

ESTTA Tracking number: **ESTTA472901**

Filing date: **05/16/2012**

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	Time Inc.
Granted to Date of previous extension	05/16/2012
Address	1271 Avenue of the Americas New York, NY 10020 UNITED STATES

Attorney information	Paul A. Lee Time Inc. 1271 Avenue of the Americas New York, NY 10020 UNITED STATES tipto@timeinc.com Phone:212-522-3383
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Applicant Information

Application No	85196831	Publication date	01/17/2012
Opposition Filing Date	05/16/2012	Opposition Period Ends	05/16/2012
Applicant	Beautiful People Magazine, Inc. Ste. 916 101 Ocean Drive Miami Beach, FL 33139 UNITED STATES		

Goods/Services Affected by Opposition

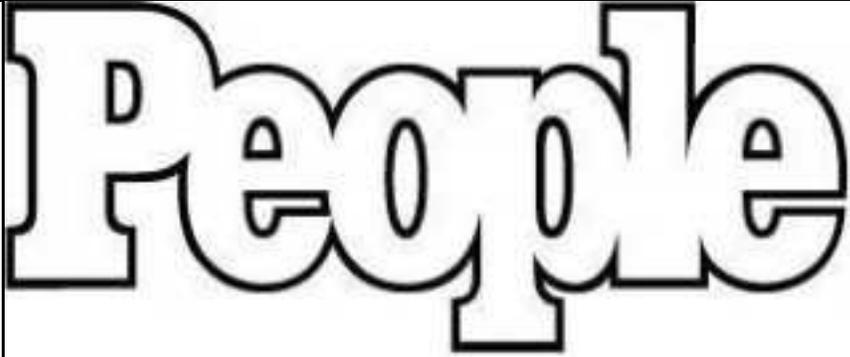
Class 009. All goods and services in the class are opposed, namely: Downloadable electronic publication, namely, general interest magazine featuring philanthropy, fashion, health, food, world issues, travel, art, and entertainment

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is merely descriptive	Trademark Act section 2(e)(1)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1137391	Application Date	03/02/1979
Registration Date	07/01/1980	Foreign Priority Date	NONE

Word Mark	PEOPLE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1974/02/00 First Use In Commerce: 1974/02/00 NATIONAL WEEKLY ILLUSTRATED GENERAL INTEREST MAGAZINE

U.S. Registration No.	2697635	Application Date	04/26/2002
Registration Date	03/18/2003	Foreign Priority Date	NONE
Word Mark	PEOPLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2002/04/12 First Use In Commerce: 2002/04/12 GENERAL INTEREST MAGAZINES		

U.S. Registration No.	3681622	Application Date	08/23/2006
Registration Date	09/08/2009	Foreign Priority Date	NONE
Word Mark	PEOPLE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2000/03/15 First Use In Commerce: 2000/03/15 Providing online information on a variety of topics, namely, celebrities, celebrity news, popular culture, current events and topics of general interest; providing an online magazine featuring entertainment-oriented text, graphics, audio and video; Entertainment in the nature of on-going television programs in the field of celebrities, celebrity news, popular culture, current events and topics of general interest

U.S. Registration No.	3494137	Application Date	08/23/2006
Registration Date	08/26/2008	Foreign Priority Date	NONE

Word Mark	PEOPLE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2007/06/15 First Use In Commerce: 2007/06/15 Downloadable multimedia file containing artwork, text, audio, video, games, and Internet Web links relating to celebrities, celebrity news, popular culture, current events and topics of general interest

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	PEOPLE MAGAZINE		
Goods/Services	magazines and publications, electronic recorded media, online information services, entertainment services		

Attachments	73205913#TMSN.jpeg (1 page)(bytes) 76400496#TMSN.gif (1 page)(bytes) 78958428#TMSN.jpeg (1 page)(bytes) 78958429#TMSN.jpeg (1 page)(bytes) beautiful people magazine 85196831 notice of opposition.pdf (33 pages) (3594353 bytes)
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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	/Paul A. Lee/
Name	Paul A. Lee
Date	05/16/2012

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

In the Matter of Trademark Application No. 85/196,831
for the trademark BEAUTIFUL PEOPLE MAGAZINE
Filed on December 13, 2010
Published in the Official Gazette on January 17, 2012.

_____)	
Time Inc.)	
)	
Opposer)	
)	
v.)	Opposition No.
)	
Beautiful People Magazine, Inc.)	
)	
Applicant)	
_____)	

NOTICE OF OPPOSITION

Time Inc., a Company organized under the laws of Delaware, located and doing business at 1271 Avenue of the Americas, New York, NY 10020 (hereinafter referred to as "Opposer"), believes that it would be damaged by registration of the mark BEAUTIFUL PEOPLE MAGAZINE shown in Application Serial No. 85/196,831 and hereby opposes registration of the same under Section 2(d) of the Lanham Act. Payment of the proper filing fee is being authorized with this electronic submission.

As grounds for the Opposition, it is alleged that:

1. Opposer is now and has been for a number of years engaged in the publication of magazines; providing downloadable electronic publications and recorded media; providing information on the subjects of celebrities, celebrity news, popular culture, current events, topics of general interest and other topics via the Internet; publishing printed publications and electronic recorded media; entertainment services; and other products and services, all in interstate commerce or in commerce between the United

States and a foreign country. Opposer adopted and used the trademarks PEOPLE and PEOPLE MAGAZINE in the businesses referred to in paragraph 1 prior to the filing date of the application opposed herein and at least as early as February 1974. Opposer has also adopted and used other variations on the PEOPLE mark over the years, including PEOPLE WEEKLY, TEEN PEOPLE and PEOPLE EN ESPANOL. Therefore, Opposer enjoys clear priority in the mark at issue.

2. Opposer is the owner on the Principal Register of the following registrations issued by the U.S. Patent and Trademark Office (copies attached as Exhibit 1), which are validly subsisting and uncancelled, upon which it intends to rely in any proceeding involving this

Notice of Opposition:

MARK	REG. NO.	REG. DATE	GOOD/SERVICES
PEOPLE Logo	1137391	7/1/80	NATIONAL WEEKLY ILLUSTRATED GENERAL INTEREST MAGAZINE (IC 16)
PEOPLE Logo	2697635	3/18/03	General interest magazines (IC 16)
PEOPLE	3681622	9/8/09	Providing online information on a variety of topics, namely, celebrities, celebrity news, popular culture, current events and topics of general interest; providing an online magazine featuring entertainment-oriented text, graphics, audio and video; Entertainment in the nature of on-going television programs in the field of celebrities,

			celebrity news, popular culture, current events and topics of general interest (IC 41)
PEOPLE	3494137	8/26/08	Downloadable multimedia file containing artwork, text, audio, video, games, and Internet Web links relating to celebrities, celebrity news, popular culture, current events and topics of general interest (IC 9)

3. In addition to the registered marks listed above, Opposer has used and acquired common law trademark rights in the marks WORLD'S MOST BEAUTIFUL WOMAN and 100 MOST BEAUTIFUL, which have been used as recurring feature titles on its PEOPLE Magazine and are closely associated among the public with Opposer. Opposer adopted, used, and continues to use its PEOPLE and PEOPLE MAGAZINE marks and the related marks shown above for its well-known magazine, online information services, downloadable media and publications, and other products and services, as exemplified in Exhibit 2.
4. Opposer has also acquired common law rights in the mark PEOPLE MAGAZINE, dating back to the magazine's launch in 1974. Evidencing widespread usage and recognition of that mark by the consuming public, a Google search for the phrase "people magazine" shows that at least the first 15 search hits refer to Opposer and its PEOPLE Magazine, as exemplified in Exhibit 3.
5. Opposer has so used the PEOPLE and PEOPLE MAGAZINE marks and the variations shown above in connection with its goods and services that such marks have come to be

exclusively associated with the Opposer, as indicating that products or services so marked originate with the Opposer. Consumers, upon seeing Applicant's mark BEAUTIFUL PEOPLE MAGAZINE, would immediately associate it with the marks of Opposer.

6. The goods recited in Applicant's said application and the goods and services upon which Opposer uses its trademark are sufficiently associated and related goods and services under the circumstances of their marketing and promotion.
7. Applicant's application is based on an alleged intent to use the mark, and Applicant has not alleged any actual use of the mark in commerce. Opposer's Registration Nos. 1137391, 2697635, 3681622, and 3494137 recite a first use date as early as 1974, which is long prior to Applicant's first use, if any, and application filing date.
8. The BEAUTIFUL PEOPLE MAGAZINE trademark of the Applicant, as applied to the products of Applicant set forth in its application, is so similar to the PEOPLE and PEOPLE MAGAZINE marks and the variations shown above of Opposer as to cause confusion or cause mistake or to deceive.
9. Applicant's mark BEAUTIFUL PEOPLE MAGAZINE is merely descriptive, under Section 2(e)(1) of the Trademark Act, and Applicant has not acquired secondary meaning in the mark.
10. The PEOPLE and PEOPLE MAGAZINE marks qualify as a famous marks under Section 43(c)(1) of the Lanham Act, 15 U.S.C. § 1125 (c) (1).
11. The BEAUTIFUL PEOPLE MAGAZINE trademark of the Applicant, as applied to the services of Applicant set forth in its application, is so similar to the PEOPLE and PEOPLE MAGAZINE marks and the variations shown above of Opposer as to be likely to dilute the marks of Opposer.

12. Based on the foregoing, the registration of the mark depicted in Application Serial No. 85/196,831 filed December 13, 2010 on the Principal Register of the U.S. Patent and Trademark Office, and published in the Official Gazette of January 17, 2012, will cause injury and damage to Opposer.

Wherefore, Opposer requests that registration of Applicant's mark BEAUTIFUL PEOPLE MAGAZINE, under Application Serial No. 85/196,831 be denied and this opposition be sustained under Section 2(d) of the Lanham Act.

Opposer hereby appoints, jointly and severally, Paul A. Lee, Andrew Lachow and Rebecca Sanhueza, members of the Bar of the State of New York, Time Inc., 1271 Avenue of the Americas, New York, New York 10020, as its attorneys to prosecute this opposition, to transact all business in the Patent and Trademark Office and the United States Courts connected with this opposition, to sign its name to all papers that may hereafter be filed in connection with the said opposition and to receive official communications relating to the same.

Respectfully submitted,

Time Inc.



By Paul A. Lee

Attorney for Opposer

Time Inc.

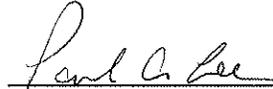
1271 Avenue of the Americas

New York, NY 10020

Date: May 16, 2012
Tel. No.: 212-522-3383

CERTIFICATE OF MAILING

I hereby certify that this paper, fee or correspondence is being filed electronically on May 16, 2012 through the U.S. Patent and Trademark Office web site.

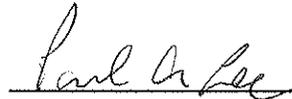


Paul A. Lee

CERTIFICATE OF SERVICE

I hereby certify that this paper, fee or correspondence is being deposited as First Class Mail with the U.S. Postal Service on May 16, 2012 and addressed as follows:

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



Paul A. Lee

EXHIBIT 1

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Amended

Reg. No. 1,137,391

Registered July 1, 1980

OG Date June 15, 2010

TRADEMARK
PRINCIPAL REGISTER

People

TIME INC. (DELAWARE CORPORATION)
1271 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: NATIONAL WEEKLY ILLUSTRATED GENERAL INTEREST MAGAZINE, IN CLASS 16 (U.S. CL. 38).

FIRST USE 2-0-1974; IN COMMERCE 2-0-1974.

SER. NO. 73-205,913, FILED 3-2-1979.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 15, 2010.*



United States Patent and Trademark Office

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Assignments on the Web > Trademark Query**Trademark Assignment Abstract of Title****Total Assignments: 4**Serial #: 73205913

Filing Dt: 03/02/1979

Reg #: 1137391

Reg. Dt: 07/01/1980

Registrant: TIME INCORPORATED

Mark: PEOPLE

Assignment: 1Reel/Frame: 0465/0144

Received:

Recorded: 04/27/1984

Pages: 1

Conveyance: MERGER 19831207DE

Assignor: TIME INCORPORATED

Exec Dt: 01/27/1984

Entity Type: CORPORATION

Citizenship: NEW YORK

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: TIME INCORPORATED

Correspondent: TIME INCORPORATED
 ROCKEFELLER CENTER
 NEW YORK, NY 10020
 TIME INCORPORATED
 ROCKEFELLER CENTER

Assignment: 2Reel/Frame: 0638/0133

Received:

Recorded: 01/30/1989

Pages: 0

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: TIME INCORPORATED

Exec Dt: 01/03/1989

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: TIME INC. MAGAZINE COMPANY, THE
 1271 AVENUE OF THE AMERICAS
 NEW YORK, NEW YORK 10020

Correspondent: ROBERT T. SCHERER
 TIME INC.
 ROCKEFELLER CENTER
 NEW YORK, NY 10020

Assignment: 3Reel/Frame: 0878/0257

Received:

Recorded: 06/22/1992

Pages: 9

Conveyance: CHANGE OF NAME 19920318

Assignor: TIME INC. MAGAZINE COMPANY, THE

Exec Dt: 04/22/1992

Entity Type: CORPORATION

Citizenship: DELAWARE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: TIME INC.

Correspondent: TIME WARNER INC.
 ROBERT T. SCHERER, ESQ.
 1271 AVENUE OF THE AMERICAS
 NEW YORK, NY 10020

Assignment: 4Reel/Frame: 1874/0232

Received: 05/24/1999

Recorded: 01/07/1999

Pages: 9

Conveyance: RELEASE OF TRADEMARK SECURITY INTEREST

Assignor: GLOBAL MOTORSPORT GROUP, INC.

Exec Dt: 12/22/1998

Entity Type: CORPORATION

Citizenship: NONE

Assignee: BANK OF AMERICA NATIONAL TRUST AND SAVINGS
ASSOCIATION, AS AGENT

Entity Type: UNKNOWN

Citizenship: NONE

AGENCY MANAGEMENT SERVICES #10831
1455 MARKET STREET, 12TH FLOOR
SAN FRANCISCO, CALIFORNIA 94013

Correspondent: O'MELVENY & MYERS LLP

CHRISTINA CHANG
LEGAL ASSISTANT
400 SOUTH HOPE STREET
LOS ANGELES, CA 90017

Search Results as of: 05/16/2012 07:30 PM

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Int. Cl.: 16

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 2,697,635

Registered Mar. 18, 2003

**TRADEMARK
PRINCIPAL REGISTER**

People

TIME INC. (DELAWARE CORPORATION)
1271 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: GENERAL INTEREST MAGAZINES, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 4-12-2002; IN COMMERCE 4-12-2002.

OWNER OF U.S. REG. NOS. 1,137,391, 2,522,247
AND OTHERS.

SEC. 2(F).

SER. NO. 76-400,496, FILED 4-26-2002.

LINDA M. KING, EXAMINING ATTORNEY



United States Patent and Trademark Office

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No assignment has been recorded at the USPTO

For Serial Number: 76400496

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Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 3,681,622

Registered Sep. 8, 2009

SERVICE MARK
PRINCIPAL REGISTER

PEOPLE

TIME INC. (DELAWARE CORPORATION)
1271 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: PROVIDING ONLINE INFORMATION ON A VARIETY OF TOPICS, NAMELY, CELEBRITIES, CELEBRITY NEWS, POPULAR CULTURE, CURRENT EVENTS AND TOPICS OF GENERAL INTEREST; PROVIDING AN ONLINE MAGAZINE FEATURING ENTERTAINMENT-ORIENTED TEXT, GRAPHICS, AUDIO AND VIDEO; ENTERTAINMENT IN THE NATURE OF ON-GOING TELEVISION PROGRAMS IN THE FIELD OF CELEBRITIES, CELEBRITY NEWS, POPULAR CULTURE, CURRENT EVENTS AND TOPICS OF GEN-

ERAL INTEREST, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-15-2000; IN COMMERCE 3-15-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,522,247 AND 2,697,635.

SN 78-958,428, FILED 8-23-2006.

HEATHER BIDDULPH, EXAMINING ATTORNEY



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No assignment has been recorded at the USPTO

For Serial Number: 78958428

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Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,494,137

Registered Aug. 26, 2008

TRADEMARK
PRINCIPAL REGISTER

PEOPLE

TIME INC. (DELAWARE CORPORATION)
1271 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: DOWNLOADABLE MULTIMEDIA FILE
CONTAINING ARTWORK, TEXT, AUDIO, VIDEO,
GAMES, AND INTERNET WEB LINKS RELATING
TO CELEBRITIES, CELEBRITY NEWS, POPULAR
CULTURE, CURRENT EVENTS AND TOPICS OF
GENERAL INTEREST, IN CLASS 9 (U.S. CLS. 21, 23,
26, 36 AND 38).

FIRST USE 6-15-2007; IN COMMERCE 6-15-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,522,247 AND
2,697,635.

SN 78-958,429, FILED 8-23-2006.

MARY MUNSON, EXAMINING ATTORNEY



United States Patent and Trademark Office

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For Serial Number: 78958429

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Web interface last modified: Jan 26, 2012 v.2.3.1

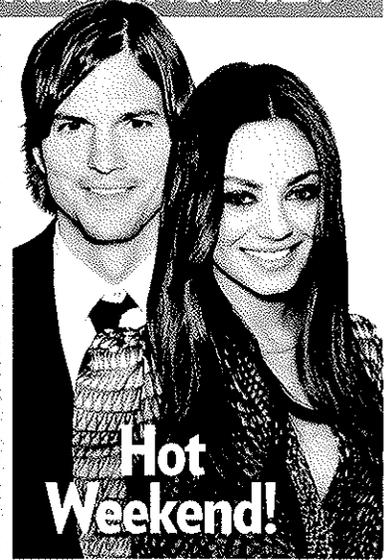
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EXHIBIT 2

SPECIAL DOUBLE ISSUE

BRIT

ASHTON & MILA



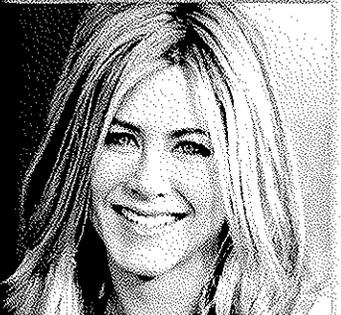
**Hot
Weekend!**

**Back
After Baby!**

**BEAUTIES
of 2012**



**BEAUTY *at*
EVERY AGE**



**STUNNING
STARS!**

**BEAUTY
SECRETS
of the
STARS**

Beyoncé

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WEDDING
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LOPEZ**

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**BEAUTY
SECRETS
of the
STARS!**



JENNIFER LOPEZ
BEVERLY HILLS, CALIF.
APRIL 9, 2011

APRIL 25, 2011
DISPLAY UNTIL MAY 2, 2011

SPECIAL DOUBLE ISSUE

People

EXCLUSIVE
**MY
STORY**
—
CHRISTINA
APPLEGATE

100 MOST BEAUTIFUL



STUNNING SMILES



HOT GUYS



NO MAKEUP!



BEA ARTHUR
REMEMBERED



SALMA
HAYEK'S
DREAM
VENICE
WEDDING

MAY 11, 2009
DISPLAY UNTIL MAY 18, 2009

\$4.49US \$5.99CAN



PEOPLE.COM

SPECIAL DOUBLE ISSUE

People

KATE HUDSON

100 MOST BEAUTIFUL

69 PAGES OF STUNNING STARS



HALLE



PATRICK

JEN & JOHN'S HOT NEW ROMANCE!



MILEY CYRUS' PHOTO FIASCO
Who's to Blame



'SMILEY FACE' MURDER MYSTERY:
IS A SERIAL KILLER GANG ON THE LOOSE?

MAY 12, 2008
DISPLAY UNTIL MAY 19, 2008

\$4.49US \$5.99CAN



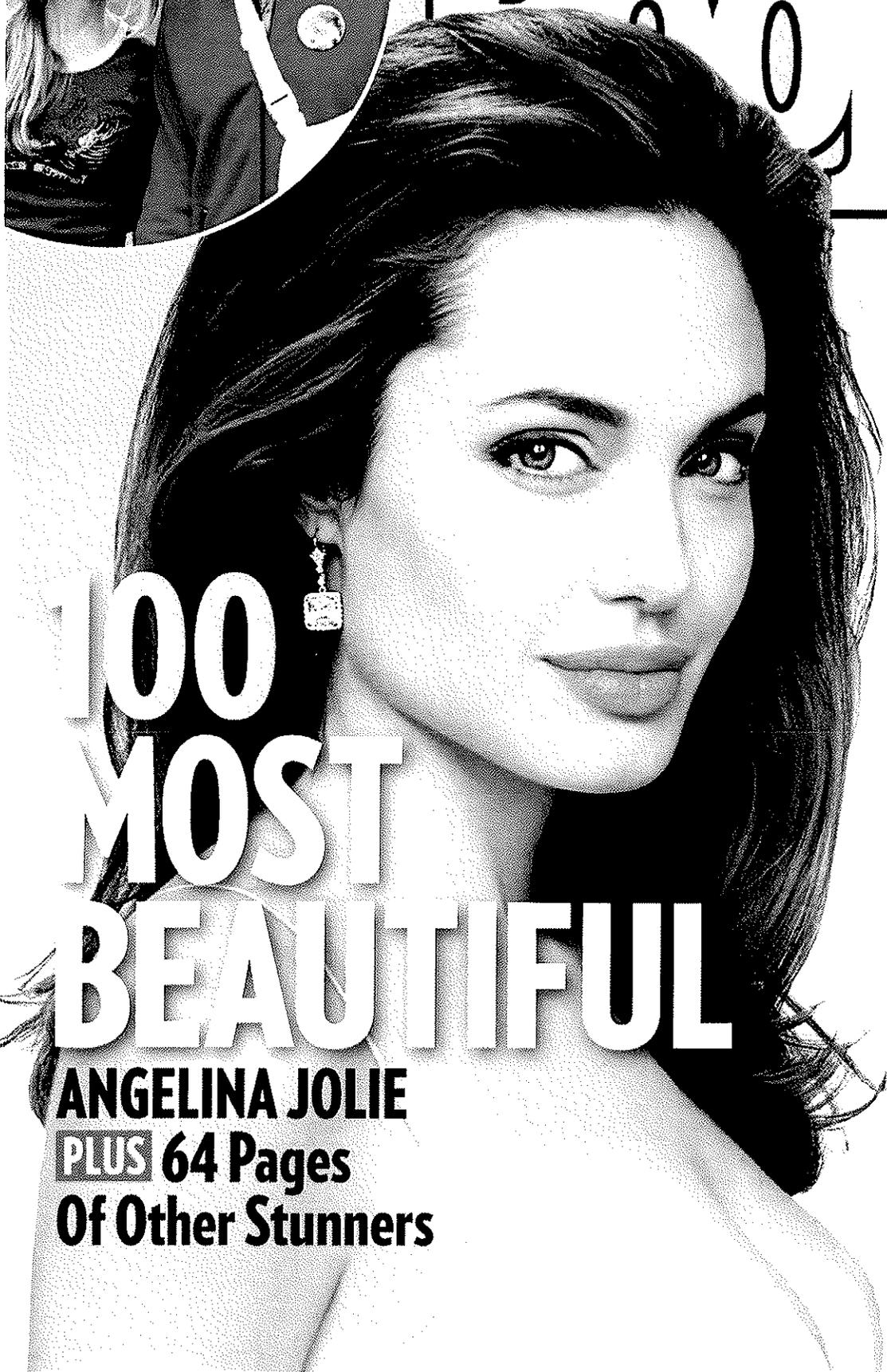
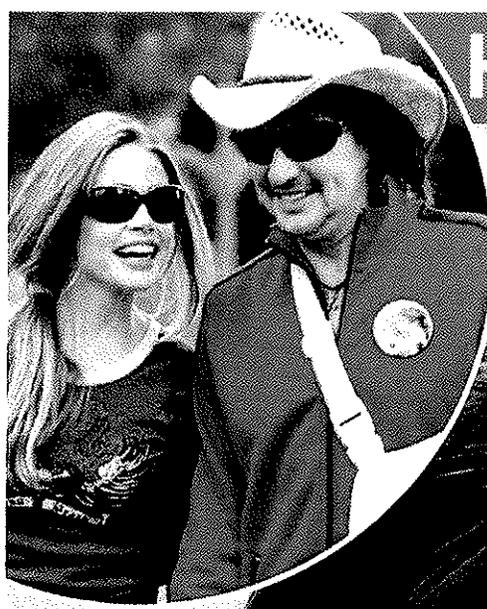
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PEOPLE.COM

HEATHER IN SHOCK: Richie Dates Denise

SPECIAL DOUBLE ISSUE

People



100 MOST BEAUTIFUL

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Brad & Angelina In Africa



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MAY 8, 2006
DISPLAY UNTIL MAY 15, 2006

\$3.99US \$5.99CAN



www.people.com (AOL Keyword: People)

World's Most Beautiful Family

AT PLAY IN THE DESERT OF
NAMIBIA, THE JOLIE-PITT CLAN
(AND BABY-TO-BE) SIMPLY DAZZLE

WORLD'S MOST BEAUTIFUL

All is great here: a source
close to the couple says
of the family (relaxing in
Namibia on April 19).

PHOTOGRAPHS BY GETTY IMAGES

PEOPLE 498 2006 71

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PEOPLE Magazine StyleWatch Magazine

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Everything you love about PEOPLE Magazine, plus:

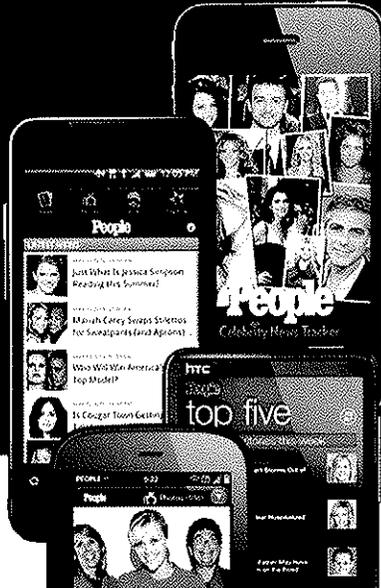
- ▶ BONUS Star Tracks pics and private galleries
- ▶ HOT movie trailers, TV previews, and song samples
- ▶ EXCLUSIVE behind-the-scenes celebrity videos
- ▶ INSTANT breaking-news updates

The advertisement features four tablet devices displaying the PEOPLE Magazine cover with Bradley Cooper on the 'SEXIES MAN ALIVE!' feature. The background is dark with a light-colored rectangular area at the top.

People MOBILE

WAP SITE

MOBILE APPS



Get PEOPLE's Celebrity News Tracker App on Your Smartphone

For those who want to know EVERYTHING happening on the celebrity scene right now!

Android
Download from Android Market (on your Android smartphone)



iPhone
Download from the iTunes® Store



Windows® Phone 7
Download at the Windows® Phone Marketplace



Palm Pre™ Palm Pixi™
Download it from the App Catalog



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AMAZING PHOTOS JUST GOT MORE AMAZING. THE ULTRACOMPACT LUMIX GF3



Panasonic LUMIX GF3

People

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MAY 10, 2012

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 HOT HOW: Reunite DYNASTY Tom Cruise Caught in the Act
 HOME NEWS PHOTOS STYLE RED CARPET TV WATCH BABIES PETS GAMES CELEBS VIDEO Search

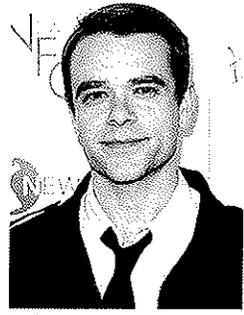
THE NEWSWIRE

HOT TOPICS: Kate Middleton Katherine Heigl Dancing with the Stars

Nick Stahl: All About His Disappearance – And His Past

Originally posted 05-19-2012 07:00PM
 In his most recent film, *Licor Stahl*, a man looking for his missing wife.

In a bizarre real-life parallel, Stahl is now missing. While police continue their search for the 32-year-old actor, who was last seen on May 9, the director of *388 Arlette Avenue* says he saw no signs of trouble when he shot the thriller with Stahl in Toronto a year and a half ago.



"He was fantastic – not a single problem," director Randall Cole tells PEOPLE. He was a total professional and knew his lines. There was no drama behavior at all. Nor was there an hint of turmoil between Stahl and his wife Rose, who visited the set along with their then-infant daughter Marie. But court documents filed earlier this year tell a different story.

In February, Rose filed a petition calling for child support from her husband. Those papers also state that she would have their daughter 100 percent of the time and Stahl would have eight hours of supervised visitation per week. He was also required to take a drug test within 24 hours of each visitation.

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