

ESTTA Tracking number: **ESTTA486657**

Filing date: **08/01/2012**

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                                  | Elizabeth Arden, Inc.  |
| Granted to Date of previous extension | 08/12/2012   |
| Address                               | 2400 S. W. 145 Avenue, 2nd Floor<br>Miramar, FL 33027<br>UNITED STATES |

|                      |  |
|----------------------|--|
| Attorney information | Bret Parker<br>Elizabeth Arden, Inc.<br>200 Park Avenue South 2nd Floor<br>New York, NY 10003<br>UNITED STATES<br>pto@elizabetharden.com, bret.parker@elizabetharden.com<br>Phone:212-261-1133 |
|----------------------|--|

**Applicant Information**

|                        |   |                        |            |
|------------------------|---|------------------------|------------|
| Application No         | 85411557  | Publication date       | 02/14/2012 |
| Opposition Filing Date | 08/01/2012  | Opposition Period Ends | 08/12/2012 |
| Applicant              | V.E.W., Ltd.<br>225 West 39th Street<br>New York, NY 10018<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

|  |
|--|
| Class 003.<br>All goods and services in the class are opposed, namely: Perfumery, cosmetics, essential oils, soaps, hair lotions |
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**Grounds for Opposition**

|                                      |                            |
|--------------------------------------|----------------------------|
| False suggestion of a connection     | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |

**Marks Cited by Opposer as Basis for Opposition**

|                       |              |                       |            |
|-----------------------|--------------|-----------------------|------------|
| U.S. Registration No. | 4072067      | Application Date      | 02/17/2011 |
| Registration Date     | 12/13/2011   | Foreign Priority Date | NONE       |
| Word Mark             | WONDERSTRUCK |                       |            |

|                     |   |  |  |
|---------------------|---|--|--|
| Design Mark         | <b>WONDERSTRUCK</b>   |  |  |
| Description of Mark | NONE  |  |  |
| Goods/Services      | Class 003. First use: First Use: 2011/09/06 First Use In Commerce: 2011/09/06<br>Eau de parfum; Eau de toilette; Fragrances for personal use; Perfumed creams; Perfumed soaps; Perfumes and toilet waters; Scented body lotions and creams; shower gels; body creams; solid perfumes and fragrances for personal use; non-medicated bath preparations |  |  |

|                      |          |                       |            |
|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 85244926 | Application Date      | 02/17/2011 |
| Registration Date    | NONE     | Foreign Priority Date | NONE       |

|           |              |  |  |
|-----------|--------------|--|--|
| Word Mark | WONDERSTRUCK |  |  |
|-----------|--------------|--|--|

|                     |   |  |  |
|---------------------|---|--|--|
| Design Mark         | <b>WONDERSTRUCK</b>   |  |  |
| Description of Mark | NONE  |  |  |
| Goods/Services      | Class 003. First use:<br>Cosmetic creams for skin care; Cosmetics and make-up; Non-medicated skin care preparations; Perfumed powders; bubble bath; shimmer powders; dusting powders; body scrubs |  |  |

|             |   |
|-------------|---|
| Attachments | 85975809#TMSN.jpeg ( 1 page )( bytes )<br>85244926#TMSN.jpeg ( 1 page )( bytes )<br>Awestruck opposition TTAB.pdf ( 2 pages )(42269 bytes ) |
|-------------|---|

### 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 | /bretparker/ |
| Name      | Bret Parker  |
| Date      | 08/01/2012   |

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

In the Matter of Application Serial No. 85411557  
Published on February 14, 2012

|                        |   |                             |
|------------------------|---|-----------------------------|
| -----X                 |   |                             |
| ELIZABETH ARDEN, INC., | : |                             |
|                        | : | Opposition No.              |
| Opposer,               | : |                             |
|                        | : | <u>NOTICE OF OPPOSITION</u> |
| - against -            | : |                             |
|                        | : |                             |
| V.E.W., LTD.,          | : |                             |
|                        | : |                             |
| Applicant.             | : |                             |
| -----X                 |   |                             |

Opposer Elizabeth Arden, Inc., a Florida corporation having its principal place of business at 2400 S.W 145 Avenue, Miramar, FL, believes it will be damaged by registration of the mark AWESTRUCK sought to be registered in Application Serial No. 85411557 published in the Official Gazette on February 14, 2012 in International Class 3 for various goods and having been granted an extension of time to oppose this application until August 12, 2012, hereby opposes same.

As grounds for opposition, it is alleged that:

1. Elizabeth Arden, Inc., its predecessors-in-interest and related companies (“EA”) are now, and for many years past have been, engaged in the manufacture, distribution and sale of a wide variety of perfumery, cosmetics and other products.

2. Before the filing date of the application herein opposed, EA has used the trademark WONDERSTRUCK in connection with perfumery and other products with such use supported by extensive advertising and promotion.

3. EA is the owner of a registration on the Principal Register of the United States Patent and Trademark Office, Reg. No. 4072067 for the mark WONDERSTRUCK in

International Class 3 for various products (as well as a pending application with Serial No.85244926). The registration was issued on December 13, 2011.

5. By the application herein opposed, applicant seeks to register the mark AWESTRUCK in International Class 3 for various goods. Said mark is likely, when applied to applicant's goods, which are identical and/or similar to EA's products as identified in its aforesaid registration for the mark WONDERSTRUCK, to cause confusion, and mistake and to deceive, with consequent injury to EA, the consuming public and the trade.

6. EA will be damaged by the registration sought by applicant because such registration will support and assist applicant in the confusing and misleading use of applicant's mark sought to be registered, and will give color of exclusive statutory rights to applicant in violation and derogation of the prior and superior rights of EA.

WHEREFORE EA believes that it will be damaged by registration of applicant's mark and prays that this opposition be sustained, and the application be denied.