



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

COFINLUXE,]
]
 Opposer,]
]
 v.]
]
 BERKANA NATURALS, SRL]
]
 Applicant.]

Opposition No. _____

85/305,991

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 **CAFÉSENCE** for anti-aging toner; astringents for cosmetic purposes; bar soap; bath and shower gels and salts not for medical purposes; bath beads; bath gels; bath lotion; bath milks; bath oils for cosmetic purposes; bath pearls; bath soaps; bathing lotions; beauty creams; beauty lotions; beauty soap; body and beauty care cosmetics; body lotions; cosmetic preparations, namely, firming lotions; cosmetic products in

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the form of aerosols for skincare (sic.); cosmetic soaps; cosmetic sun milk lotions; cosmetic sun tan lotions; essential oils; eye lotions; face and body lotions; face milk and lotions; facial lotion; hare care lotions; hair conditioners; hair oils; liquid soaps; non-medicated foot lotions; nutritional oils for cosmetic purposes; perfumed soap; scented bathing salts; scented oils; shampoos; shaving lotions; shower and bath foam; shower and bath gel; skin conditioners; skin lotions; skin toners and sun-block lotions in class 3, Serial No. 85/305,991, filed April 27, 2011 by Berkana Naturals, SRL and published for Opposition on September 13, 2011, Cofinluxe, a French Company, having its principal place of business at 6 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 in Class 3 set forth therein.

Opposer has obtained an extension of time through January 11, 2012 in which to file this Notice of Opposition.

As grounds for the opposition, it is alleged that:

1. Applicant, Berkana Naturals, SRL, is on information and belief, a corporation of Costa Rica with an address at Adpo 174 Zona 2150, San Jose, Costa Rica, and seeks to register the trademark **CAFÉSENCE** for a variety of lotions and cosmetics in Class 3, as set forth in the application here opposed. The application was filed on April 27, 2011 based upon an intent-to-use the mark in commerce. There has been no subsequent claim of actual use of the mark. The application was published on September 13, 2011 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**, **CAFÉ CAFÉ PURO**, **CAFÉ DE PARIS** and **EXPRESSO PARFUMS CAFÉ** on cosmetic goods in many countries and in the United States marketplace. Opposer has used its **CAFÉ** various marks 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.¹

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

¹ Certified copies showing status and title of each of Opposer's registrations will be introduced during the trial phase of this proceeding.

6. Opposer's mark **CAFÉ CAFÉ PURO** is the subject of United States Trademark Registration No. 2,785,628, registered on November 25, 2003 and is in full force and effect. 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. Opposer's mark **EXPRESSO PARFUMS CAFÉ** is the subject of allowed United States Trademark application Serial No. 85/125,618, filed September 9, 2010 and published on June 7, 2011. This allowed application registration covers soaps; perfumes; essential oils for personal use; beauty masks; shaving preparations; cosmetics; hair lotions; depilatories; make-up and make-up removing preparations and lipsticks in Class 3.

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