

**United States Patent and Trademark Office
Trademark Trial and Appeal Board**
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: October 15, 2014

In re EBIP, LLC

Serial No. 85981391

Filed: 11/5/2010

NANCY V STEPHENS
FOSTER PEPPER PLLC
1111 THIRD AVENUE SUITE 3400
SEATTLE, WA 98101-3299

**Denise M. DelGizzi,
Technical Program Manager:**

On March 10, 2014, the Intent to Use Division of the Office completed applicant's request to divide application Serial No. 85170784.

The parent (original) application Serial No. 85170784 retained the following goods/services:¹

Class 9 - electronic games comprised of computer software;

Class 14 - Jewelry; Key chains as jewellery; Pendants; Watches;

Class 25 - Belts; Jackets; Pants; Shorts; Skirts; T-shirts; Tops; Undergarments;

Class 41 - Entertainment services namely, personal appearances by an internet personality; Production and distribution of videos in the field of fashion beauty, trends and style;

Class 44 - Providing a web site featuring photographic, audio, video and prose presentations featuring beauty information and where users may view and post comments in the field of beauty; and

Class 45 - Providing a web site featuring photographic, audio, video and prose presentations featuring fashion and fashion trends and style and where users may view and post comments in the field of fashion.

The newly created child application Serial No. 85981391 contains the following goods/services:

Class 3 – Body and beauty care cosmetics; Cosmetic creams; Cosmetic preparations; Cosmetics; Make-up; Make-up for the face and body

On August 27, 2014, applicant filed a new notice of appeal against Class 3. However, since the original notice of appeal filed April 30, 2014 remains the operative appeal for Class 3, the Board's order instituting the notice of appeal on August 27, 2014 is vacated and the filing fee will be refunded in due course.

On January 31, 2014, the applicant filed a request to suspend action on the appeal, pending a final determination in Registration No. 3453516. Registration 3453516, which forms the basis for refusal under Section 2(d) of the Trademark Act, was registered on June 24, 2008. Accordingly, a Section 8 affidavit of use was due to be filed by June 24, 2014, or within the six month grace period following that date. Office records do not reflect the filing of such a paper as yet. If the Section 8 affidavit is not filed within the six-month grace period following the due date, the cited registration will

¹ The Trademark Examining Attorney approved the original "parent" application for publication on June 17, 2014.

Exparte Appeal No. 85981391

automatically be cancelled by this office approximately one month and five days after the close of the grace period.

Accordingly, the applicant's request is granted. Accordingly, action on the appeal is suspended pending a determination as to whether the cited registration will be cancelled. The status of the cited registration will be known approximately on January 29, 2015.

During the suspension period the Board should be notified of any address changes for applicant or its attorney.