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FILE NO. 78413.00001

December 12, 2005

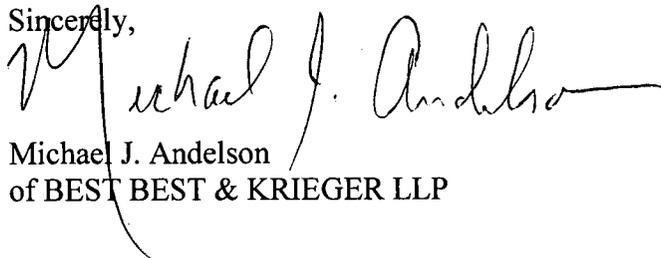
*VIA EXPRESS MAIL*Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, Virginia 22314Re: Trademark: MONAVE
Application Serial No.: 78/271858
Filing Date: July 8, 2003

Dear Sir or Madam:

Enclosed are three duplicate copies of the Notice of Opposition against the mark MONAVE, and Best Best & Krieger LLP check no. 3002473 in the amount of \$300.00 which represents payment of the filing fee for same.

Should you have any questions or comments regarding the enclosed, please do not hesitate to contact the undersigned. Thank you for your prompt attention to this matter.

Sincerely,

Michael J. Andelson
of BEST BEST & KRIEGER LLPMJA:pmk
Enclosures
cc: Johnson Marketing Group, Inc. (w/enclosures)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Application Serial No.: 78/271858

Published in the Official Gazette (Trademarks) on November 1, 2005

JOHNSON MARKETING GROUP, INC.)	
Opposer)	
)	Opposition No.:
vs.)	
)	
DEBORAH HOLCOMBE BILEZIKIAN)	
Applicant)	

NOTICE OF OPPOSITION

Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

Opposer Johnson Marketing Group, Inc., a corporation organized and existing under the laws of Nevada, located and doing business at 2503 Turtle Head Peak Drive, Las Vegas, Nevada 89135, believing it will be damaged by Applicant's registration of the trademark MONAVE for use in connection with "mineral cosmetics, namely, foundation, eye shadow, eye and lip liners, blush, lipsticks and lip glosses" in International Class 003; shown in U.S. Trademark App. Ser. No. 78/271858, published in the Official Gazette on November 1, 2005, hereby opposes same.

As grounds for this opposition, Opposer alleges the following:

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1. Opposer Johnson Marketing Group, Inc. has for eight years been engaged in interstate commerce, in the business of manufacturing, distributing, and selling its famous line of cosmetics.
2. For eight years, and long prior to the filing date of the application herein opposed, Johnson Marketing Group, Inc. has used, and continues to use, various trademarks incorporating the word "MOJAVE" in interstate commerce throughout the United States in connection with the sale of a wide variety of goods in International Class 003. (The MOJAVE mark was registered June 1, 1999, and the MOJAVE MAGIC mark was registered July 29, 2003.)
3. Johnson Marketing Group, Inc. owns, inter alia, the following registrations and application for marks incorporating the word "MOJAVE" on the Principal Register of the United States Patent and Trademark Office; together with all right, title and interest in the marks shown therein, and all of the business and goodwill represented thereby:

Mark	Registration No./Serial No.	Goods
MOJAVE	2,248,533	sun protection and treatment lotion in international class 003
MOJAVE MAGIC	2,742,176	cosmetics, namely, bronzers, blush powders, eye shadows, lipsticks and tinted moisturizers in international 003

Mark	Registration No./Serial No.	Goods
MOJAVE	78/486226	cosmetics; skin care products, namely, foundations, concealers, face powder, eye shadow, blushes, lipsticks, mascaras, moisturizers, lip pencils, eye pencils, and eye crèmes in international class 003

4. The registrations for the MOJAVE and MOJAVE MAGIC marks remain valid, subsisting and uncancelled, and the MOJAVE mark has become incontestable¹ by virtue of long and continuous use.
5. Since its adoption and use of the MOJAVE marks, Johnson Marketing Group, Inc. has extensively advertised, distributed and sold goods bearing the MOJAVE marks and maintained high quality standards relating thereto. As a consequence, the consuming public and the trade have come to recognize the MOJAVE marks as being used by Johnson Marketing Group, Inc. or by a single source, and to associate and identify goods sold under the MOJAVE marks with Johnson Marketing Group, Inc. or a single source. Johnson Marketing Group, Inc. derives substantial goodwill and value from this identification by the consuming public and the trade.
6. By the application opposed herein, Applicant Deborah Holcombe Bilezikian seeks to register the word mark MONAVE on the Principal Register for use in connection with “mineral cosmetics, namely, foundation, eye shadow, eye and lip liners, blush, lipsticks and lip glosses” in International Class 003.

¹ 15 U.S.C. § 1065

7. Applicant's MONAVE mark is confusingly similar in sight, sound and commercial impression to Johnson Marketing Group, Inc.'s marks, and the goods identified in the MONAVE mark are identical to the goods sold under the Johnson Marketing Group, Inc. marks.
8. The MONAVE mark, when used in connection with Applicant's goods as identified in the subject application, so resembles Johnson Marketing Group, Inc.'s previously registered and used MOJAVE marks as to be likely to cause confusion, mistake, and/or to deceive consumers concerning an affiliation, connection, association or sponsorship with the source of goods sold under the Johnson Marketing Group, Inc. marks, in violation of 15 U.S.C. § 1052(d), with consequent injury to Johnson Marketing Group, Inc., the public and the trade.
9. Pursuant to 15 U.S.C. § 1063(a), Johnson Marketing Group, Inc. believes it will be damaged by the registration of Applicant's MONAVE mark in that a substantial portion of the purchasing public and/or the trade is likely to be confused or mistakenly believe that Applicant's MONAVE mark originates from Johnson Marketing Group, Inc., or from the same source as goods sold under the Johnson Marketing Group, Inc. marks, or that such products are sponsored by, endorsed by, or affiliated with the source of goods sold under the Johnson Marketing Group, Inc. marks. Such likelihood of confusion results in damage to the goodwill among purchasers and the trade that the MOJAVE marks symbolize. Registration of the MONAVE mark will support and assist Applicant in the confusing and misleading use of Applicant's mark, and, in addition, will give

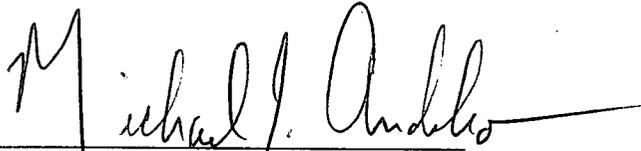
exclusive statutory right to Applicant in violation and derogation of prior and superior rights of Johnson Marketing Group, Inc.

10. On November 1, 2005, the application opposed herein was published for opposition. Opposer, through its undersigned counsel, timely filed a Request for Extension of Time to Oppose the application. The USPTO Trademark Trial and Appeal Board granted that extension. This Notice of Opposition, filed prior to expiration of the extension period, is timely filed.

WHEREFORE, Johnson Marketing Group, Inc. prays that registration of Application Serial No. 78/271858 not be allowed.

This Notice of Opposition is submitted in triplicate, and a check in the amount of \$300.00 constituting the filing fee is enclosed for payment to oppose all classes.

This the 12th day of December, 2005.



Michael J. Andelson
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Indian Wells, California 92210
Phone: (760) 568-2611
Fax: (760) 340-6698
Attorney for Opposer

CERTIFICATE OF MAILING

I hereby certify that three copies of the foregoing **Notice of Opposition** regarding **Serial No. 78/271858** for the mark, **MONAVE**, are being deposited with the United States Postal Service with sufficient postage as Express Mail, tracking label **ER 151194952 US** in an envelope addressed as follows:

Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

On December 12, 2005



Paul L. MacKey