

TTAB

BROOKS QUINN

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May 31, 2016

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451 Alexandria, VA 22313-1451

RE: Notice of Opposition Against U.S. Serial No. 86/565,668 BOOGIE'S PACIFIC POMADE
Our Docket No. 5671.0150

I attempted to file the enclosed Notice of Opposition identified above today and was informed the deadline had passed. I previously filed extensions of time through May 28, 2016, which were granted. May 28 was a Saturday and May 30, 2016 was a legal holiday. Enclosed is documentation to this effect.

I am completing the filing by mail in view of the issue with ESTTA and have enclosed a check for the filing fee.

Sincerely,



Hillary A. Brooks



06-03-2016

U.S. Patent & TMO/ TM Mail Rcpt Ct. #11

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

In the matter of U.S. Trademark Application Serial No. 86/565,668
For the mark: BOOGIE'S PACIFIC POMADE
Filed: March 16, 2015
Published: November 24, 2015

11-24-2015 09:07:11 AM
31, 11-24-15

LITTLE BUSY BODIES, LLC,)
)
Opposer,)
)
v.)
)
DOLLAR SHAVE CLUB, INC,)
)
Applicant.)

Opposition No. _____



U.S. Patent & TMO/TM Mail Rpt Dt. #11

NOTICE OF OPPOSITION

1. Little Busy Bodies, LLC, an Ohio limited liability company having a business address of 1130 Findlay Street, Cincinnati, Ohio 45214 (“Opposer”), believes that it will be damaged by registration of the design mark BOOGIE'S PACIFIC POMADE that is the subject of U.S. Trademark Application Serial No. 86/565,668 (“Applicant’s BOOGIE'S PACIFIC POMADE Mark”) for “Hair pomades” filed March 16, 2015, by Dollar Shave Club, Inc., a Delaware corporation having an address of 513 Boccaccio Avenue, Venice, California 90291 (“Applicant”). Opposer opposes registration of Applicant’s BOOGIE'S CASUAL HAIR CLAY.

As first grounds for opposition, Opposer alleges as follows:

2. Opposer owns U.S. Trademark Registration No. 4,162,748 for the mark BOOGIE for “baby wipes; disposable nasal wipes impregnated with saline; disposable wipes impregnated with saline for personal hygiene; pre-moistened cosmetic wipes; scent-infused pre-moistened cosmetic wipes; moisturizing disposable wipes impregnated with cleansing chemicals or compounds for personal hygiene; moisturizing baby wipes for animals; pre-moistened cosmetic wipes for animals” issued June 26, 2012. Opposer owns U.S. Trademark Registration No. 3,541,165 for the mark BOOGIE WIPES for “wipes for noses, namely, disposable paper materials impregnated with saline” issued December 2, 2008. Opposer owns U.S. Trademark Registration

No. 3,750,406 for the mark BOOGIE MOMS for “wipes for noses, namely, disposable paper materials impregnated with saline” issued February 16, 2010. Opposer owns U.S. Trademark Registration No. 3,560,905 for the mark BOOGIES ON THE RUN for “wipes for noses, namely, disposable paper materials impregnated with saline” issued January 13, 2009. Opposer owns U.S. Trademark Registration No. 4,109,524 for the mark BOOGIE BUDDY for “plush toys; fluff toys; stuffed toys; stuffed toy animals; dolls; promotional toys, namely, stuffed animals” issued March 6, 2012. Opposer owns U.S. Trademark Application Serial No. 86/927,515 for the mark BOOGIE for “non-medicated saline mist for nasal use; nasal decongestant; nasal moisturizer for nasal irrigation. (Collectively, “BOOGIE Marks”).

3. Applicant’s BOOGIE’S PACIFIC POMADE Mark so resembles Opposer’s previously registered BOOGIE Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or deception.

As second, alternative, grounds for opposition, Opposer alleges as follows:

4. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and not abandoned the BOOGIE Marks as trademarks for disposable nasal wipes and/or other related goods.

5. Applicant’s BOOGIE’S PACIFIC POMADE Mark so resembles Opposer’s BOOGIE Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or deception.

As third, alternative, grounds for opposition, Opposer alleges as follows:

6. Opposer is the owner of a family of BOOGIE marks, including BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY for disposable nasal wipes and/or other related goods.

7. Opposer, since prior to Applicant’s filing date or any date of first use upon which Applicant can rely, has used and promoted its marks BOOGIE, BOOGIE WIPES, BOOGIE MOMS, BOOGIES ON THE RUN, and BOOGIE BUDDY as a family of marks.

8. Applicant's BOOGIE'S PACIFIC POMADE Mark is so similar to Opposer's family of marks that, when used on or in connection with the goods of Applicant, is likely to be perceived as another member of Opposer's family of marks, and is likely to cause confusion, mistake, or deception.

As fourth, alternative, grounds for opposition, Opposer alleges as follows:

9. Applicant's BOOGIE'S PACIFIC POMADE Mark when used on or in connection with the goods of Applicant falsely suggests a connection with Opposer.

Opposer prays that this opposition is sustained and that registration to Applicant is refused.

Respectfully submitted,

BROOKS QUINN, LLC

/Hillary A. Brooks/
Hillary A. Brooks
Registration No. 45,815
Attorney for Opposer

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served upon Applicant on May 31, 2016, by forwarding said copy via first class mail to the Correspondent of Record at the following address:

Gina Durham
DLA PIPER LLP US
555 MISSION ST STE 2400
San Francisco, CALIFORNIA UNITED STATES 94105-0922

/Hillary A. Brooks/
Hillary A. Brooks



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Extension of Time

Number: 86565668

Status: Not Instituted

General Contact Number: 571-272-8500

Paralegal Name: JOI WILSON

Filing Date: 03/28/2016

Status Date: 04/04/2016

Opposition #:

Defendant

Name: Dollar Shave Club, Inc.

Correspondence: PAUL A MCLEAN

DLA PIPER LLP US
2000 UNIVERSITY AVE
EAST PALO ALTO, CA 94303-2214
UNITED STATES
tmdocket@dlapiper.com
Phone: 650-833-2373

Serial #: 86565668

Application File

Application Status: Request For Extension of Time to File Opposition

Assignment

Mark: BOOGIE'S PACIFIC POMADE

Potential Opposer

Name: LITTLE BUSY BODIES, LLC

Correspondence: Hillary A. Brooks

Brooks Quinn, LLC
19215 SE 34th St. #106-333
Camas, WA 98607
UNITED STATES
docketing@brooksquinn.com
Phone: 5036291559

Granted To Date: 05/28/2016

Prosecution History

#	Date	History Text
5	05/09/2016	<u>CHANGE OF CORRESP ADDRESS</u>
4	04/04/2016	<u>EXT GRANTED</u>
3	03/28/2016	<u>INCOMING - EXT TIME TO OPPOSE FILED</u>
2	01/12/2016	<u>EXT GRANTED</u>
1	12/29/2015	<u>INCOMING - EXT TIME TO OPPOSE FILED</u>

Results as of 05/31/2016 04:46 PM

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Notice of Opposition

Navigation: - Stop

ESTTA v.3.4.0

PTO-2120 (Exp. 05/31/2017)

OMB No. 0651-0040 (Exp. 05/31/2017)

Stop

Applicant	Dollar Shave Club, Inc.
Application Serial Number	86565668
Filing Date of Application	2015-03-16
Date of Publication (../help.html#publication)	11/24/2015
International Classes	003
Applied-for Mark	BOOGIE'S PACIFIC POMADE

The record in the application reveals that the mark was published for opposition ([../help.html#publication](http://help.html#publication)) on 11/24/2015.

Thus, the time for filing an opposition or request for extension of time appears to have expired on 12/24/2015.

See Section 13 of the Act and Trademark Rule 2.102(c).

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