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

COFINLUXE,

Opposer,

v.

VIPARADEE PHUVANATNARANUBALA,

Applicant.

Opposition No. _____

76 594 274

NOTICE OF OPPOSITION

Hon. Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Sir:

In the matter of the application for registration of the trademark **BEAUTY CAFÉ and Design** for cosmetics, cotton sticks for cosmetic purposes, cosmetic cream, skin whitening creams, drycleaning fluids, essential oils for personal use, eyebrow cosmetics, namely, color pencils and brushes, hair lotions, hair spray, lipsticks, face lotions, make-up, make-up powder, mascara, beauty masks, nail polish, cosmetic oils for epidermis, perfumes, shampoos, cosmetic creams for skin care,

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08/01/2005 SWILSON1 00000007 1177730
01 EC:6402 300.00 OP

08/01/2005 SWILSON1 00000094 76594274
01 FC:6402 300.00 OP

08/01/2005 SWILSON1 00000007 1177730
01 EC:6402 -300.00 OP



07-27-2005

and hand and face soap in class 3, Serial No. 76/594,274, filed May 21, 2004 by Viparadee Phuvanatnaranubala, and published for Opposition on April 5, 2005; Cofinluxe, a French Company, having its principal place of business at rue Anatole de la Forge, 75017, Paris, France, believes that it would be damaged by such registration and hereby opposes registration of said alleged trademark as it applies to the goods set forth therein.

Opposer has obtained an extension of time through August 3, 2005 in which to file this Notice of Opposition.

As grounds for the opposition, it is alleged that:

1. Applicant, Viparadee Phuvanatnaranubala, is on information and belief a citizen of Thailand with an address at 293/1 Soi Sukhumvit 49, North-Klongton, Wattana, Bangkok 10110, Thailand, and seeks to register the trademark **BEAUTY CAFÉ and Design** for cosmetics, cotton sticks for cosmetic purposes, cosmetic cream, skin whitening creams, drycleaning (sic) fluids, essential oils for personal use, eyebrow cosmetics, namely, color pencils and brushes, hair lotions, hair spray, lipsticks, face lotions, make-up, make-up powder, mascara,

beauty masks, nail polish, cosmetic oils for epidermis, perfumes, shampoos, cosmetic creams for skin care, and hand and face soap in class 3, as set forth in the above noted application. The application was filed on May 21, 2004 based upon a claim of first use of June 30, 2001 and first use in commerce as of May 14, 2004. The application was published on April 5, 2005 in the Official Gazette of the United States Patent and Trademark Office.

2. Opposer is well known throughout the world in the field of cosmetics, perfumery and similar beauty products and has and is presently engaged in the manufacture and marketing of its products in the United States as well as throughout the world.

3. Opposer or its predecessors in interest have used their well-recognized trademarks **CAFÉ and Design** and **CAFÉ CAFÉ PURO** on cosmetic goods in the United States marketplace. Opposer has used its **CAFÉ and Design** mark in commerce for over twenty years.

4. Opposer's mark **CAFÉ and Design** is the subject of United States Trademark Registration No. 1,177,730, registered on November 17, 1981. This registration is incontestible under Section 15 and has been renewed and is in full force and effect.

5. Opposer's registration identified in Paragraph 4, supra, covers perfumes and toilet waters in Class 3.

6. Opposer's mark **CAFÉ CAFÉ PURO** is the subject of United States Trademark Registration No. 2,785,628, registered on November 25, 2003. This registration covers soaps for personal use; essential oils used for manufacture of perfumery; perfume; toilet water; perfumed water; cosmetics, namely, lipsticks, lip pens, eye shadow, facial make up, mascaras, hair lotions, and tooth paste in Class 3.

7. Applicant's mark is so similar to Opposer's mark as to be likely to cause confusion, mistake or deception as to the source of the goods of the Applicant, especially since the

Applicant's mark is intended to be used in conjunction with cosmetic products that are related to the goods of the Opposer.

8. The marks here in issue are visually and phonetically similar, the applicant's mark incorporating Opposer's famous "CAFE" brand.

9. If the Applicant is permitted to use and register the mark herein opposed for the goods specified in it's application, confusion in the trade and for the consumer will likely result, causing damage and injury to the Opposer. Persons familiar with Opposer's marks would be likely to purchase Applicant's products in the mistaken belief that such goods originate with the Opposer. Any such confusion will inevitably result in loss of sales to Opposer. Moreover, any objection or fault found with Applicant's cosmetics sold under the **BEAUTY CAFÉ** mark, herein opposed would necessarily reflect upon and seriously injure the reputation which Opposer has

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