

ESTTA Tracking number: **ESTTA1462738**
Filing date: **09/12/2025**

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	L'Oreal USA S/D Inc.		
Entity	Corporation	Incorporated or registered in	DE
Address	10 HUDSON YARDS NEW YORK, NY 10001 UNITED STATES		

Attorney information	JASON D JONES FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 W. 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: jjones@fzlz.com Secondary email(s): bsolomon@fzlz.com, ttabfiling@fzlz.com, cshier@fzlz.com 2128135900		
Docket no.	2510399		

Applicant information

Application no.	98845489	Publication date	08/26/2025
Opposition filing date	09/12/2025	Opposition period ends	09/25/2025
Applicant	Clarisonic Innovations Technology Inc 1330 S GARFIELD ST DENVER, CO 80210 United States		

Goods/services affected by opposition

Class 012. First Use: Sep 1, 2024 First Use In Commerce: Sep 1, 2024 All goods and services in the class are opposed, namely: Drones; Camera drones; Civilian drones; Electrically powered aircraft
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Grounds for opposition

Dilution by blurring	Trademark Act Sections 2 and 43(c)
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)

Mark cited by opposer as basis for opposition

U.S. registration no.	7455018	Application date	07/13/2023
Register	Principal		

Registration date	07/23/2024	Foreign priority date	NONE
Word mark	CLARISONIC		
Design mark			
Description of mark			
Goods/services	<p>Class 009. First use: First Use: Nov 4, 2017 First Use In Commerce: Nov 4, 2017</p> <p>Downloadable software in the nature of a mobile application for providing users with skincare information, tutorials, and videos regarding the use of sonic oscillating brushes for skin care; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to provide personalized skincare routines; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to customize the duration, strength, and intensity of the oscillation of the brush for their skincare routine; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to log their skincare routines, skincare goals, monitor the usage of their sonic oscillating brushes, and alert them when a recharge or a replacement of the brush head is required</p>		

Attachments	98083778#TMSN.png(bytes) Notice of Opposition-CLARISONIC Class 12.pdf(281213 bytes)
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Signature	/Jason D. Jones/
Name	Jason D. Jones
Date	09/12/2025

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

In the Matter of Application Serial No. 98845489
Mark: CLARISONIC

L'ORÉAL USA S/D, INC.

Opposer,

v.

CLARISONIC INNOVATIONS
TECHNOLOGY INC,

Applicant.

NOTICE OF OPPOSITION

L'Oréal USA S/D, Inc., a corporation organized under the laws of Delaware having a principal place of business at 10 Hudson Yards, New York, NY 10001 ("Opposer"), believes that it will be damaged by the issuance of a registration to Applicant Clarisonic Innovations Technology Inc ("Applicant") for the mark CLARISONIC as applied for in U.S. Trademark Application Serial No. 98845489 for "Drones; Camera drones; Civilian drones; Electrically powered aircraft" in International Class 12 and therefore opposes the same.

As grounds for this opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., allege as follows:

A. Opposer and Its Registered CLARISONIC Mark

1. Opposer, and its related and affiliated entities, has long been a market leader in the skincare market, including devices for skincare. Among its most recognized brands is CLARISONIC, used in connection with goods and technology to cleanse the skin using high-speed vibrations emitted through a facial brush.

2. CLARISONIC branded products, introduced in the U.S. in 2004, are supported by Opposer through its CLARISONIC app, available through the Apple Store. The CLARISONIC app connects to CLARISONIC devices to help create and establish skincare regimes, allows consumers to track usage, and to see weekly progress. The CLARISONIC app also provides videos to consumers as to how to use CLARISONIC branded products, including how to obtain desired results, and provides customer support. The app has been downloaded nearly 300,000 times since 2018 and is still in use by many U.S. consumers today.

3. Through long and extensive use, advertising, and promotion, and as a result of Opposer's ongoing use of CLARISONIC, the CLARISONIC trademark (the "CLARISONIC Mark") has become extremely valuable and symbolizes a reputation and goodwill belonging to Opposer exclusively.

4. In addition to the common law rights accruing to Opposer in the CLARISONIC Mark, Opposer owns U.S. Trademark Registration No. 7455018 for the CLARISONIC Mark, used since 2017, in connection with "Downloadable software in the nature of a mobile application for providing users with skincare information, tutorials, and videos regarding the use of sonic oscillating brushes for skin care; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to provide personalized skincare routines; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to customize the duration, strength, and intensity of the oscillation of the brush for their skincare routine; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to log their skincare routines, skincare goals, monitor the usage of their sonic

oscillating brushes, and alert them when a recharge or a replacement of the brush head is required” in International Class 9. This registration is valid, subsisting and in full force and effect, and constitutes evidence of the validity of the mark and of Opposer’s exclusive right to use and license the mark on the goods identified in the registration. Opposer’s trademark registration also places others, including Applicant, on constructive notice of Opposer’s rights. *See* 15 U.S.C. § 1072. A printout from the USPTO’s online database for the listed registration is attached hereto as **Exhibit A** and is made part of the record in this proceeding pursuant to Trademark Rule of Practice 2.122(d)(1).

B. Applicant and the Application

5. Upon information and belief, and according to the records of the U.S. Patent and Trademark Office (the “USPTO”), Applicant is a Colorado corporation with a stated address of 1330 South Garfield Street, Denver, Colorado 80210.

6. According to the records of the USPTO, on November 9, 2024, Applicant filed U.S. Trademark Application Serial No. 98845489 (the “Application”) to register the mark CLARISONIC (“Applicant’s Mark”) for use in connection with “Drones; Camera drones; Civilian drones; Electrically powered aircraft” in International Class 12 based on an alleged first use in commerce date of September 1, 2024, under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a).

7. Pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072, as a matter of law, when Applicant both adopted and submitted its Application to register Applicant’s Mark, it was on constructive notice of Opposer’s federal trademark registration for the CLARISONIC Mark, which was in use and which issued prior to any date on which Applicant can rely.

8. Upon information and belief, at the time Applicant adopted Applicant's Mark, it had actual knowledge of Opposer's prior rights in the CLARISONIC Mark by virtue of Opposer's extensive use and promotion thereof.

9. Applicant is not connected to Opposer in any way, and Applicant has not been authorized by Opposer to register or use Applicant's Mark.

10. Issuance of a registration to Applicant for Applicant's Mark is inconsistent with Opposer's prior rights in the CLARISONIC Mark and will substantially damage Opposer's investment and goodwill in the CLARISONIC Mark. Opposer is therefore entitled to bring the below statutory causes of action and to assert the claims set forth herein.

**FIRST CLAIM FOR RELIEF:
FRAUD BASED ON FALSE DECLARATION OF USE**

11. Opposer incorporates by reference Paragraphs 1 through 10 as if fully set forth herein.

12. Contemporaneously with its filing of the Application, Applicant submitted a Declaration that states, *inter alia*, "[t]he mark is in use in commerce and was in use in commerce as of the filing date of the application on or in connection with the goods . . . in the application."

13. Upon information and belief and based on Opposer's investigation, the specimen submitted with the Application is suspect and, in fact, Applicant's Mark was not in use in United States commerce in connection with the goods identified in the Application at the time Applicant filed the Application and submitted its statement under oath.

14. Because, on information and belief and based on Opposer's investigation, Applicant was not using Applicant's Mark in commerce in connection with the goods set forth in the Application at the time Applicant filed the Application under Section 1(a) of the Lanham Act, the Declaration submitted in support of the Application was false.

15. Upon information and belief, Applicant knew at the time it filed the Application that it was not using Applicant's Mark in interstate commerce in connection with the goods specified in the Application and that, therefore, the Declaration submitted in support of the Application was false or fraudulent. At a minimum, the Application and the declaration submitted with the Application was submitted with reckless disregard of the truth and is thus fraudulent.

16. Upon information and belief, by falsely asserting that it was using Applicant's Mark in interstate commerce in connection with the goods specified in the Application as of the filing date for the Application, Applicant intended to deceive the USPTO. Upon information and belief, Applicant's false statement was made for the purpose of obtaining a registration to which Applicant was not entitled.

17. The USPTO would not have approved the Application for registration but for the false statement that Applicant was using Applicant's Mark in interstate commerce in connection with the goods identified in the Application at the time Applicant filed the Application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a). Thus, the falsehood was a material misstatement of fact.

18. As a result of Applicant's willful and materially false statement made in connection with the Application, Applicant has committed fraud against the USPTO, which invalidates the Application.

19. By reason of the foregoing, Opposer is likely to be harmed by the registration of the Application for Applicant's Mark.

**SECOND GROUND FOR RELIEF:
DILUTION UNDER 15 U.S.C. § 1052(f)**

20. Opposer incorporates by reference Paragraphs 1 through 10 as if fully set forth herein.

21. Opposer's CLARISONIC Mark is inherently distinctive or has acquired distinctiveness, becoming one of the best-known skincare and beauty brands in the United States as the result of extensive use, sales, advertising and promotion.

22. Opposer is the owner of a federal trademark registration for CLARISONIC, as shown above, which issued prior to any date on which Applicant can rely.

23. Opposer, through its licensees, has sold products under the CLARISONIC Mark nationally, resulting in the use of CLARISONIC branded products by millions of consumers in the United States. Since 2017, Opposer has supported the CLARISONIC brand by offering its CLARISONIC app that assists with skincare maintenance and the app has been downloaded nearly 300,000 times since 2018. As a result, the CLARISONIC Mark is a famous mark and the CLARISONIC brand has acquired extensive actual recognition and fame as a designation of goods exclusively from or licensed by Opposer.

24. Applicant's mark shown in the Application was adopted long after Opposer's CLARISONIC Mark became famous; the Application was filed by Applicant long after Opposer's CLARISONIC Mark became famous; and Applicant's filing date is long after Opposer's CLARISONIC Mark became famous.

25. By virtue of the facts that Applicant's mark is identical to Opposer's registered CLARISONIC Mark, the fame of the CLARISONIC Mark, and the exclusive association between the CLARISONIC Mark and Opposer, registration of Applicant's Mark is likely to call to mind and would dilute and/or is likely to dilute Opposer's famous CLARISONIC Mark by impairing the distinctiveness of Opposer's CLARISONIC Mark to identify exclusively goods from Opposer in violation of Section 2(f) of the Lanham Act, 15 U.S.C. § 1052(f).

26. By reason of the foregoing, Opposer is likely to be harmed by the registration of the Application for Applicant's Mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained, and that registration of Applicant's Mark as applied for in the Application be refused in its entirety.

Dated: New York, New York
September 12, 2025

FROSS ZELNICK LEHRMAN & ZISSU, P.C.



By: _____

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Attorneys for Opposer

EXHIBIT A

Generated on: This page was generated by TSDR on 2025-09-12 13:40:35 EDT
Mark: CLARISONIC

CLARISONIC

US Serial Number: 98083778	Application Filing Date: Jul. 13, 2023
US Registration Number: 7455018	Registration Date: Jul. 23, 2024
Register: Principal	
Mark Type: Trademark	
TM5 Common Status Descriptor: 	LIVE/REGISTRATION/Issued and Active
	The trademark application has been registered with the Office.
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.	
Status Date: Jul. 23, 2024	
Publication Date: May 07, 2024	

Mark Information

Mark Literal Elements:	CLARISONIC
Standard Character Claim:	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type:	4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations:	3732137, 3087196, 3880043 and others
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Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Downloadable software in the nature of a mobile application for providing users with skincare information, tutorials, and videos regarding the use of sonic oscillating brushes for skin care; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to provide personalized skincare routines; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to customize the duration, strength, and intensity of the oscillation of the brush for their skincare routine; downloadable software in the nature of a mobile application for enabling users to synchronize their sonic oscillating brushes with their mobile devices in order to log their skincare routines, skincare goals, monitor the usage of their sonic oscillating brushes, and alert them when a recharge or a replacement of the brush head is required

International Class(es):	009 - Primary Class	U.S Class(es):	021, 023, 026, 036, 038
Class Status:	ACTIVE		
First Use:	Nov. 04, 2017	Use in Commerce:	Nov. 04, 2017

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes
Filed ITU: No	Currently ITU: No

Filed 44D: No

Currently 44D: No

Filed 44E: No

Currently 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: L'OREAL USA S/D, INC.

Owner Address: 10 HUDSON YARDS
NEW YORK, NEW YORK UNITED STATES 10001

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Lisa M. Gigliotti

Docket Number: CLR

Attorney Primary Email Address: lisa.gigliotti@loreal.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Lisa M. Gigliotti
L'OREAL USA S/D, INC.
10 HUDSON YARDS
NEW YORK, NEW YORK United States 10001

Phone: 212-984-4177

Correspondent e-mail: lisa.gigliotti@loreal.com christopher.wancura@lor-eal.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 23, 2024	NOTICE OF REGISTRATION CONFIRMATION EMAILED	
Jul. 23, 2024	REGISTERED-PRINCIPAL REGISTER	
Jul. 02, 2024	POST PUBLICATION AMENDMENT - ENTERED	
Jul. 01, 2024	ASSIGNED TO PETITION STAFF	
May 30, 2024	TEAS POST PUBLICATION AMENDMENT RECEIVED	
May 07, 2024	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 07, 2024	PUBLISHED FOR OPPOSITION	
Apr. 17, 2024	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 17, 2024	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 01, 2024	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 01, 2024	EXAMINER'S AMENDMENT ENTERED	
Apr. 01, 2024	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	
Apr. 01, 2024	EXAMINERS AMENDMENT E-MAILED	
Apr. 01, 2024	EXAMINERS AMENDMENT -WRITTEN	
Mar. 21, 2024	ASSIGNED TO EXAMINER	
Mar. 13, 2024	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 07, 2024	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 13, 2023	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED	
Jul. 17, 2023	NEW APPLICATION ENTERED	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PETITIONS OFFICE

Date in Location: Jul. 02, 2024

Assignment Abstract Of Title Information

Summary

Total Assignments: 3

Registrant: L'OREAL USA S/D, INC.

Assignment 1 of 3

Conveyance: MERGER EFFECTIVE 12/31/2023 12:00:00 AM

Reel/Frame: [8333/0403](#)

Pages: 4

Date Recorded: Jan. 31, 2024

Supporting Documents: [assignment-tm-8333-0403.pdf](#)

Assignor

Name: [PACIFIC BIOSCIENCE LABORATORIES, INC.](#)

Execution Date: Dec. 20, 2023

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Assignee

Name: [L'OREAL USA, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 10 HUDSON YARDS
NEW YORK, NEW YORK 10001

Correspondent

Correspondent Name: LISA M. GIGLIOTTI

Correspondent Address: 10 HUDSON YARDS
NEW YORK, NY 10001

Domestic Representative - Not Found

Assignment 2 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [8362/0234](#)

Pages: 8

Date Recorded: Mar. 06, 2024

Supporting Documents: [assignment-tm-8362-0234.pdf](#)

Assignor

Name: [L'OREAL USA, INC.](#)

Execution Date: Dec. 31, 2023

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [HOLDING COMPANY I, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 10 HUDSON YARDS
NEW YORK, NEW YORK 10001

Correspondent

Correspondent Name: LISA M. GIGLIOTTI

Correspondent Address: 10 HUDSON YARDS
NEW YORK, NY 10001

Domestic Representative - Not Found

Assignment 3 of 3

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [8397/0408](#)

Pages: 8

Date Recorded: Mar. 06, 2024

Supporting [assignment-tm-8397-0408.pdf](#)
Documents:

Assignor

Name: [HOLDING COMPANY I, INC.](#)
Legal Entity Type: CORPORATION
Execution Date: Mar. 04, 2024
State or Country Where Organized: DELAWARE

Assignee

Name: [L'OREAL USA S/D, INC.](#)
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE
Address: 10 HUDSON YARDS
NEW YORK, NEW YORK 10001

Correspondent

Correspondent Name: LISA M. GIGLIOTTI
Correspondent Address: 10 HUDSON YARDS
NEW YORK, NY 10001

Domestic Representative - Not Found