

ESTTA Tracking number: **ESTTA252167**

Filing date: **12/02/2008**

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

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Joumana Mousselli		
Entity	Individual	Citizenship	UNITED STATES
Address	19314 Diamond Park Circle Spring, TX 77373 UNITED STATES		

Name	Xtreme Lashes, L.L.C.		
Entity	Corporation	Citizenship	Texas
Address	24127 West Hardy Road, Suite C Spring, TX 77373 UNITED STATES		

Attorney information	Karen B. Tripp Karen B. Tripp, Attorney at Law P.O. Box 1301 Houston, TX 77251-1301 UNITED STATES ktripp@tripplaw.com Phone:713-658-9323		
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Applicant Information

Application No	77099828	Publication date	11/18/2008
Opposition Filing Date	12/02/2008	Opposition Period Ends	12/18/2008
Applicant	Lavish Lashes, L.L.C. P.O. Box 8304 Riverside, CA 92513 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: artificial eyelashes, eyelash extensions, cosmetics, adhesives for attaching artificial eyelashes and/or fingernails, adhesives for cosmetic use, ammonia for cleaning purposes, astringents for cosmetic purposes, body scrubs, body cream, body emulsions, all purpose cleaning preparations, skin cleansing lotion, disinfectant soaps, eye shadow, eye gels, eyebrow pencils, makeup remover, makeup, makeup foundation, eye makeup remover, eye makeup, facial makeup, mascara, massage oil, medicated soap, skin moisturizer, pre-moistened cosmetic tissues, pre-moistened cosmetic towelettes, pre-moistened cosmetic wipes, skin cleansers, skin emollients, skin clarifiers, skin texturizers, skin soap, liquid soap, cotton swabs for cosmetic purposes, cotton swabs for personal use and permanent makeup

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
Genericness	Trademark Act section 23
Related Proceedings	In the U.S. Patent & Trademark Office, Application Serial No. 77522050 for JO MOUSSELLI LASH STUDIO and Application Serial No. 77399193 for J.MOUSSELLI LASH STUDIO
Attachments	scan0040.pdf (4 pages)(1901903 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/karen tripp/
Name	Karen B. Tripp
Date	12/02/2008

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

In re U.S. Registration No. 77/099828 §
§
Filed: February 5, 2007 §
§
Published: November 18, 2008 §
§
Mark: LASH STUDIO §
§
Applicant: Lavish Lashes, L.L.C. §
§

JOUMANA MOUSSELLI, and
XTREME LASHES LLC.
Opposers

v.

LAVISH LASHES, L.L.C.,
Applicant

NOTICE OF OPPOSITION

Opposers, Joumana Mousselli and Xtreme Lashes L.L.C, believing that they will be damaged by registration of the above application, hereby oppose the application.

1. Opposer, Joumana Mousselli, is an individual having an address at 19314 Diamond Park Circle, Spring, Texas 77373.
2. Opposer, Xtreme Lashes L.L.C., is a Texas corporation, having a principal place of business, at 24127 West Hardy Road, Suite C, Spring, Texas 77373.
3. Opposer Joumana Mousselli is president of Opposer Xtreme Lashes L.L.C. and has licensed her various trademarks to Opposer Xtreme Lashes L.L.C.
4. Opposers and Applicant are all in the beauty business selling semi-permanent eyelash extensions and related products and services.

5. Opposers have plans for providing and selling health spa services, and particularly cosmetic body care services, including application of eyelash extensions and related products and services, under the JO MOUSSELLI LASH STUDIO and/or J. MOUSSELLI LASH STUDIO service marks.

6. On information and belief, Applicant intends to sell its eyelash extensions and related products under the LASH STUDIO trademark.

7. Opposers will be injured by the registration of the Applicant's LASH STUDIO mark because United States Patent and Trademark Examiners have advised that Opposer Joumana Mousselli's own Application Serial No. 77399193 for J.MOUSSELLI LASH STUDIO and Application Serial No. 77522050 for JO MOUSSELLI LASH STUDIO, may be refused registration in view of the registration of LASH STUDIO.

8. Opposers will be further injured by the registration of LASH STUDIO because of the likelihood of confusion in the marketplace between Opposers' health spa and cosmetic body care services, including eyelash extensions, and Applicant's eyelash extensions and related beauty products, due to the similarity of the marks and the similarity of the products and services offered to the same or substantially the same market.

9. The term "lash studio" is a feature of Opposer Joumana Mousselli's JO MOUSSELLI LASH STUDIO and J.MOUSSELLI LASH STUDIO marks, and the term "lash studio" constitutes the entirety of Applicant's LASH STUDIO mark.

10. The term "lash studio" is believed to be a generic term, or at least a descriptive term, of a place for sale/purchase and application of eyelash extensions, in the

relevant market, much as the term "Hair Salon" is a generic or descriptive term of a place for sale/purchase and application of haircuts, hair styles, and hair treatments.

11. There are already numerous "lash studios" in the marketplace, called at least in part by that term, that sell and apply eyelash extensions. The term "lash studio" alone is not distinctive in the marketplace and should not be entitled to registration.

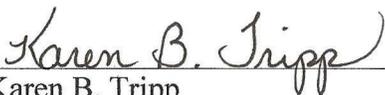
12. Although Applicant seeks to register the mark LASH STUDIO for products, namely eyelashes, eyelash extensions, and related other products and cosmetics, such products would commonly be sold and used at places called "lash studios" in the relevant market.

WHEREFORE, Opposers respectfully request that this opposition be instituted.

The Trademark Trial and Appeal Board is authorized to debit the filing fee for this opposition in the amount of \$300 to Deposit Account No. 50-0807.

Respectfully submitted,

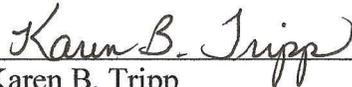
December 2, 2008



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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Lavish Lashes, L.L.C. by mailing said copy on December 2, 2008, via United States Express Mail, postage prepaid, Mailing Label No. EH468388301US, to: Darren S. Rimer, Rimer & Mathewson LLP, 26440 La Alameda, Suite 370, Mission Viejo, CA 92691, Counsel for Lavish Lashes, L.L.C.



Karen B. Tripp