

ESTTA Tracking number: **ESTTA184446**

Filing date: **01/03/2008**

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	SkinMedica, Inc.
Granted to Date of previous extension	01/05/2008
Address	5909 Sea Lion Place, Suite H Carlsbad, CA 92010 UNITED STATES
Attorney information	F.T. Alexandra Mahaney Wilson Sonsini Goodrich & Rosati 12235 El Camino Real, Suite 200 San Diego, CA 92130 UNITED STATES amahaney@wsgr.com Phone:8583502300

Applicant Information

Application No	79038515	Publication date	11/06/2007
Opposition Filing Date	01/03/2008	Opposition Period Ends	01/05/2008
International Registration No.	0924256	International Registration Date	12/22/2006
Applicant	davinder panacer 5 Tamar Road, Oadby Leicester, LE2 4GN UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Cosmetics, perfumery, non medicated skin care preparations, hair care preparations
Class 044. All goods and services in the class are opposed, namely: Health services namely health care and advice and consultancy services relating thereto; beauty services namely beauty salons and spas, advice and consultancy services relating thereto

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3188953	Application Date	07/14/2005
Registration Date	12/26/2006	Foreign Priority Date	NONE
Word Mark	SKINMEDICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1999/06/30 First Use In Commerce: 1999/06/30 Body and facial beauty care and skin-preparations, namely, facial cleansers; moisturizing creams and lotions; skin tone, texture and firming creams and lotions; after sun creams; sun damage repair creams; age-retardant creams; age spot reducing creams; sunscreens; exfoliant creams; chemical skin peeling solutions; skin firming creams, hydrating creams and skin toners; body and facial mists and sprays; eye creams and serums; and beauty masks		

U.S. Registration No.	2757644	Application Date	06/10/2002
Registration Date	08/26/2003	Foreign Priority Date	NONE
Word Mark	SKINMEDICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 1999/05/01 First Use In Commerce: 1999/05/15 Pharmaceuticals and cosmeceuticals, namely, medicated skin cleansers, toners, moisturizers, rejuvenators, rehydrating creams, and lotions for the face and body		

U.S. Registration No.	3341250	Application Date	07/21/2005
Registration Date	11/20/2007	Foreign Priority Date	NONE
Word Mark	SKINMEDICA <>		
Design Mark			
Description of Mark	The mark consists of the less than/great than symbols, side-by-side above the word SKINMEDICA. Color is not claimed as a feature of the mark.		
Goods/Services	Class 003. First use: First Use: 2005/07/31 First Use In Commerce: 2005/07/21 Body and beauty care cosmetics; Face and body beauty creams; Face and body lotions Class 005. First use: First Use: 2005/07/31 First Use In Commerce: 2005/07/31 Pharmaceutical preparations for the treatment of hirsutism and hair growth retardation, acne, hyperpigmentation disorders, eczema, dermatitis, rosacea, psoriasis and onychomycosis; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for use in dermatology		

U.S. Application No.	78670920	Application Date	07/14/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SKINMEDICA		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 003. First use: Body and facial beauty and skin-care products, namely, body cleansers, freckle reducing creams and non-medicated acne prevention creams

Attachments	78670479#TMSN.jpeg (1 page)(bytes) 78675180#TMSN.jpeg (1 page)(bytes) 78670920#TMSN.jpeg (1 page)(bytes) Opposition SKINMEDICS.pdf (4 pages)(32942 bytes)
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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	/alexandra mahaney/
Name	F.T. Alexandra Mahaney
Date	01/03/2008

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

In the Matter of Application Serial No. 79/038,515
Published in the *Official Gazette* on November 6, 2007
Trademark: **SKINMEDICS**

SkinMedica, Inc. Opposer v. Davinder Panacer, Applicant.	
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NOTICE OF OPPOSITION

SkinMedica, Inc. (“Opposer”), a Delaware corporation having a principal place of business at 5909 Sea Lion Place, Suite H, Carlsbad, CA 92010, believes it will be damaged by registration of the mark SKINMEDICS shown in Serial No. 79/038,515 in International Class 3 and International Class 44 and hereby opposes the same.

As grounds for opposition, Opposer alleges:

1. Opposer has obtained all necessary extensions of time in which to oppose the challenged trademark following publication.
2. Davinder Panacer (“Applicant”) has filed an application to register the mark SKINMEDICS for “cosmetics, perfumery, non medicated skin care preparations, hair care preparations” in International Class 3, and for “health services namely health care and advice and consultancy services relating thereto; beauty services namely beauty salons and spas, advice and consultancy services relating thereto” in International Class 44, as evidenced by the publication of such mark in the *Official Gazette* on November 6, 2007.

3. Applicant is, upon information and belief, an individual having a principal place of business and/or residence at 5 Tamar Road, Oadby, Leicester LE2, 4GN, United Kingdom.

4. Opposer has, since at least as early as May 15, 1999, used the mark SKINMEDICA in connection with a wide variety of skin care preparations. Opposer is the owner of registrations and pending applications for the trademarks SKINMEDICA and SKINMEDICA & DESIGN:

- U.S. Registration No. 3,188,953 for SKINMEDICA for “body and facial beauty care and skin-preparations, namely, facial cleansers; moisturizing creams and lotions; skin tone, texture & firming creams and lotions; after sun creams; sun damage repair creams; age-retardant creams; age spot reducing creams; sunscreens; exfoliant; chemical skin peeling solutions; skin firming creams, hydrating creams, and toners; body and facial mists and sprays; eye creams and serums; and beauty masks” in class 3. This application was filed July 14, 2005, with a date of first use of at least by June 30, 1999.
- U.S. Registration No. 2,757,644 for SKINMEDICA for “pharmaceuticals and cosmeceuticals, namely, medicated skin cleansers, toners, moisturizers, rejuvenators, re-hydrating creams, and lotions for the face and body” in class 5. This application was filed June 10, 2002, with a date of first use of at least by May 15, 1999.
- U.S. Registration No. 3,341,250 for the SKINMEDICA logo for “body and beauty care cosmetics; face and body beauty creams; face and body lotions” in class 3, and “Pharmaceutical preparations for the treatment of hirsutism and hair growth retardation, acne, hyperpigmentation disorders, eczema, dermatitis, rosacea, psoriasis and onychomycosis; Pharmaceutical preparations for treating skin disorders; Pharmaceutical preparations for use in dermatology” in class 5.

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