

ESTTA Tracking number: **ESTTA1179655**

Filing date: **12/20/2021**

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	RoC Opco LLC
Granted to date of previous extension	12/19/2021
Address	261 MADISON AVENUE 16TH FLOOR NEW YORK, NY 10016 UNITED STATES

Attorney information	REBECCA LIEBOWITZ VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043 UNITED STATES Primary email: trademarkdocket@venable.com Secondary email(s): rliebowitz@venable.com, ssfinkelstein@venable.com 2023444976
Docket no.	143583532359

Applicant information

Application no.	88920737	Publication date	06/22/2021
Opposition filing date	12/20/2021	Opposition period ends	12/19/2021
International registration no.	NONE	International registration date	NONE
Applicant	PARFUMS CHRISTIAN DIOR 33, AVENUE HOICHE PARIS, 75008 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: Perfumery
Class 004. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Candles, scented candles

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.	3407724	Application date	01/16/2007
Register	Principal		
Registration date	04/08/2008	Foreign priority date	NONE
Word mark	ROC		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 facial skin lotions, skin moisturizers, skin creams, [skin toners] and cleansers; [body lotions; hand cream;] anti-wrinkle cream; [non-medicated lip protectants;] and sunblock preparations		

U.S. registration no.	1015041	Application date	03/21/1974
Register	Principal		
Registration date	07/08/1975	Foreign priority date	NONE
Word mark	ROC		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: 0 First Use In Commerce: 0 COSMETIC AND SKIN PREPARATIONS-NAMELY, EYE MAKE-UP, [EYE-BROW PENCILS, LIPSTICKS,] LIQUID FOUNDATION, SKIN POWDER,		

	ROUGE, SUN-TAN CREAM, MOISTURIZING CREAM, CLEANSING CREAMS, SKIN CREAMS, SKIN LOTIONS, [NAIL POLISH, NAIL POLISH REMOVER, HAIR SHAMPOOS] AND FACIAL SOAP
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U.S. registration no.	1794589	Application date	10/01/1991
Register	Principal		
Registration date	09/28/1993	Foreign priority date	NONE
Word mark	ROC		
Design mark			
Description of mark	NONE		
Goods/services	Class 003. First use: First Use: 1984/00/00 First Use In Commerce: 1984/00/00 cosmetic preparations; namely, cleansing, moisturizing and body lotion, [toilet and bath soaps,] creams and [oils; non-medicated make-up treatment; namely, eye make-up, eyebrow pencils, lipsticks, liquid foundations, skin powder, and rouge; non-medicated special treatments; namely, repair concentrate, skin energizing concentrate, soothing eye balm and eye contour treatment gel;] suntan [lotions and] creams, [sunscreen lotions and sunblock lotions]		

U.S. registration no.	6563430	Application date	10/08/2019
Register	Principal		
Registration date	11/16/2021	Foreign priority date	NONE
Word mark	ROC		

Design mark	
Description of mark	The mark consists of stylized mortar and pestle design with "ROC" on the side of the mortar.
Goods/services	Class 003. First use: First Use: 2020/09/00 First Use In Commerce: 2020/09/00 Facial skin lotions, skin moisturizers, night creams, face creams, eye creams, skin toners, skin cleansers, skin lotions, hand cream, anti-wrinkle cream, and tanning and sun block preparations

Attachments	76671444#TMSN.png(bytes) 73016590#TMSN.png(bytes) 74208672#TMSN.png(bytes) 88646791#TMSN.png(bytes) EDEN ROC - Notice of Opposition.pdf(136526 bytes) EDEN ROC - Exhibit A re Notice of Opposition.pdf(486116 bytes)
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Signature	/Sharoni S. Finkelstein/
Name	Sharoni S. Finkelstein
Date	12/20/2021

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

RoC Opco LLC,)	
)	
)	
Opposer,)	Opposition No. _____
)	Serial No. 88/920,737
v.)	Mark: EDEN ROC
)	
Parfums Christian Dior,)	
)	
Applicant.)	




Attorney's Reference: 143583-532359

NOTICE OF OPPOSITION

The application for registration of the trademark **EDEN ROC** filed by Parfums Christian Dior, a French corporation, Application Serial No. 88/920,737, covers “Perfumery” in Class 3, and “Candles, scented candles” in Class 4 (the “EDEN ROC Mark”), and was published for opposition in the *Official Gazette* on June 22, 2021. RoC Opco LLC, a Delaware limited liability company (“Opposer”), believes it will be damaged by registration of the mark shown in said Application Serial No. 88/920,737 and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the U.S. trademark registrations and applications for the marks **ROC** and **ROC (stylized)** listed in Paragraph 2 herein, as well as additional marks used by Opposer for which it has registrations and to which it has common law rights (hereinafter collectively, the “ROC Marks”).
2. Opposer owns registrations for the ROC Marks (see listings below) which cover

<u>Mark/Name</u>	<u>Goods and Services</u>	<u>Serial No. or Registration No.</u>
ROC	Class 3 - Facial skin lotions, skin moisturizers, skin creams, and cleansers; anti-wrinkle cream; and sunblock preparations	Ser. No. 76/671,444 Reg. No. 3407724
	Class 3 - Cosmetic and skin preparations—namely, eye make-up, liquid foundation, skin powder, rouge, sun-tan cream, moisturizing cream, cleansing creams, skin creams, skin lotions, and facial soap	Ser. No. 73/016,590 Reg. No. 1015041
	Class 3 - cosmetic preparations; namely, cleansing, moisturizing and body lotion, creams and suntan creams	Ser. No. 74/208,672 Reg. No. 1794589
	Class 3 - Facial skin lotions, skin moisturizers, night creams, face creams, eye creams, skin toners, skin cleansers, skin lotions, hand cream, anti-wrinkle cream, and tanning and sun block preparations	Ser. No. 88/646,791 Reg. No. 6563430

True and correct copies of the TESS records for the foregoing marks are attached at Exhibit A hereto.

3. The trademark application for the mark that is the subject of Registration No. 3407724 was filed on January 16, 2007.

4. The mark that is the subject of Registration No. 3407724 was in use in commerce at least as early as 1984.

5. The trademark application for the mark that is the subject of Registration No. 1015041 was filed on March 21, 1974.

6. The mark that is currently the subject of Registration No. 1015041 was in use in commerce at least as early as 1995.

7. The trademark application for the mark that is the subject of Registration No. 1794589 was filed on October 1, 1991.

8. The mark that is the subject of Registration No. 1794589 was in use in commerce at least as early as 1984.

9. The trademark application for the mark that is the subject of Registration No. 6563430 was filed on October 8, 2019.

10. The mark that is the subject of Registration No. 6563430 was in use in commerce at least as early as September 2020 with a constructive date of first use in commerce of October 8, 2019.

11. Applicant filed its application for EDEN ROC on May 18, 2020 based upon Sections 44(d) and 44(e) of the Lanham Act.

12. The application for EDEN ROC includes a priority claim based upon French Application No. 194601022, which has a filing date of November 21, 2019.

13. Opposer's first use and/or filing dates for the registrations listed above predate Applicant's actual filing date of May 18, 2020, and the priority filing date of November 21, 2019, and predate the earliest date on which Applicant may rely. Thus, Opposer's rights are senior to those of Applicant.

14. Applicant's EDEN ROC Mark is confusingly similar to Opposer's ROC Marks. As such, consumers will undoubtedly associate Applicant's goods under the EDEN ROC Mark with Opposer's goods offered under the ROC Marks.

15. Opposer's ROC Marks and Applicant's EDEN ROC Mark are highly similar.

16. Opposer's ROC Marks and Applicant's EDEN ROC Mark share the identical letter string "ROC".

17. The letter string "ROC" is a dominant portion of Opposer's ROC Marks.

18. The letter string "ROC" is a dominant portion of Applicant's EDEN ROC Mark.

19. Applicant's EDEN ROC Mark wholly incorporates Opposer's ROC Marks.

20. Applicant's goods are substantially related to Opposer's goods. Companies that offer cosmetics and skin care products such as those identified in the registrations for the ROC Marks typically also offer "perfumery" and "candles, scented candles" identified in the application for the EDEN ROC Mark. In this regard, the EDEN ROC Mark originally included "make-up; cosmetics" in the identification of goods. Applicant deleted these items in its response filed on April 23, 2021.

21. Neither Applicant's EDEN ROC application nor Opposer's ROC registrations contain limitations restricting the channels of trade for the goods listed in said application and registrations.

22. Applicant's and Opposer's goods are sold and/or offered to the same class of consumers.

23. Opposer believes and alleges that Applicant's EDEN ROC Mark, when applied to the goods listed in Application Serial No. 88/920,737, is likely to cause confusion or mistake or to deceive and mislead the trade and purchasing public into believing (a) that Opposer is the source of the Applicant's goods; (b) that Opposer sponsors, approves or endorses Applicant's goods; (c) that Applicant is authorized, licensed to and/or controlled by Opposer; or (d) that Applicant is a division or subsidiary of, or in some way related to Opposer.

24. Applicant's EDEN ROC Mark "so resembles a mark registered in the Patent and Trademark Office, or a mark...previously used in the United States and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake or to deceive." 15 U.S.C § 1052(d).

25. For the reasons set forth in the foregoing paragraphs, Applicant is not entitled to register its EDEN ROC Mark and the application should be denied in accordance with Section 2(d) of the Lanham Act, 15 U.S.C § 1052(d).

26. If Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its EDEN ROC Mark. Such registration would be a source of further damage and injury to Opposer.

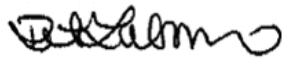
WHEREFORE, Opposer prays that Application Serial No. 88/920,737 be rejected, and that registration of Applicant's EDEN ROC Mark shown and specified therein be refused and denied, and that this Opposition be sustained in favor of Opposer.

Opposer is submitting a filing fee of \$1,200.00 via credit card. If for any reason this payment method is unsuccessful, authorization is granted to charge the filing fee of \$1,200.00 to Deposit Account No. 22-0261 and notify the undersigned accordingly.

Opposer appoints Rebecca Liebowitz, along with the law firm of Venable LLP, P.O. Box 34385, Washington, D.C. 20043-9998, to transact all business on its behalf in connection with this Opposition.

Respectfully submitted,

Date: December 20, 2021

By: 

Rebecca Liebowitz, Esq.
Sharoni S. Finkelstein, Esq.
Venable LLP
P.O. Box 34385
Washington, D.C. 20043
Telephone: (202) 344-4000
Facsimile (202) 344-8300
Attorneys for Opposer

EXHIBIT A



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Word Mark ROC

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: facial skin lotions, skin moisturizers, skin creams, [skin toners] and cleansers; [body lotions; hand cream;] anti-wrinkle cream; [non-medicated lip protectants;] and sunblock preparations. FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Trademark Search Facility LETTER-3-OR-MORE ROC Combination of three or more letters as part of the mark

Classification Code SHAPES-MISC Miscellaneous shaped designs

Serial Number 76671444

Filing Date January 16, 2007

Current Basis 1A

Original Filing Basis 1A

Published for Opposition January 22, 2008

Registration Number 3407724

International Registration Number 1560999

Registration Date April 8, 2008

Owner (REGISTRANT) JOHNSON & JOHNSON CORPORATION NEW JERSEY One Johnson & Johnson Plaza New Brunswick NEW JERSEY 08933

(LAST LISTED OWNER) ROC OPCO LLC LIMITED LIABILITY COMPANY DELAWARE C/O GRYPHON INVESTORS ONE MARITIME PLAZA, SUITE 2300 SAN FRANCISCO CALIFORNIA 94111

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Rebecca Liebowitz

Prior Registrations 1015041;1794589;2281761;2526440

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20180227.

Renewal 1ST RENEWAL 20180227

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(LAST LISTED OWNER) ROC OPCO LLC LIMITED LIABILITY COMPANY DELAWARE C/O GRYPHON INVESTORS ONE MARITIME PLAZA, SUITE 2300 SAN FRANCISCO CALIFORNIA 94111**Assignment Recorded** ASSIGNMENT RECORDED**Attorney of Record** Rebecca Liebowitz**Type of Mark** TRADEMARK**Register** PRINCIPAL**Affidavit Text** SECT 8 (6-YR). SECTION 8(10-YR) 20150417.**Renewal** 3RD RENEWAL 20150417**Live/Dead Indicator** LIVE[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)



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Word Mark ROC

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: cosmetic preparations; namely, cleansing, moisturizing and body lotion, [toilet and bath soaps,] creams and [oils; non-medicated make-up treatment; namely, eye make-up, eyebrow pencils, lipsticks, liquid foundations, skin powder, and rouge; non-medicated special treatments; namely, repair concentrate, skin energizing concentrate, soothing eye balm and eye contour treatment gel;] suntan [lotions and] creams, [sunscreen lotions and sunblock lotions]. FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 19.13.01 - Mortars and pestles

Serial Number 74208672

Filing Date October 1, 1991

Current Basis 1A

Original Filing Basis 1A

Published for Opposition May 11, 1993

Registration Number 1794589

Registration Date September 28, 1993

Owner (REGISTRANT) ROC International LIMITED LIABILITY COMPANY FRANCE 5 rue C.M. Spoo Grand Duchy of Luxembourg LUXEMBOURG
(LAST LISTED OWNER) ROC OPCO LLC LIMITED LIABILITY COMPANY DELAWARE C/O GRYPHON INVESTORS ONE MARITIME PLAZA, SUITE 2300 SAN FRANCISCO CALIFORNIA 94111

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Rebecca Liebowitz

Prior Registrations 1015041

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 8 (6-YR). SECTION 8(10-YR) 20130628.

Renewal 2ND RENEWAL 20130628

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Word Mark ROC

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Facial skin lotions, skin moisturizers, night creams, face creams, eye creams, skin toners, skin cleansers, skin lotions, hand cream, anti-wrinkle cream, and tanning and sun block preparations. FIRST USE: 20200900. FIRST USE IN COMMERCE: 20200900

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 19.13.01 - Mortars and pestles

Serial Number 88646791

Filing Date October 8, 2019

Current Basis 1A

Original Filing Basis 1B

Published for Opposition February 18, 2020

Registration Number 6563430

International Registration Number 1500372

Registration Date November 16, 2021

Owner (REGISTRANT) RoC Opco LLC LIMITED LIABILITY COMPANY DELAWARE 16th Floor 261 Madison Avenue New York NEW YORK 10016

Attorney of Record Rebecca Liebowitz

Description of Mark Color is not claimed as a feature of the mark. The mark consists of stylized mortar and pestle design with "ROC" on the side of the mortar.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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