

ESTTA Tracking number: **ESTTA505174**

Filing date: **11/13/2012**

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	Blow Dry Bar LLC		
Entity	Limited liability company	Citizenship	Delaware
Address	416 W. 13th Street Houston, TX 77008 UNITED STATES		

Attorney information	Mark Tidman Baker & Hostetler 1050 Connecticut Avenue, N.W. Suite 1100 Washington, DC 20036 UNITED STATES trademarks@bakerlaw.com Phone:202.861.1500		
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Applicant Information

Application No	85672272	Publication date	11/13/2012
Opposition Filing Date	11/13/2012	Opposition Period Ends	12/13/2012
Applicant	Drybar Holdings LLC 450 1801 North Lamar Street Dallas, TX 75202 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 2009/06/28 First Use In Commerce: 2010/02/12 All goods and services in the class are opposed, namely: Hair and beauty salon services

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Attachments	Notice of Opposition hair dryer.pdf (3 pages)(480513 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	/Mark Tidman/
Name	Mark Tidman

Date	11/13/2012
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/672,272 for Design mark filed July 9, 2012 and published November 13, 2012.

Blow Dry Bar, LLC
416 W. 13th Street
Houston, TX 77008

Opposer,

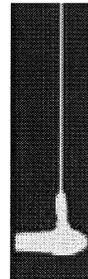
v.

Drybar Holdings LLC
450 1801 North Lamar Street
Dallas, TX 75202

Applicant

Opposition No.:

Mark:



44964-3

NOTICE OF OPPOSITION

The Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Sirs:

Blow Dry Bar, LLC (hereinafter “Opposer”) believes that will be damaged by the registration of the above-identified mark and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946. 15 U.S. C. § 1063.

As grounds for the opposition, it is alleged that:

1. Upon information and belief, Respondent, Drybar Holdings LLC, is a limited liability company of Delaware with an address of 1801 North Lamar Street, Dallas, Texas 75202 (hereinafter “Applicant”).

2. On July 9, 2012, Applicant filed an application for the design of a hair dryer and it was assigned Serial No. 85/672,272.

3. Serial No. 85/672,272 covers "hair and beauty salon services" in International Class 44.

4. Applicant's alleged mark, when used in connection with the Applicant's services, is merely descriptive of those services without having attained secondary meaning, and thus is not entitled to registration on the Principal Register.

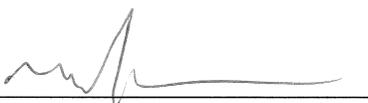
5. Opposer believes that it and will be damaged by the registration of Serial No. 85/672,272.

WHEREFORE, Opposer prays that this opposition be sustained and that registration be denied. You are authorized to charge Deposit Account No. 502036-5661 any additional fees which may be due.

Respectfully submitted,
Blow Dry Bar, LLC

Date: November 13, 2012

By: _____


Mark H. Tidman
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Attorney for Petitioner

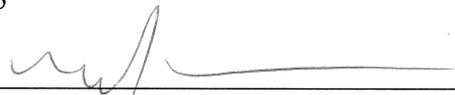
CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of November, 2012, a true copy of the Petition for Cancellation was served on Registrant via U.S. first-class mail, postage prepaid to:

Drybar Holdings LLC
901 Main Street
Suite 6215
Dallas TEXAS 75202

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Paul, Hastings, Janofsy & Walker LLP
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Mark H. Tidman