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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

December, 2, 2004 2 pgs

Trademark trial and appeal board opposition 91122000

75/938,128
75/008,413

Amazon.com vs von eric lerner kalaydjian cosmeticsamazon

Response answer to notice of opposition .

1. deny . the cosmeticsamazon trademarke was approved in the year 2000 at which time amazon.com had illegally expanded serial number 75-662416.

2.i am not aware nor do I have sufficient information. I cannot admit. Amazon cosmetics and tan products servicemark was used in commerce In 1999 prior to amazon.com ever retailing cosmetics.

3.deny. the new ninth circuit court of appeals decision Nissan vs Nissan confirms that applicants trademarks as of 1999 and 2000 were first in retailing cosmetics before amazon.com ever actually retailed cosmetics from its websight .

4.deny.
in july of 1999 amazon.com was not famous and apparently only sold books and not suntanning products or cosmetics.
5.deny. zip code is 90065

6.admit.

7.deny. uspto by approving cosmeticsamazon over 4 years ago has confirmed that the mark cosmeticsamazon is a coined servicemark and trademark and that in 2000 could not have ever been confused by consumers as having anything to do with amazon.com books.!!!!

8.deny. in 2002 opposer pulled back from a civil lawsuit in federal court with prejudice after opposer had sued with damages against amazon cosmetics and tan products. Obviously amazon.com was aware that the corporation had commited fraud by knowingly illegally expanding a trademark application to turn around and

12-02-2004
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frivolously accuse me von eric lerner kalaydjian of being a criminal,

a cybersquater and extorsionist.

9.deny. cosmeticsamazon has every right to be registered.
Amazon.com is late in trying to follow up on opposing

My cosmeticsamazon mark and since September 16,1999 doesn't

Have a case against amazon cosmetics and tan products on and off

The internet.

Dec, 21 2004

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U.S. Patent & TMOfc/TM Mail Rcpt. Dt. #40

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

#2

AMAZON.COM, INC.
1200 12th Avenue South, Suite 1200
Seattle, Washington 98144,

Opposer,

v.

VON ERIC LERNER KALAYDJIAN
4226 Scandia Way
Los Angeles, California 90065,

Applicant.

In the Matter of Application
Serial No. 75-938128

Published in the Official Gazette December 5, 2000

Opposition No. 122,000

NOTICE OF OPPOSITION BY
AMAZON.COM, INC.

FEB 12 PM 10:35

Box TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Amazon.com, Inc. ("Amazon.com") hereby opposes Application Serial No. 75-938128, filed by Von Eric Lerner Kalaydjian ("Applicant") seeking registration of the mark "COSMETICSAMAZON."

As grounds of opposition, it is alleged that:

1. Amazon.com is a corporation organized and existing under the laws of the State of Delaware. Amazon.com is the owner of the following United States Trademark Registrations (the "Amazon.com Marks"):

Eum 2/9/01

REGISTERED MARK	REGISTRATION NO.
Amazon.com	2,078,496
Amazon.com	2,167,345
Amazon.com Books	2,078,494

2. Amazon.com filed the following pending applications for United States Trademark Registrations prior to Applicant's filing of Application Serial No. 75-938128:

MARK	APPLICATION SERIAL NO.
Amazon.com	75-662416
Amazon.com Auctions	75-669290
Amazon.com	75-790047
Amazon.com	75-895252
Amazon.com	75-895247
Amazon.com	75-895245
Amazon.com	75-895242
Amazon.com	75-895237
Amazon.com Hotlists	75-895226
Amazon.com	75-895250
Amazon.com	75-830396
Amazon.com Anywhere	75-795215
Amazon.com Auctions	75-979673

3. Amazon.com is engaged in the business of, among other things, selling goods and services over the global computer network known as the Internet. Amazon.com operates a Web site from the Internet address <amazon.com> ("Amazon.com Site"), which is accessible to computer users throughout the United States. The Amazon.com Site allows users to access information regarding Amazon.com and the products and services it offers, and to purchase a wide selection of products, including books, toys, music videos, software, tools and hardware and home electronics. Among other things, the Amazon.com Site sells, distributes and promotes products related to health and beauty. Amazon.com makes use of the Amazon.com Marks to identify and denote the source of the goods and services it offers.

4. Amazon.com has built up a valuable reputation and tremendous goodwill in the Amazon.com Marks as applied to and used in connection with Amazon.com's business.

5. On information and belief, Applicant is an individual doing business as Amazon Cosmetics and Tan Products whose address is: 4226 Scandia Way, Los Angeles, California 90036.

6. Applicant has filed an application, Serial No. 75-938128, to register the mark "COSMETICSAMAZON" ("Proposed Mark") in International Class 35 for goods and services described as "retail store and on-line ordering services featuring skin tanning preparations, namely, lotions, creams, gels and oils, sunblock lotion to be applied to the skin and lips, cosmetics and skin cleaning preparations, namely, facial soap, body soap, bath oil, hair shampoos and conditioners, skin lotions, face and body cleansers, colognes, eau de toilette, and perfumes."

7. Applicant's Proposed Mark is confusingly similar to Amazon.com's registered Amazon.com Marks. Moreover, Amazon.com would be damaged by the registration of the Proposed Mark within the meaning of Section 1063 of Title 15, United States Code. Among other things, the registration and use by Applicant of the Proposed Mark on the goods described in Application Serial No. 75-938128 is likely to: (i) give rise to the mistaken belief by members

of the public that Applicant's goods originate from or are in some way associated with Amazon.com, the Amazon.com Marks and/or the goods and services that Amazon.com offers under the Amazon.com Marks; and/or (ii) cause members of the public to be confused and deceived as to source, origin, affiliation and sponsorship of Applicant's goods or services offered under the Proposed Mark. Amazon.com believes that Applicant's registration and use of the Proposed Mark for the goods and services set forth above will continue to damage Amazon.com's established good will and reputation.

8. The Amazon.com Marks have become and continue to be famous within the meaning of 15 U.S.C. § 1125(c). Moreover, Amazon.com would be damaged by the registration of the Proposed Mark within the meaning of Section 1063 of Title 15, United States Code. Among other things, the registration and use by Applicant of the Proposed Mark on the goods described in Application Serial No. 75-938128 is likely to cause dilution of the distinctive quality of the Amazon.com Marks and lessen the capacity of such marks to identify and distinguish Amazon.com's goods and services.

9. Registration of the mark sought to be registered in Application Serial No. 75-938128 is barred by provisions of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d), in that it consists of or comprises a mark which so resembles a mark previously registered and used in the United States by Amazon.com on related services, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.