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registration of said alleged trademark as it applies to the goods set forth therein.

Opposer has obtained an extension of time through October 8, 2005 in which to file this Notice of Opposition.

As grounds for the opposition, it is alleged that:

1. Applicant, Estee Lauder, Inc., is on information and belief a corporation of the state of Delaware and has a business address at 767 Fifth Avenue, New York, NY 10153, and seeks to register the trademark **PURE POPS** for cosmetics in class 3, as set forth in the above noted application. The application was filed on September 20, 2004 based upon a claim of use of the mark since July 5, 2004 and use in commerce since August 1, 2004. The application was published on August 9, 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 **POP PARFUM** and **POP ART** on cosmetic goods and particularly fragrances for men and women in the United States marketplace and elsewhere.

4. Opposer's mark **POP PARFUM** is the subject of United States Trademark Registration No. 2,755,143, registered on August 26, 2003. This registration is in full force and effect.

5. Opposer's registration identified in Paragraph 4, supra, covers soaps for personal use; essential oils used in the manufacture of perfumery; perfume; toilet water; perfumed water; cosmetics, namely, lipsticks, lip pens, eye shadow, facial make up, mascaras, and tooth paste in Class 3.

6. Opposer's mark **POP ART** is the subject of United States Trademark Registration No. 2,883,518, registered on

September 14, 2004. 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 marks 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 "POP" 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 **PURE POPS** mark, herein opposed would necessarily reflect upon and seriously injure the reputation which Opposer has established for its products offered under its marks and thereby erode the valuable goodwill established by Opposer in its marks.

10. Registration of the mark at issue herein to Applicant will be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial Number 78/486,420 be rejected, and that registration of the mark shown therein for the goods set forth therein be refused and denied.

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