opposition Period Ends	07/31/2019
Applicant	Iron Angel 5930 Santa Rosa Road Lompoc, CA 93436 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: Essential oils
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**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.	1843424	Application Date	02/16/1993
Registration Date	07/05/1994	Foreign Priority Date	NONE
Word Mark	ANGEL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1993/06/17 First Use In Commerce: 1993/06/17 perfume

U.S. Registration No.	3051023	Application Date	07/13/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE

Word Mark	ANGEL
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Design Mark	<b>ANGEL</b>
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 [ Bleaching preparations and detergentsfor laundry use; general purpose cleaning, polishing and abrasive pastes, liquids and powders; degreasing preparations for household purposes; ] face, body andhand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and bodypowders
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U.S. Registration No.	3680781	Application Date	03/27/2008
Registration Date	09/08/2009	Foreign Priority Date	NONE

Word Mark	ANGEL SUNESSENCE
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Design Mark	ANGEL SUNESSENCE
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 2009/03/02 First Use In Commerce: 2009/04/00 Perfumary and thereto related perfumed products, namely, eau de toilette
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U.S. Registration No.	5343278	Application Date	09/19/2016
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Registration Date	11/28/2017	Foreign Priority	08/08/2016
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		Date	
Word Mark	ANGEL MUGLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 0 First Use In Commerce: 0</p> <p>Chocolate syrup; chocolate candy; chocolate; chocolates; porous chocolate; filled chocolates; chocolate-flavored confectionery, namely, chocolate-flavored fondants; chocolate paste; chocolate sauces; chocolate toppings; chocolate extracts; topping chocolate; chocolate pralines; chocolate cookies; chocolate eggs; chocolate pastries; chocolate confectionery; chocolate-covered cookies; chocolate-coated cookies; praline chocolate confectionery; chocolate-coated almonds; milk chocolates; chocolate chips; chocolate truffles; chocolate cakes; chocolate-coated confectionery; chocolate-coated fruit; chocolate-flavored icings; filled chocolate candy; chocolates with liquid filling; liqueur chocolates, namely, chocolate candy filled with liqueurs; chocolate-based fillings for cakes, pies and candies; preparations for making chocolate beverages, namely, cocoa powder, hot chocolate mixes; praline-flavored chocolate confectionery; chocolate-based confectionery; chocolate spreads; chocolate-based products, namely, chocolate bars, chocolate mousses; chocolates in the form of pralines; confectionery products made using chocolate, namely, brownies, truffles; fruit jellies in the nature of confectionery; pastry, namely, macaroons; cocoa-based cream spreads; coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and cereal preparations, namely, breakfast cereal, cereal bars; bread, biscuits, cookies, cakes; rusks; sugar confectionery; pastry and confectionery, namely, fondants, pastilles, gum paste; edible ices; honey, treacle; yeast, baking powder; salt, mustard; pepper, vinegar, sauces; spices; ice; beverages based on cocoa, coffee, chocolate and tea</p>		

Attachments	<p>79004618#TMSN.png( bytes )  77433043#TMSN.png( bytes )  79199169#TMSN.png( bytes )  25389.Notice of Opposition - IRON ANGEL.pdf(97089 bytes )</p>
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Signature	/Jennifer A. Widmer/
Name	Jennifer A. Widmer
Date	07/31/2019

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

In the Matter of U.S. Application Serial No. 88/185,091  
For: ANGEL LIVE  
Filed: November 7, 2018  
Date of Publication: April 2, 2019

CLARINS FRAGRANCE GROUP S.A.S.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
	)	
IRON ANGEL	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

Opposer, Clarins Fragrance Group S.A.S. ("Opposer"), a société par actions simplifiée organized under the laws of France with its principal place of business at 9 rue du Commandant Pilot, Neuilly-Sur-Seine, 92200 FRANCE believes it will be damaged by the registration of the mark in Serial No. 88/185,091 for goods in Class 3 and hereby opposes the same, in accordance with Section 13 of The Trademark (Lanham) Act of 1946, 15 U.S.C. §1063.

As grounds for the opposition, Opposer alleges as follows:

1. Upon information and belief, Iron Angel ("Applicant") is a limited liability company of California with its principal

place of business at 5930 Santa Rosa Road, Lompoc, California 93436.

2. As evidenced by the publication of Serial No. 88/185,091 in the Official Gazette of April 2, 2019, Applicant seeks to register IRON ANGEL (the "Opposed Mark") in connection with

"Essential oils" in Class 3;

"Dried fruits; Olive oil for food" in Class 29;

"Dried flowers; Dried plants" in Class 31; and

"Wine" in Class 33.

This opposition only pertains to the Class 3 goods.

3. Upon information and belief, Applicant filed Serial No. 88/185,091 on November 7, 2018 based upon an intent to use the Opposed Mark in connection with Applicant's goods.

4. Upon information and belief, Applicant has not yet begun using the Opposed Mark in commerce.

5. For more than 25 years prior to the filing date of the application for the Opposed Mark, Opposer adopted and continuously has used the mark ANGEL in connection with its goods sold in the United States.

6. Opposer is the owner of the following U.S. Trademark Registrations for its ANGEL mark (the "ANGEL Marks"):

Registration No. 1,843,424 for ANGEL for "perfume" in Class 3, dated July 5, 1994, which is incontestable;

Registration No. 3,051,023 for ANGEL Stylized for "face, body and hand soaps; perfumery, essential oils for personal use, cosmetics, hair lotions; dentifrices; beauty products, namely, face and body creams, face and body lotions, face and body milks, beauty gels, body oils, body sprays, and face and body powders" in Class 3, dated January 24, 2006, which is incontestable;

Registration No. 3,680,781 for ANGEL SUNESSENCE for "perfumery and thereto related perfumed products, namely, eau de toilette" in Class 3, dated September 8, 2009, which is incontestable; and

Registration No. 5,343,278 for ANGEL MUGLER Stylized for "chocolate syrup; chocolate candy; chocolate; chocolates; porous chocolate; filled chocolates; chocolate-flavored confectionery, namely, chocolate-flavored fondants; chocolate paste; chocolate sauces; chocolate toppings; chocolate extracts; topping chocolate; chocolate pralines; chocolate cookies; chocolate eggs; chocolate pastries; chocolate confectionery; chocolate-covered cookies; chocolate-coated cookies; praline chocolate confectionery; chocolate-coated almonds; milk chocolates; chocolate chips; chocolate truffles; chocolate cakes; chocolate-coated confectionery; chocolate-coated fruit; chocolate-flavored icings; filled chocolate candy; chocolates with liquid filling; liqueur chocolates, namely, chocolate candy filled with liqueurs; chocolate-based fillings for cakes, pies and candies; preparations for making chocolate beverages, namely, cocoa powder, hot chocolate mixes; praline-flavored chocolate confectionery; chocolate-based confectionery; chocolate spreads; chocolate-based products, namely, chocolate bars, chocolate mousses; chocolates in the form of pralines; confectionery products made using chocolate, namely, brownies, truffles; fruit jellies in the nature of confectionery; pastry, namely, macaroons; cocoa-based cream spreads; coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flours and cereal preparations, namely, breakfast cereal, cereal bars; bread, biscuits, cookies, cakes; rusks; sugar confectionery; pastry and confectionery, namely,

fondants, pastilles, gum paste; edible ices; honey, treacle; yeast, baking powder; salt, mustard; pepper, vinegar, sauces; spices; ice; beverages based on cocoa, coffee, chocolate and tea, in Class 30, dated November 28, 2017.

7. The above-identified registrations are valid, subsisting, uncanceled and are evidence of Opposer's exclusive right to use ANGEL in commerce in connection with the goods specified in the registrations.

8. Opposer's use of the ANGEL Marks has not been abandoned. Opposer has sold a tremendous amount of its Class 3 ANGEL-branded goods through retailers, including online retailers, throughout the United States, and its goods are associated with the ANGEL Marks among customers and the relevant trade.

9. In addition to its registered trademark rights, Opposer owns non-registered statutory and common law rights in and to the ANGEL Marks in the United States.

10. Applicant has no license, consent or permission from Opposer to use or register the Opposed Mark.

11. The Opposed Mark so resembles the ANGEL Marks that it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of The Trademark (Lanham) Act of 1946, 15 U.S.C. § 1052(d); and more particularly, the Opposed Mark and use thereof are likely to cause confusion in, or to



cause mistake by, or to deceive the trade and purchasing public into believing that the Class 3 goods in Serial No. 88/185,091 originate with Opposer or otherwise are authorized, licensed or sponsored by Opposer.

12. By reason of all the foregoing, Opposer will be gravely damaged by the registration of the Opposed Mark for the Class 3 goods in Serial No. 88/185,091 because registration of that mark would be in violation of Opposer's trademark rights.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained in favor of Opposer and that the Class 3 goods in Serial No. 88/185,091 be denied registration. Opposer submits herewith its payment of the \$400 filing fee, as required by 37 C.F.R. §2.6(a) (17).

Respectfully submitted,

CLARINS FRAGRANCE GROUP S.A.S.



Date: July 31, 2019

By:

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