

ESTTA Tracking number: **ESTTA475266**

Filing date: **05/30/2012**

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	Johnson & Johnson
Granted to Date of previous extension	05/30/2012
Address	One Johnson & Johnson Plaza New Brunswick, NJ 08933 UNITED STATES
Attorney information	Christen M. English Drinker Biddle & Reath LLP 1500 K St., NW, Suite 1100 Washington, DC 20005 UNITED STATES tmlitdocket@db.com, christen.english@db.com

Applicant Information

Application No	85401851	Publication date	01/31/2012
Opposition Filing Date	05/30/2012	Opposition Period Ends	05/30/2012
Applicant	DERMAL LIFE, LLC 4951 Tampa West Boulevard Tampa, FL 33634 UNITED STATES		

Goods/Services Affected by Opposition


Class 005. All goods and services in the class are opposed, namely: Anti-inflammatory ointments; Medicated lotions for face and body; Medicated skin preparation for use in treating sunburns, facial wrinkles, dry skin, burns, rashes and wounds; Medicated sun block; Medicated sun care preparations; Medicated sun screen; Pharmaceutical preparations for wounds; Pharmaceutical skin lotions
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77900162	Application Date	12/23/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HELIDERM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 005. First use: blend of ingredients, namely, nutrients, sold as an integral component of an antibiotic for the treatment of general and local bacterial and virus infections; blend of ingredients, namely, nutrients sold as an integral component of medicated lip care preparations
Related Proceedings	Opposition No. 91205184
Attachments	77900162#TMSN.jpeg (1 page)(bytes) HEALIXADERM (Cl. 5) Opp.pdf (10 pages)(321656 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	/Christen M. English/
Name	Christen M. English
Date	05/30/2012

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

In re Ser. No. 85/401851 - HEALIXADERM
Published January 31, 2012

JOHNSON & JOHNSON, :

Opposer, :

v. : Opposition No. _____

DERMAL LIFE, LLC :

Applicant. :

NOTICE OF OPPOSITION

JOHNSON & JOHNSON, a New Jersey corporation, having a principal place of business at One Johnson & Johnson Plaza, New Brunswick, New Jersey 08933-7001 (“Opposer”), believes that it will be damaged by the registration of Ser. No. 85/401851 – HEALIXADERM for “anti-inflammatory ointments; medicated lotions for face and body; medicated skin preparation for use in treating sunburns, facial wrinkles, dry skin, burns, rashes and wounds; medicated sun block; medicated sun care preparations; medicated sun screen; pharmaceutical preparations for wounds; pharmaceutical skin lotions” in class 5; filed August 18, 2011 by Dermal Life, LLC, a Florida limited liability company having an address at 4951 Tampa West Boulevard, Tampa, Florida, 33634 (“Applicant”), and hereby opposes the same pursuant to Section 13 of the Trademark Act of 1946 (15 U.S.C. §1063).

As grounds for the opposition Opposer states:

1. Opposer is world famous as a leader in the design, manufacture and marketing of wound care, sun protection, and skin care products, and a wide variety of other products and services in the fields of medicine, pharmaceuticals, healthcare, personal care and nutrition.

2. Opposer owns the following application:

Ser. No. 77/900,162 – HELIDERM for blend of ingredients, namely, nutrients, sold as an integral component of an antibiotic for the treatment of general and local bacterial and virus infections; blend of ingredients, namely, nutrients sold as an integral component of medicated lip care preparations, in Class 5; filed December 23, 2009; allowed on June 21, 2011.

A photocopy of the TARR and TESS records for the foregoing application is attached as Exhibit A.

3. Opposer's filing date for application Ser. No. 77/900,162 – HELIDERM predates the filing date of Applicant's application Ser. No. 85/401,851 – HEALIXADERM by nearly nineteen (19) months.
4. On information and belief, Applicant made no use in commerce of the mark HEALIXADERM in the United States prior to the December 23, 2009 filing date of Opposer's application Ser. No. 77/900,162.
5. On information and belief, Applicant has made no use in commerce of the HEALIXADERM mark in the United States for the goods covered by Ser. No. 85/401,851 or any other goods or services.
6. Applicant's HEALIXADERM mark is substantially similar to Opposer's HELIDERM mark in appearance, sound and commercial impression.
7. The goods on which Opposer intends to use the HELIDERM mark and the goods for which Applicant seeks to register the HEALIXADERM mark are highly related.
8. The goods on which Opposer intends to use the HELIDERM mark and the goods for which Applicant seeks to register the HEALIXADERM mark are likely to be sold or rendered through the same channels of trade.

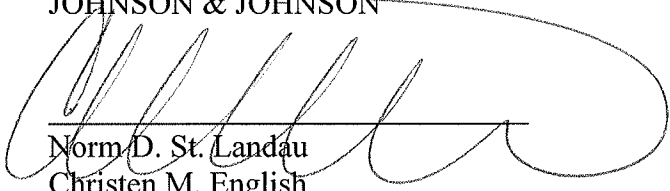
9. The goods on which Opposer intends to use the HELIDERM mark and the goods for which Applicant seeks to register the HEALIXADERM mark are likely to be sold or rendered to the same class of purchasers.
10. The use and registration by Applicant of the HEALIXADERM mark for the goods identified in Ser. No. 85/401,851 is likely to cause confusion, mistake or deception by having the public erroneously assume or believe that the goods emanate from Opposer, or are in some other way associated or connected with Opposer's prior-filed HELIDERM mark, all to Opposer's irreparable damage.

For the reasons set forth above, Opposer believes and believing asserts that it will be damaged by the registration of Ser. No. 85/401,851 - HEALIXADERM. Accordingly, Opposer prays that this Opposition be sustained, and that Applicant be refused registration of the HEALIXADERM mark for the goods set forth in application Ser. No. 85/401,851.

The \$300.00 filing fee is submitted herewith. Should additional fees be required please charge them to the deposit account of Opposer's counsel, No. 50-0573.

Respectfully submitted,
JOHNSON & JOHNSON

By:



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