

THIS DISPOSITION IS NOT
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Paper No. 19
PTH

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re **Enrich International**

Serial No. 74/424,233

Berne S. Broadbent and Michele K. Nigliazzo for **Enrich International**.

Steven R. Fine, Trademark Examining Attorney, Law Office 107
(**Thomas Lamone**, Managing Attorney).

Before **Rice**, **Hairston** and **Walters**, Administrative Trademark Judges.

Opinion by **Hairston**, Administrative Trademark Judge:

This is an appeal from the Trademark Examining Attorney's final refusal to register the mark AEON in typed letters for skin lotions; skin cleansing lotions; skin moisturizers; skin soaps; skin toners; skin emollients; skin creams; skin cleansing creams; skin clarifiers; body lotions; body creams; and night creams sold directly to home purchasers and through independent home distributors.¹

¹Application Serial No. 74/424,233 filed August 13, 1993; alleging a date of first use and a date of first use in commerce of June 1, 1993.

Registration has been refused under Section 2(d) of the Trademark Act, 15 U.S.C. 1052(d), on the ground that applicant's mark, when applied to its goods, so resembles the registered mark E'ON 5 and design shown below for cleansing creams, skin freshener, night creams, facial finish, lipsticks, rouge, face powder, and skin care lotions and creams² as to be likely to cause confusion.

The image shows a hand-drawn trademark consisting of the letters 'E', 'O', 'N', and the number '5'. The 'E' has a horizontal line through its middle. The 'O' is a simple circle. The 'N' is a simple vertical line with a diagonal stroke. The '5' is a simple shape with a horizontal top bar and a curved bottom. The entire mark is drawn with thick, black, irregular lines, giving it a sketchy, hand-drawn appearance.

Applicant and the Examining Attorney have filed briefs. No oral hearing was requested.³

In a previously decided appeal involving applicant's application Serial No. 74/429,940, the Board held that applicant's mark AEON and design for goods identical to those herein was likely to cause confusion with the mark cited herein, E'ON 5. A copy of the Board's May 29, 1997 decision is attached. The issues in the previously decided appeal are virtually identical to those herein. Thus, for the reasons stated in the prior decision, we find that applicant's mark AEON in typed letters is likely to cause

²Registration No 1,551,550 issued August 15, 1989; Sections 8 & 15 affidavit filed.

³Although applicant indicated in its brief that it intended to request an oral hearing, no such request was received by the Board.

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confusion with the registered mark E'ON 5 and design, when used on the same and closely related cosmetics.

Decision: The refusal to register under Section 2(d) of the Act is affirmed.

J. E. Rice

P. T. Hairston

C. E. Walters
Administrative Trademark
Judges, Trademark Trial
and Appeal Board

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