

ESTTA Tracking number: **ESTTA530334**

Filing date: **04/03/2013**

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	HOLA, S.L.
Granted to Date of previous extension	04/03/2013
Address	MIGUEL ANGEL 1 MADRID, 28010 SPAIN

Attorney information	ROBERT C. FABER OSTROLENK FABER LLP 1180 AVENUE OF THE AMERICAS, 7TH FLOOR NEW YORK, NY 10036 UNITED STATES smcmahon@ostrolenk.com, tm@ostrolenk.com Phone:(212) 382-0700
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### Applicant Information

Application No	85597012	Publication date	12/04/2012
Opposition Filing Date	04/03/2013	Opposition Period Ends	04/03/2013
Applicant	Hearst Communications, Inc. 300 West 57th Street New York, NY 10019 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: ENTERTAINMENT SERVICES IN THE NATURE OF DEVELOPMENT, CREATION, PRODUCTION AND POST-PRODUCTION SERVICES OF MULTI-MEDIA ENTERTAINMENT CONTENT, NAMELY, PROGRAMMING CONTAINING INFORMATION, IMAGES, VIDEO, AUDIO, REVIEWS, COMMENTARY AND OPINIONS IN THE FIELDS OF FASHION AND BEAUTY
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### Grounds for Opposition

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. Registration No.	3746892	Application Date	08/28/2007
Registration Date	02/09/2010	Foreign Priority	03/06/2007

		Date	
Word Mark	HELLO TV!		
Design Mark			
Description of Mark	The trademark consists in the denomination "HELLO TV!", written in white letters on a rectangular red background.		
Goods/Services	<p>Class 038. First use: Telecommunications services, namely, personal communication services, telecommunication access services; communication via computer terminals by digital transmission or by satellite; electronic mail services; audio and video broadcasting of audiovisual programs; broadcasting programs via a global computer network medium; communication services, namely, transmission of messages and images wireless communication networks, the Internet, telecom networks and data networks</p> <p>Class 041. First use: Entertainment in the nature of audio and visual performances, namely, musical band, orchestra, and dance performances; cultural activities, namely, organization of exhibitions for cultural or educational purposes; editorial services, namely, editorial reporting services; publication of electronic books, periodicals and magazines; providing on-line electronic publications, namely, providing online general feature magazines; news and photographic reporting services; digital video, audio and multimedia publishing, editing and production services; entertainment services, namely, a multimedia program series featuring news, documentary, comedy, action and adventure distributed via various platforms across multiple forms of transmission medias; production of shows, namely, talk shows, news programs, reality shows, live musical performances, plays, theater; production of films; audio and video recording services</p>		

U.S. Registration No.	2938383	Application Date	12/11/2003
Registration Date	04/05/2005	Foreign Priority Date	NONE
Word Mark	HELLO HOLA, S.A.- MADRID		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: General readership newspapers and general magazines		

U.S. Registration No.	2772805	Application Date	03/11/1999
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Registration Date	10/14/2003	Foreign Priority Date	NONE
Word Mark	HELLO!		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: [Newspapers for general circulation, fiction books, and] general feature magazines Class 038. First use: [Telecommunication services, namely, personal communication services]		

U.S. Registration No.	3834140	Application Date	11/04/2009
Registration Date	08/17/2010	Foreign Priority Date	NONE
Word Mark	HELLOMAGAZINE.COM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: Internet services, namely, a website featuring general news information in the area of current events and entertainment		

Attachments	79050615#TMSN.jpeg ( 1 page )( bytes ) 79001968#TMSN.jpeg ( 1 page )( bytes ) 75657557#TMSN.gif ( 1 page )( bytes ) 77865203#TMSN.jpeg ( 1 page )( bytes ) 7.4888-5 - Notice of Opposition.pdf ( 7 pages )(483869 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	/RCF/
Name	ROBERT C. FABER
Date	04/03/2013

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

In the Matter of Application Serial No. 85/597,012  
Published in the Official Gazette on December 4, 2012

HOLA, S.L.

Opposer,

v.

HEARST COMMUNICATIONS, INC.

Applicant.

Opposition No.

**NOTICE OF OPPOSITION**

Opposer, Hola, S.L. (“Opposer” or “Hola”), a Sociedad de Responsabilidad Limitada organized and existing under the laws of Spain, having an address at Miguel Angel 1, 28010 Madrid, Spain, believes that it will be damaged by the issuance of a registration to Hearst Communications, Inc. (“Applicant”) for the mark HELLO STYLE as set forth in Application Serial No. 85/597,012 filed on April 13, 2012 for “entertainment services in the nature of development, creation, production and post-production services of multi-media entertainment content, namely, programming containing information, images, video, audio, reviews, commentary and opinions in the fields of fashion and beauty” in Class 41, and, therefore, opposes the same. As grounds for its opposition, Opposer, by its attorneys Ostrolenk Faber LLP, alleges as follows:

1. Opposer is a media and information company, that publishes internationally renowned print magazines and online information services featuring, among other things, articles news and videos about society, style, fashion, beauty, trends, beautiful people, family, leisure and lifestyle. Specifically, Opposer is the publisher of the magazine HELLO, which has been available in

the United States since 1993.

2. Opposer is the owner of all rights, title and interest to the marks (“Opposer’s Marks”) set forth in the following U.S. trademark registrations (“Opposer’s Registrations”) and applications:

Registration No.	Registration Date	Mark	Class/Goods
3,746,892	February 9, 2010	<b>HELLO TV!</b>	<p>Class 38: Telecommunications services, namely, personal communication services, telecommunication access services; communication via computer terminals by digital transmission or by satellite; electronic mail services; audio and video broadcasting of audiovisual programs; broadcasting programs via a global computer network medium; communication services, namely, transmission of messages and images wireless communication networks, the Internet, telecom networks and data networks</p> <p>Class 41: Entertainment in the nature of audio and visual performances, namely, musical band, orchestra, and dance performances; cultural activities, namely, organization of exhibitions for cultural or educational purposes; editorial services, namely, editorial reporting services; publication of electronic books, periodicals and magazines; providing on-line electronic publications, namely, providing online general feature magazines; news and photographic reporting services; digital video, audio and multimedia publishing, editing and production services; entertainment services, namely, a multimedia program series featuring news, documentary, comedy,</p>

			action and adventure distributed via various platforms across multiple forms of transmission medias; production of shows, namely, talk shows, news programs, reality shows, live musical performances, plays, theater; production of films; audio and video recording services
2,938,383	April 5, 2005		Class 16: general readership newspapers and general magazines
2,772,805	October 13, 2003		Class 16: general feature magazines
3,834,140	August 17, 2010	HELLOMAGAZINE.COM	Class 41: Internet services, namely, a website featuring general news information in the area of current events and entertainment

3. Opposer's Registrations are valid, presently subsisting and in full force and effect. The aforementioned Registration No. 2,772,805 for the mark HELLO! and Design is incontestable pursuant to Section 15 of the Lanham Act, 15 U.S.C. § 1065.

4. Pursuant to Section 33(b) of the Lanham Act, 15 U.S.C. § 1115(b), Opposer's Registrations constitute conclusive evidence of the validity of the marks, of Opposer's ownership of said marks and exclusive right to use said marks in U.S. commerce on the goods set forth in the registrations. Opposer's Registrations placed Applicant on constructive notice of Opposer's claim of ownership thereof pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072.

5. Applicant is not entitled to register as a service mark the mark HELLO STYLE for "entertainment services in the nature of development, creation, production and post-production services of multi-media entertainment content, namely, programming containing information, images, video, audio, reviews, commentary and opinions in the fields of fashion and

beauty” in Class 41 as set forth in Application Serial No. 85/597,012.

6. On April 13, 2012, well after Opposer obtained exclusive rights in Opposer’s Marks, Applicant filed Application Serial No. 85/597,012, seeking to register Applicant’s Mark HELLO STYLE based on its purported intent to use the mark in connection with “entertainment services in the nature of development, creation, production and post-production services of multi-media entertainment content, namely, programming containing information, images, video, audio, reviews, commentary and opinions in the fields of fashion and beauty” in Class 41.

7. Applicant is not now and was not entitled to the exclusive use as a service mark the mark HELLO STYLE either on or about April 13, 2012, the date of filing of Application Serial No. 85/597,012, or on December 4, 2012, the date of publication thereof in the Official Gazette.

8. Since long prior to April 13, 2012, the date Applicant filed its application for the mark HELLO STYLE, Opposer has used and is currently using marks that incorporate the term HELLO in connection with magazines and online content featuring general news information in the area of current events and entertainment topics that cover society, style, fashion, beauty, trends, beautiful people, family, leisure and lifestyle.

9. Opposer has expended large sums of money and great time and effort in developing, advertising and promoting the marks referred to in Paragraph 2 consisting of or including the term HELLO as an indicia of the source of origin of Opposer’s goods and or services. As a result of its advertising, promotion and long term use of the aforementioned marks, Opposer has developed a family of marks consisting of or including the terms HELLO and has achieved sales of large quantities of goods and services under said family of marks resulting in significant revenues to Opposer. (These marks shall hereinafter be referred to as Opposer’s family of HELLO marks.)

10. Opposer’s family of HELLO marks are well-known and famous among the

trade and the purchasing public in the United States and these marks have acquired tremendous strength, goodwill, purchaser recognition, fame and secondary meaning, and are, therefore, strong and entitled to a wide scope of protection.

11. The services for which Applicant seeks to register the mark HELLO STYLE in Application Serial No. 85/591,012 are substantially similar and related in nature to Opposer's aforesaid goods and services and are likely to be promoted through the same and/or similar media and are likely to be sold and distributed through the same, similar and/or overlapping channels of commerce and are likely to be directed to the same, similar and/or overlapping classes of purchasers.

12. The HELLO STYLE mark that Applicant seeks to register is confusingly similar in overall appearance, pronunciation and connotation to Opposer's family of HELLO marks. Therefore, when applied to Applicant's services, Applicant's HELLO STYLE mark is likely to cause confusion or mistake or to deceive persons by creating the mistaken impression that Applicant's goods and services originate with or come from the same source as Opposer's goods and services, or are endorsed by, or are sponsored by, or are connected in some way with Opposer, thereby resulting in a likelihood of confusion under Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).

13. Any use or registration of the mark HELLO STYLE by Applicant is also likely to cause dilution of the distinctive quality of Opposer's famous family of HELLO marks, particularly the HELLO! and Design mark set forth in Registration No. 2,772,805, in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c).

14. Opposer will be seriously damaged and injured by the granting of registration to Applicant's mark HELLO STYLE because Applicant's mark is a colorable imitation of and causes a dilution of Opposer's family of HELLO marks and is confusingly similar thereto in sound, appearance, and connotation. Any defect, objection or fault found with Applicant's services marketed under the designation HELLO STYLE is likely to reflect upon and injure the reputation which

Opposer has established for its high quality goods and services marketed under its family of HELLO marks.

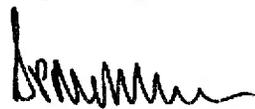
15. Applicant's adoption and proposed use of the mark HELLO STYLE is without license or permission of Opposer.

16. By reason of all of the foregoing, Opposer will be damaged by the registration of the mark HELLO STYLE to Applicant. Applicant's exercise of statutory rights under a U.S. trademark registration would seriously lessen the value of Opposer's rights in, to and under its family of HELLO marks, all to Opposer's great loss and detriment. Moreover, if Applicant were permitted to register the confusingly similar mark HELLO STYLE for services related to the goods and services upon which Opposer's family of HELLO marks are used, the public is likely to be deceived.

**WHEREFORE**, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 85/597,012 be denied.

Date: April 3, 2013  
New York, New York

Respectfully submitted,



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Robert C. Faber  
Sean P. McMahan

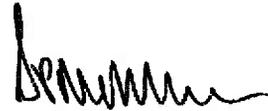
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New York, New York 10036-8403  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was served by First-Class mail, postage prepaid, upon attorney of record for Applicant, this 3rd day of April, 2013, addressed as follows:

Maureen Sheehan  
**HEARST CORPORATION**  
300 W. 57<sup>th</sup> Street, FL 42  
New York, New York 10019-3790



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Sean P. McMahon