

ESTTA Tracking number: **ESTTA1007416**

Filing date: **10/08/2019**

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	10/09/2019
Address	9 RUE DU COMMANDANT PILOT NEUILLY SUR SEINE, 92200 FRANCE

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

Application No	88311327	Publication date	06/11/2019
Opposition Filing Date	10/08/2019	Opposition Period Ends	10/09/2019
Applicant	Chui, Frankie 11735 Salvia Street Jurupa Valley, CA 91752 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. First Use: 2018/09/01 First Use In Commerce: 2018/09/01 All goods and services in the class are opposed, namely: Cosmetics
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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.	2932194	Application Date	09/25/2000
Registration Date	03/15/2005	Foreign Priority Date	07/31/2000
Word Mark	AURA		

Design Mark	<h1>AURA</h1>
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 PERFUMES

Attachments	76134480#TMSN.png( bytes ) 25442.AURA LUMINA. notice of opposition.pdf(27754 bytes )
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Signature	/Mary Catherine Merz/
Name	Mary Catherine Merz
Date	10/08/2019

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

In the Matter of U.S. Application Serial No. 88/311,327  
For: AURA LUMINA  
Filed: February 21, 2019  
Date of Publication: June 11, 2019

CLARINS FRAGRANCE GROUP S.A.S.                    )  
  )  
          Opposer,    )  
  )  
                                  v.                            ) Opposition No. \_\_\_\_\_  
  )  
  )  
FRANKIE CHUI    )  
  )  
          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. 88/311,327 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, Frankie Chui ("Applicant") is an individual and citizen of the United States with an address of 11735 Salvia Street, Jurupa Valley, California 91752.

2. As evidenced by the publication of Serial No. 88/311,327 in the Official Gazette of June 11, 2019, Applicant seeks to register AURA LUMINA (the "Opposed Mark") in connection with cosmetics, in Class 3.

3. Upon information and belief, Applicant filed Serial No. 88/311,327 on February 21, 2019 based on use of the Opposed Mark in commerce in connection with the goods, with a claimed first use in commerce date of September 1, 2018.

4. For over 18 years prior to the first use in commerce date of the application for the Opposed Mark, Opposer adopted and continuously has used the mark AURA in connection with its goods "perfumes" sold in the United States (U.S. Registration No. 2,932,194).

6. Opposer's U.S. Registration No. 2,932,194 for AURA is valid, subsisting, uncancelled and is evidence of Opposer's exclusive right to use AURA in commerce in connection with the goods specified in the registrations.

7. Opposer's use of the AURA mark has not been abandoned. Opposer has sold a tremendous amount of its Class 3 AURA-branded

goods through retailers, including online retailers, throughout the United States, and its goods are associated with the AURA mark among customers and the relevant trade.

8. In addition to its registered trademark rights, Opposer owns non-registered statutory and common law rights in and to the AURA mark in the United States.

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

10. The Opposed Mark so resembles the AURA mark 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), when used on or in connection with the Applicant's goods covered by Serial No. 88/311,327.

11. By reason of all the foregoing, Opposer will be gravely damaged by the registration of the Opposed Mark for the goods in Serial No. 88/311,327 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 goods in Serial No. 88/311,327 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: October 8, 2019

By:

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