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

In the Matter of Application of Serial No. 78455833
Published in the Official Gazette of May 31, 2005

ELIZABETH GRADY FACE FIRST, INC. Opposer, SPRINT COMMUNICATIONS COMPANY L.P. Applicant.	)	Opposition No. _____ NOTICE OF OPPOSITION

06-13-2005
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

Assistant Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Attention: Trademark Trial and Appeal Board

Opposer, Elizabeth Grady Face First, Inc., a Massachusetts corporation having a principal place of business at 222 Boston Avenue, Medford, Massachusetts 02155 ("Opposer"), believes that it will be damaged by registration of the mark "WITH SPRINT, BUSINESS IS BEAUTIFUL, "as shown in Application Serial No. 78455833, in International Class 38 for "telecommunication services, namely, providing multiple user access to a global computer information network; local and long distance transmission of voice and data by means of wireless telephones; telephone communication services; telecommunication network services, namely, providing access to data transmission and reception services via fiber optic networks, audio and video conferencing services" and opposes the same. This Notice of Opposition is submitted in duplicate and the filing fee is enclosed herewith. If any additional

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fees are owed, please charge Deposit Account 03-2410, Order No. 31,300-2. A duplicate copy of this Notice of is enclosed for accounting purposes.

As grounds, Opposer states the following:

1. Opposer is the owner of the mark "BUSINESS IS BEAUTIFUL, "Registration No. 1793848, filed February 10, 1993, registered September 21, 1993, and registration renewed in 2003, for "franchising services, namely offering technical assistance in the establishment and/or operation of skin care salons" in International Class 35.

2. Opposer has been using the mark BUSINESS IS BEAUTIFUL in interstate commerce in the United States at least as early as October of 1988, and on information and belief, began using the mark prior to any use by Applicant of the mark WITH SPRINT, BUSINESS IS BEAUTIFUL, or any similar mark. Therefore, Opposer has standing to oppose Applicant's application for registration.

3. Opposer's use of the mark BUSINESS IS BEAUTIFUL is directed at people associated with businesses as well as other consumers. Applicant's use of the mark WITH SPRINT, BUSINESS IS BEAUTIFUL is directed at people associated with businesses as well as other consumers. Both parties' ultimate goods/services store front retail outlets that can be in close proximity and potential customers, including but not limited to business owners and business employees, can easily visit/browse both parties' outlets easily in one shopping trip. Media advertising of both parties' ultimate services are made to the same markets at least in part.

4. Applicant's mark, WITH SPRINT, BUSINESS IS BEAUTIFUL, so resembles Opposer's previously registered mark, BUSINESS IS

BEAUTIFUL, as to be likely, when used on or in connection with the services of the Applicant, to cause confusion, or to cause mistake, or to deceive consumers.

5. Applicant's use or registration of the mark WITH SPRINT, BUSINESS IS BEAUTIFUL, in connection with the listed services, will damage Opposer.

6. Opposer states further that Applicant had communications with Opposer about the likelihood of confusion and stonewalled Opposer, but on information and belief, refrained from passing information concerning the parties' dispute over right to register to the PTO Trademark Law Office 110 which conducted *ex parte* examination of the application. This is an additional ground for refusing registration.

For the foregoing reasons, and for reasons and facts expected to be developed during this proceeding, Opposer files this Notice of Opposition.

Respectfully submitted,

ELIZABETH GRADY FACE
FIRST, INC., Opposer

Date: June 10, 2005

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