

ESTTA Tracking number: **ESTTA360921**

Filing date: **07/30/2010**

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

Proceeding	91188736
Party	Plaintiff Anastasia Beverly Hills, Inc.
Correspondence Address	JOHN M. MAY Berliner & Associates 555 W Fifth Street 31st Floor Los Angeles, CA 90013 UNITED STATES lwerk@berliner-ip.com, Law@May.us, dchavez@dchavezlaw.com, raluca@anastasia.net
Submission	Other Motions/Papers
Filer's Name	John M May
Filer's e-mail	lwerk@berliner-ip.com, Law@May.us, dchavez@dchavezlaw.com, raluca@anastasia.net
Signature	/John M May/
Date	07/30/2010
Attachments	Notice re Sec7s.pdf ( 9 pages )(67434 bytes )

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

ANASTASIA BEVERLY HILLS, INC.  
ANASTASIA SOARE  
ANASTASIA SKIN CARE, INC.

Plaintiffs/Opposers

Opposition No.

v.

91188736

ANASTASIA MARIE LABORATORIES, INC.

Defendant/Applicant

**NOTICE RE FILING OF SECTION 7 DECLARATIONS**

Further to Plaintiff's Notice re Filing of Section 8 Declaration dated 23 June 2010 and pursuant to the Board's Order dated 30 June 2010, Registrant filed a Section 7 Declaration in Registration 2798069 on 26 July and a Section 7 Declaration in Registration 2821892 on 30 July 2010.

A copy of the filing receipts for both Section 7 Declarations is attached. Further details may be found in the official file for said Registrations.

Respectfully submitted

/John M May/  
John M May  
Attorney for OPPOSERS

Dated: July 30, 2010

John May, Attorney-at-Law  
Berliner & Associates  
555 W Fifth St  
Los Angeles, CA 90013  
(626) 355 4607  
john@may.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this NOTICE RE FILING OF SECTION 7 DECLARATIONS is being served this date upon APPLICANT by email, by agreement, upon APPLICANT's counsel, at daphneb@earthlink.net.

/John M May/  
John M May  
Attorney for Opposers

Dated: July 30, 2010

Trademark Electronic Application System (TEAS) filing receipt

We have received your Section 7 Request Form below.

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **2821892 ANASTASIA BEVERLY HILLS**

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 003 for potpourri; cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, bronzing products, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color products, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, nail polish, nail base coat, and nail top coat; skin care products, namely, facial cleansers, facial cleansing bars, facial toners, facial astringents, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye area creams, facial masques, facial serums, facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 09/00/2000, and is now in use in such commerce.

**Proposed:** Class 003 for cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color pencils, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel; skin care products, namely, facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye area creams, facial serums

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 08/00/2000, and is now in use in such commerce.

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 004 for candles

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 09/00/2000, and is now in use in such commerce.

**Proposed:** Class 004 for DELETE CLASS ENTIRELY

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 09/00/2000, and is now in use in such commerce.

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 021 for cosmetic brushes

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 08/00/2000, and is now in use in such commerce.

**Proposed:** Class 021 for cosmetic brushes

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 10/00/2000, and is now in use in such commerce.

#### **CORRESPONDENCE ADDRESS CHANGE**

Registrant proposes to amend the following:

**Current:** John M May Berliner & Associates 31st Floor 555 West Fifth Street Los Angeles CA 90013

**Proposed:** John M May of BERLINER & ASSOCIATES, having an address of 31st Floor 555 West Fifth Street Los Angeles, California United States 90013.

The docket/reference number is 7915-106 (AB-002T).

Registrant proposes to amend the following:

**Current:** John M May Berliner & Associates 31st Floor 555 West Fifth Street Los Angeles CA 90013

**Proposed:** John M May of BERLINER & ASSOCIATES, having an address of 31st Floor 555 West Fifth Street Los Angeles, California United States 90013, whose e-mail address is lwerk@berliner-ip.com, whose phone number is 626 375 6025 and whose fax number is 213 533 4174.

The docket/reference number is 7915-106 (AB-002T).

#### **ADDITIONAL STATEMENTS**

##### **Miscellaneous Statement(s)**

This registration is currently the subject of a cancellation counterclaim in TTAB Opposition 91188736. The TTAB approved certain permissible restrictions to the identification of the Class 3 goods and amended dates of use in compliance with the applicable rules, subject to the filing of the declaration required by Trademark Rule 2.173. Although the present amendment differs in certain minor respects from the proposed amendments that were before the TTAB, it is believed to be fully consistent with the TTAB opinion. The noted TTAB order also indicated that the TTAB would request that the Director take appropriate action to delete Class 4 in its entirety.

##### **FEE(S)**

Fee(s) in the amount of \$100 is being submitted.

Signature: /John May/ Date: 07/30/2010  
Signatory's Name: John M May  
Signatory's Position: Attorney of record, Calif bar

**Request Signature**

Signature: /John May/ Date: 12/23/2009  
Signatory's Name: John M May  
Signatory's Position: Attorney of record, Calif. bar

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the registrant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the registrant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the registrant has filed a power of attorney appointing him/her in this matter; or (4) the registrant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

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Thank you,

The TEAS support team  
Fri Jul 30 19:03:59 EDT 2010  
STAMP: USPTO/S7R-38.106.9.41-20100730190359849927-2821892-  
4702e53ce97fff5520a8788efee7b6148f-DA-4975-20100730173213089569

Trademark Electronic Application System (TEAS) filing receipt

We have received your Section 7 Request Form below.

To the Commissioner for Trademarks:

The registrant requests the following amendment(s) to registration no. **2798069**

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 003 for [ Potpourri; ] cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, [ bronzing liquid, ] eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color pencils, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, [ nail polish, nail base coat, and nail top coat; ] skin care products, namely, [ facial cleansers, facial cleansing bars, facial toners, facial astringents, ] facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye-area creams, [ facial masques, ] facial serums, [ facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances ]

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/1999 and first used in commerce at least as early as 09/00/1999, and is now in use in such commerce.

**Proposed:** Class 003 for [ Potpourri; ] cosmetics, namely, foundation, concealer, pressed powder, loose powder, eye shadow base, blush, [ bronzing liquid, ] eye shadows, mascara, eyeliners, lip coverings, lipstick, lip gloss, lip liners, eyebrow color pencils, eyebrow pencils, eyebrow powder, eyebrow pomade, eyebrow gel, [ nail polish, nail base coat, and nail top coat; ] skin care products, namely, [ facial cleansers, facial cleansing bars, facial toners, facial astringents, ] facial moisturizers, eye creams, eye gels, eye-area moisturizers, eye-area gels, eye-area creams, [ facial masques, ] facial serums, [ facial exfoliators, body cream, body lotion, body powder, body moisturizers, body lotions, body toners, body astringents, and hand creams; body cleansing products, namely, creams, gels, and bar soaps; fragrance products, namely, perfume, eau de parfum, eau de toilette, eau de cologne, and fragranced creams, lotions, gels, bar body toners, and astringents; room fragrances ]

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 08/00/2000, and is now in use in such commerce.

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 004 for [ candles ]

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the

registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/1999 and first used in commerce at least as early as 09/00/1999, and is now in use in such commerce.

**Proposed:** Class 004 for [candles]

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/1999 and first used in commerce at least as early as 09/00/1999, and is now in use in such commerce.

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 008 for eyebrow tweezers and eyebrow grooming scissors

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/1999 and first used in commerce at least as early as 09/00/1999, and is now in use in such commerce.

**Proposed:** Class 008 for eyebrow tweezers and eyebrow grooming scissors

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 08/00/2000, and is now in use in such commerce.

**Registrant proposes to amend the following class of goods/services in the application:**

**Current:** Class 021 for cosmetic brushes

Original Filing Basis:

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 09/00/1999 and first used in commerce at least as early as 09/00/1999, and is now in use in such commerce.

**Proposed:** Class 021 for cosmetic brushes

**Filing Basis: Section 1(a), Use in Commerce:** The registrant is using the mark in commerce, or the registrant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 03/00/2000 and first used in commerce at least as early as 10/00/2000, and is now in use in such commerce.

#### **CORRESPONDENCE ADDRESS CHANGE**

Registrant proposes to amend the following:

**Current:** John M May BERLINER & ASSOCIATES 555 WEST FIFTH STREET 31ST FLOOR LOS ANGELES CA 90013

**Proposed:** John M May of BERLINER & ASSOCIATES, having an address of 555 WEST FIFTH STREET 31ST FLOOR LOS ANGELES CA 90013, California United States 90013, whose e-mail

address is lwerk@berliner-ip.com, whose phone number is 626 375 6025 and whose fax number is 213 533 4174.

The docket/reference number is AB-001T/7915.

Registrant proposes to amend the following:

**Current:** John M May BERLINER & ASSOCIATES 555 WEST FIFTH STREET 31ST FLOOR LOS ANGELES CA 90013

**Proposed:** John M May of BERLINER & ASSOCIATES, having an address of 555 WEST FIFTH STREET 31ST FLOOR LOS ANGELES CA 90013, California United States 90013, whose e-mail address is lwerk@berliner-ip.com, whose phone number is 626 375 6025 and whose fax number is 213 533 4174.

The docket/reference number is AB-001T/7915.

### **ADDITIONAL STATEMENTS**

#### **Miscellaneous Statement(s)**

Deletion of certain goods in IC003 and deletion of IC004 were included in a Section 8 Declaration filed on 23 June 2010 and accepted on 2 July 2010. This registration is currently the subject of a cancellation counterclaim in TTAB Opposition 91188736 The TTAB approved certain proposed amendments to the registration including the requested changes to Dates of First Use in an order dated 30 June 2010.

#### **FEE(S)**

Fee(s) in the amount of \$100 is being submitted.

Signature: /John May/ Date: 07/26/2010

Signatory's Name: John M May

Signatory's Position: Attorney of record, Calif bar

#### **Request Signature**

Signature: /John May/ Date: 12/23/2009

Signatory's Name: John M May

Signatory's Position: Attorney of record, Calif. bar

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the registrant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the registrant in this matter: (1) the registrant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the registrant has filed a power of attorney appointing him/her in this matter; or (4) the registrant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The registrant is NOT filing a Declaration of Use of Mark under Section 8; a Combined Declaration of Use of Mark under Sections 8 & 15; or a Combined Declaration of Use of Mark/Application for Renewal of Registration of Mark under Sections 8 & 9 in conjunction with this Section 7 Request.

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Thank you,

The TEAS support team

Mon Jul 26 21:50:27 EDT 2010

STAMP: USPTO/S7R-38.106.9.41-20100726215027549380-2798069-  
470dea7f3b72a27c4552c18bc2a7eb7ef-DA-7445-20100726211327630355