

ESTTA Tracking number: **ESTTA456746**

Filing date: **02/15/2012**

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 party opposes registration of the indicated application.

### Opposer Information

Name	PeopleNetwork ApS AKA BeautifulPeople.com		
Entity	Corporation	Citizenship	Denmark
Address	Kikurren 86 DK-2300 Copenhagen, DENMARK		

Attorney information	David K. Caplan Keats, McFarland & Wilson, LLP 9720 Wilshire Blvd. Penthouse Suite Beverly Hills, CA 90212 UNITED STATES dcaplan@kmwlaw.com, trose@kmwlaw.com, ktyson@kmwlaw.com Phone:310-248-3830
----------------------	---

### Applicant Information

Application No	85196831	Publication date	01/17/2012
Opposition Filing Date	02/15/2012	Opposition Period Ends	02/16/2012
Applicant	Beautiful People Magazine, Inc. Ste. 916 101 Ocean Drive Miami Beach, FL 33139 UNITED STATES		

### Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Downloadable electronic publication, namely, general interest magazine featuring philanthropy, fashion, health, food, world issues, travel, art, and entertainment
---

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85236075	Application Date	02/07/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BEAUTIFUL PEOPLE		

Design Mark	<b>Beautiful People</b>
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Calendars Class 045. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Dating services

U.S. Application No.	85264026	Application Date	03/10/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BEAUTIFUL PEOPLE
-----------	------------------

Design Mark	<b>Beautiful People</b>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2008/09/01 First Use In Commerce: 2008/09/01 Entertainment, namely, a continuing reality television show broadcast over television, cable television, audio, video, digital media and the Internet

U.S. Application No.	85472690	Application Date	11/15/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	BEAUTIFULPEOPLE.COM
-----------	---------------------

Design Mark	<b>BEAUTIFULPEOPLE.COM</b>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2001/01/01 First Use In Commerce: 2001/01/01 Entertainment services in the nature of an on-going reality based television program Class 045. First use: First Use: 2009/03/01 First Use In Commerce: 2009/03/01 Internet-based dating, social introduction and social networking services

Attachments	85236075#TMSN.jpeg ( 1 page )( bytes ) 85264026#TMSN.jpeg ( 1 page )( bytes ) 85472690#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 7 pages )(271867 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 First Class Mail on this date.

Signature	/DKC/
Name	David K. Caplan
Date	02/15/2012

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

In the Matter of Application Serial No. 85/196,831

PeopleNetwork Aps )  
AKA BeautifulPeople.com )  
 )  
Opposer, )  
 )  
v. )  
 )  
Beautiful People Magazine, Inc. )  
 )  
Applicant. )  
\_\_\_\_\_ )

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
**TTAB – BOX FEE**  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

PeopleNetwork Aps AKA BeautifulPeople.com (“Opposer”), a Denmark corporation, having its principal place of business at Kikurren 86 DK-2300, Copenhagen, Denmark, submits that it will be damaged by the registration of the BEAUTIFUL PEOPLE MAGAZINE word mark (Serial No. 85/196,831) (hereinafter the “Application”) filed by Beautiful People Magazine, Inc. (“Applicant”), on December 13, 2010, for use in connection with a “downloadable electronic publication, namely, general interest magazine featuring philanthropy, fashion, health, food, world issues, travel, art, and entertainment” in International Class 009, and hereby opposes the Application. All goods in the Application are being opposed.

As grounds for opposition to the Application, Opposer states as follows:

1. Opposer believes that it will be damaged by the registration of the Application.
2. The Application was published for opposition on January 17, 2012 in the Official Gazette and Opposer is timely filing its opposition.
3. Opposer is the exclusive owner of all rights, title, and interest in and to the popular reality television series and dating services known as BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM, the website BEAUTIFULPEOPLE.COM which has developed into one of the most widely known Internet brands, and BEAUTIFUL PEOPLE calendars.
4. Opposer has exclusive common law trademark ownership rights in and to the BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM marks as a consequence of its ownership of all rights, title and interest in and to the television series, dating series, website and calendars.
5. In addition, Opposer owns the U.S. Trademark application having Serial No. 85/236,075 for the BEAUTIFUL PEOPLE word mark, filed on February 7, 2011, in International Class 016 for “calendars” and in International Class 045 for “dating services,” both with a stated first use date of January 1, 2001.
6. Opposer also owns the U.S. Trademark application having Serial No. 85/264,026 for the BEAUTIFUL PEOPLE word mark, filed on March 10, 2011, in International Class 041 for “entertainment, namely, a continuing reality television show broadcast over television, cable television, audio, video, digital media and the Internet” with a stated first use date of September 1, 2008.

7. Opposer also owns the U.S. Trademark application having Serial No. 85/472,690 for the BEAUTIFULPEOPLE.COM word mark, filed on November 15, 2011, in International Class 041 for “entertainment services in the nature of an on-going reality based television program” with a stated first use date of January 1, 2001, and in International Class 045 for “Internet-based dating, social introduction and social networking services” with a stated first use date of March 1, 2009.

8. Opposer, since at least as early as 2001, has been and is now using the mark BEAUTIFUL PEOPLE in commerce and otherwise in connection with dating services and calendars, and BEAUTIFULPEOPLE.COM in commerce and otherwise in connection with entertainment services in the nature of an on-going reality based television program. Opposer’s use of the BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM marks has been valid and continuous and Opposer has not abandoned its marks for BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM. Extensive good will and consumer recognition of Opposer as an entertainment, dating and social introduction and networking company has been built up by Opposer through substantial amounts of time and effort in advertising and promotion. As a result, Opposer’s BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM marks are widely recognized by the general consuming public as a designation of source of Opposer, and have been recognized as such well prior to the filing of Applicant’s Application.

9. Applicant’s standard character work mark looks virtually identical to Opposer’s standard character word marks. The first two words of Applicant’s three word mark are identical to the first two words of Opposer’s marks. The only difference between Applicant’s mark and Opposer’s mark for BEAUTIFUL PEOPLE is the addition of the word “MAGAZINE” and, with

regard to Opposer's Mark for BEAUTIFULPEOPLE.COM, the additional deletion of ".COM". Moreover, Applicant is seeking registration for similar services, namely, an electronic magazine featuring entertainment content. In view of the similarity of the respective marks and the use of the marks for similar goods and services, it is alleged that Applicant's mark so resembles Opposer's marks as to be likely to cause consumer confusion, and/or to cause mistake as to source, sponsorship, or affiliation, or to deceive.

10. Significantly, Applicant filed its intent-to-use Application for BEAUTIFUL PEOPLE MAGAZINE almost ten years after Opposer's first use of its widely recognized BEAUTIFUL PEOPLE mark in connection with dating services and calendars and BEAUTIFULPEOPLE.COM mark in connection with entertainment services. Opposer's BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM marks were well known prior to Applicant's use of its mark as cited in its Application for BEAUTIFUL PEOPLE MAGAZINE.

11. Further, the registration of Applicant's mark is likely to dilute the distinctiveness of Opposer's famous BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM marks in the entertainment, dating, social introduction and social networking industries and trade on the good will associated with Opposer's BEAUTIFUL PEOPLE and BEAUTIFULPEOPLE.COM marks relating to its business, with consequent injury to Opposer and to the public. See Dan Robbins & Associates, Inc. v. Questor Corp., 599 F.2d 1009, 1013 (CCPA 1979) ("a mark designed to maximize association between entities, as here, is likely to lead to confusion in the absence of a proper license relationship between those entities").

12. If Applicant were granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

13. The registration of the Application herein, would give color of exclusive statutory rights to Applicant in violation and derogation of the long-standing, prior, superior and exclusive rights of Opposer, and would support and assist Applicant in confusing and misleading the purchasing public.

WHEREFORE, Opposer believes that it will be damaged by the registration of Applicant's Application Serial No. 85/196,831 and prays that Applicant's Application to register be denied and refused.

Opposer's attorney, David K. Caplan, of KEATS, McFARLAND & WILSON LLP, has been appointed with full power of attorney, substitution and revocation to prosecute this Opposition Proceeding and to transact all business in the United States Patent and Trademark Office before the Trademark Trial and Appeal Board connected herewith.

Please address all communications to David K. Caplan at the following address: KEATS, McFARLAND & WILSON LLP, 9720 Wilshire Boulevard, Penthouse Suite, Beverly Hills, California 90212, telephone (310) 248-3830.

//

//

//

This Notice of Opposition and the statutory filing fee in the amount of \$300.00 for the single class in the Application being opposed are being submitted concurrently herewith. See 37 C.F.R. 2.6(a)(17).

Respectfully submitted,



Dated: February 15, 2012

---

David K. Caplan  
Keats McFarland & Wilson LLP  
Attorneys for Opposer  
PeopleNetwork Aps  
AKA BeautifulPeople.com  
9720 Wilshire Blvd., Penthouse Suite  
Beverly Hills, CA 90212  
Telephone: (310) 248-3830

**CERTIFICATE OF SERVICE**

I, Kim Tyson, hereby certify that a true and correct copy of the foregoing **NOTICE OF**

**OPPOSITION** was served upon:

Beautiful People Magazine, Inc.  
101 Ocean Drive  
Suite 916  
Miami Beach, FL 33139

[modelcarefoundation@yahoo.com](mailto:modelcarefoundation@yahoo.com)

by First Class Mail on February 15, 2012.

  
\_\_\_\_\_  
Kim Tyson