

ESTTA Tracking number: **ESTTA559015**

Filing date: **09/11/2013**

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	It's a 10, Inc.
Granted to Date of previous extension	09/11/2013
Address	153 Nurmi Drive Ft. Lauderdale, FL 33301 UNITED STATES

Correspondence information	Edward p. Kelly partner 405 Lexington Avenue New York, NY 10174 UNITED STATES ekelly@tkiplaw.com
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Applicant Information

Application No	85795281	Publication date	05/14/2013
Opposition Filing Date	09/11/2013	Opposition Period Ends	09/11/2013
Applicant	Tregerman, Ronen 9811 West Charleston Blvd. Las Vegas, NV 89117 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. All goods and services in the class are opposed, namely: Cosmetics, skin care and hair care, namely, hand cream, non-medicated foot cream, body lotion, body scrubs, beauty masks, facial lotions, facial creams, moisturizing creams, non-medicated skin serum, hair shampoo, hair conditioner, hair gel, hair cream, hand cream, non-medicated foot balm
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3420182	Application Date	11/14/2005
Registration Date	04/29/2008	Foreign Priority Date	NONE
Word Mark	IT'S A 10		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2006/07/11 First Use In Commerce: 2006/07/11 A full line of hair care products, namely, shampoos, and conditioners styling gels, hair lotions and hair sprays

Attachments	revised Notice of Opposition.pdf(18865 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	/edward kelly/
Name	Edward p. Kelly
Date	09/11/2013

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

It's a 10, Inc.)	Serial No.	:	85/795,281
)			
Opposer,)			
)			
v.)	Opposition No.	:	
)			
)	Mark	:	Glamour 10
)			
Ronen Tregerman)	Published in Official Gazette		
)	on May 14, 2013		
Applicant)			

NOTICE OF OPPOSITION

Commissioner for Trademarks
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451
Attention: Box TTAB/Fee

SIR:

It's a 10, Inc., a company organized under the laws of Florida, with offices at 153 Nurmi Drive, Fort Lauderdale, FL, 33303 (hereinafter "Opposer"), believes that it will be damaged by the registration of the referenced trademark application Serial No. 85/795,281 of Glamour 10 filed on behalf of Ronen Tregerman., and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. On information and belief, application Serial No. 85/795,281 is an intent to use application filed December 5, 2012, for registration of the mark Glamour 10 on the Principal Register in the name of Ronen Tregerman (hereinafter "Applicant") for goods in International Class 003, namely the following:

Cosmetics, skin care and hair care, namely, hand cream, non-medicated foot cream, body lotion, lotions, facial creams, moisturizing creams, non-medicated skin serum, hair shampoo, hair conditioner, non-medicated foot balm.

2. Opposer It's a 10 is a world-renowned manufacturer and innovator in field of hair care products including shampoos and conditioners and in particular leave –in hair care products.

Opposer is the owner of the U.S. Trademark It's a 10, U.S Reg. No. 3446682 which was used in commerce long prior to the filing of the referenced applicant application.

3. Applicant's trademark application includes the term 10, highly similar to It's a 10 and is so highly similar in appearance and connotation as to result in a likelihood of confusion.

4. The goods which the Applicant intends to use its mark are closely related to the goods identified in Opposer's Registration and used by It's a 10 in commerce in the U.S.

5. In view of the similarity of Applicant's mark to Opposer's marks, and the close relationship of Applicant's goods to Opposer's goods, Opposer believes that Applicant's mark as applied to Applicant's goods will so resemble Opposer's prior used marks, as applied to the goods marketed and sold by Schott in connection with that mark, as to be likely to cause confusion or cause mistake or to deceive and in violation of Section 2(d) of the Lanham Act, 15 U.S.C. Section 1052(d).

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that application Serial No. 85/795,281 be refused registration.

Opposer has appointed Edward P. Kelly a member of the Bar of the State of New York in good standing, of the firm of Tiajloff & Kelly, Chrysler Building – 37th Floor, 405 Lexington Avenue, New York, NY 10174 with full power of substitution and revocation, to act as its attorney, to prosecute this opposition, and to transact all business in connection therewith and to act as Applicant's domestic representative for service of process in proceedings affecting the mark. Please direct all communications to:

/Edward Kelly/
Edward P. Kelly, Esq.
Tiajloff & Kelly
Chrysler Building, 37th Floor
405 Lexington Avenue
New York, NY 10174

