

ESTTA Tracking number: **ESTTA560023**

Filing date: **09/18/2013**

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	Body Central Stores, Inc.
Granted to Date of previous extension	09/18/2013
Address	6225 Powers Avenue Jacksonville, FL 32217 UNITED STATES
Attorney information	Elizabeth G. Borland Smith, Gambrell & Russell, LLP 1230 Peachtree Street, N.E. Suite 3100-Promenade Atlanta, GA 30309 UNITED STATES egborland@sgrlaw.com, mbedsole@sgrlaw.com, krowe@sgrlaw.com, khennessy@sgrlaw.com

**Applicant Information**

Application No	85769487	Publication date	05/21/2013
Opposition Filing Date	09/18/2013	Opposition Period Ends	09/18/2013
Applicant	Roschmann, Kimberly 41W121 Whitney Rd. Campton Hills, IL 60175 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, new and recycled vintage-style slips and undergarments
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**Grounds for Opposition**

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

**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	2218837	Application Date	12/17/1997
Registration Date	01/19/1999	Foreign Priority Date	NONE
Word Mark	LIPSTICK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1997/10/01 First Use In Commerce: 1997/12/01 Junior apparel, namely, slacks, jeans, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery

Attachments	Body Central v. Roschmann - Not of Opp.PDF(1037215 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	/Elizabeth G. Borland/
Name	Elizabeth G. Borland
Date	09/18/2013

TRADEMARK

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

In the Matter of Application Serial No. 85/769,487 of LIPSTIK LINGERIE & Design  
Published: May 21, 2013

Body Central Stores, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. _____
	)	
Kimberly Roschmann,	)	
	)	
Applicant	)	

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

**NOTICE OF OPPOSITION**

Opposer Body Central Stores, Inc. (“Opposer”) is a corporation organized and existing under the laws of the State of Florida, with a principal place of business at 6225 Powers Avenue, Jacksonville, Florida 32217. Opposer believes that it will be damaged by registration of the mark LIPSTIK LINGERIE & Design, which is the subject matter of Application Serial No. 85/769,487, filed by Applicant Kimberly Roschmann (“Applicant”), an individual residing at 41W121 Whitney Rd., Campton Hills, Illinois 60175, and hereby opposes registration of same.

The grounds for opposition are as follows:

1. Opposer is the owner of the mark LIPSTICK for junior apparel, namely, slacks, jeans, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery.

2. Opposer is the owner of U.S. Registration No. 2,218,837 of the mark LIPSTICK for junior apparel, namely, slacks, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery.

3. U.S. Registration No. 2,218,837 is valid, and Opposer's use of the LIPSTICK mark that is the subject matter of Registration No. 2,218,837 has been continuous, and the mark has not been abandoned.

4. A current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of Opposer's Registration No. 2,218,837 of its LIPSTICK mark is attached hereto as Exhibit A and is made part of the record.

5. Continuously and substantially exclusively since at least as early as December 1, 1997, Opposer has been using the LIPSTICK mark for junior apparel, namely, slacks, jeans, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery, and has not abandoned such mark.

6. True and correct photographs showing Opposer's use of its LIPSTICK mark on its junior apparel are attached as Exhibit B.

7. Opposer's LIPSTICK mark is symbolic of extensive goodwill and consumer recognition built up by Opposer and its predecessors-in-interest through substantial amounts of time and effort in advertising and promotion.

8. Notwithstanding Opposer's rights in and to its LIPSTICK mark, on November 1, 2012, Applicant filed an application to register the mark LIPSTIK LINGERIE & Design for clothing, namely, new and recycled vintage-style slips and undergarments.

9. Applicant's application to register the mark LIPSTIK LINGERIE & Design was assigned Serial No. 85/769,487, and the application was published for opposition on May 21, 2013.

10. A current printout of information from the electronic database records of the United States Patent and Trademark Office showing the current status and title of Applicant's application for the LIPSTIK LINGERIE & Design mark is attached as Exhibit C.

11. The mark LIPSTIK LINGERIE & Design, when used in connection with clothing, namely, new and recycled vintage-style slips and undergarments, is confusingly similar to Opposer's LIPSTICK mark, as set forth above and protected by Opposer's above-identified registration.

12. Customers who purchase Applicant's LIPSTIK LINGERIE & Design slips and undergarments are likely to be confused, mistaken or deceived as to the source of such clothing and as to whether there is some connection or affiliation between Applicant's LIPSTIK LINGERIE & Design slips and undergarments and Opposer's LIPSTICK junior apparel.

13. Applicant's mark, when used in association with the goods identified in Application Serial No. 85/769,487, is likely to cause confusion, mistake or deception when compared to Opposer's LIPSTICK mark.

14. Applicant's LIPSTIK LINGERIE & Design mark and Opposer's LIPSTICK mark are confusingly similar and have a confusingly similar connotation and commercial impression.

15. Applicant's LIPSTIK LINGERIE & Design mark and Opposer's LIPSTICK mark are confusingly similar in sound and appearance such that when used on closely related goods and services, there is a likelihood of confusion, mistake or deception.

16. Applicant's LIPSTIK LINGERIE & Design mark for clothing, namely, new and recycled vintage-style slips and undergarments, on the one hand, and Opposer's LIPSTICK mark for junior apparel, on the other, are closely related so that there is a likelihood of confusion, mistake or deception when Applicant's LIPSTIK LINGERIE & Design mark and Opposer's LIPSTICK mark are both used for such goods.

17. Applicant and Opposer use their respective marks in the same or similar fields of use, thereby exacerbating the likelihood of confusion regarding the marks and the likelihood of confusion as to sponsorship or affiliation.

18. Applicant and Opposer market their goods under their respective marks to the same types of customers.

19. If Applicant is permitted to use and register the mark LIPSTIK LINGERIE & Design for clothing, namely, new and recycled vintage-style slips and undergarments, confusion in the trade resulting in damage and injury to Opposer will be caused and will result by reason of the confusing similarity between Applicant's LIPSTIK LINGERIE & Design mark and Opposer's LIPSTICK mark.

20. Persons familiar with Opposer's LIPSTICK mark and the junior apparel marketed and rendered under such mark are likely to confuse Applicant's LIPSTIK LINGERIE & Design slips and undergarments as goods promoted, offered, sold or sponsored by Opposer, and such confusion will cause harm to Opposer.

21. In addition to the harm identified in the preceding paragraphs, any defect, objection or fault found with Applicant's slips and undergarments would reflect badly upon and significantly injure the reputation which Opposer has established for its LIPSTICK junior apparel.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's LIPSTIK LINGERIE & Design mark, and prays that its opposition to Application Serial No. 85/769,487 be sustained.

This 18<sup>th</sup> day of September, 2013.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/s Elizabeth G. Borland  
Elizabeth G. Borland  
Promenade, Suite 3100  
1230 Peachtree St., N.E.  
Atlanta, GA 30309  
Phone: (404) 815-3645  
Fax: (404) 685-6945  
Email: [egborland@sgrlaw.com](mailto:egborland@sgrlaw.com)

Attorney for Opposer The St. Joe Company

**CERTIFICATE OF SERVICE**

I, Elizabeth G. Borland, counsel for Body Central Stores, Inc., do hereby certify that the ***NOTICE OF OPPOSITION*** was served upon Applicant by placing a copy of same in the U.S. mail, postage prepaid, addressed as follows:

Ms. Kimberly Roschmann  
41W121 Whitney Rd.  
Campton Hills, Illinois 60175

A courtesy copy was also sent by email to Ms. Roschmann at [berly8@comcast.net](mailto:berly8@comcast.net).

This 18th day of September, 2013.

/s Elizabeth G. Borland  
Elizabeth G. Borland

# EXHIBIT A



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**Typed Drawing**

<b>Word Mark</b>	LIPSTICK
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Junior apparel, namely, slacks, jeans, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery. FIRST USE: 19971001. FIRST USE IN COMMERCE: 19971201
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	75407103
<b>Filing Date</b>	December 17, 1997
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	October 27, 1998
<b>Registration Number</b>	<b>2218837</b>
<b>Registration Date</b>	January 19, 1999
<b>Owner</b>	(REGISTRANT) Body Shop of America, Inc. CORPORATION FLORIDA 6225 Powers Avenue Jacksonville FLORIDA 32217  (LAST LISTED OWNER) BODY CENTRAL STORES, INC. CORPORATION FLORIDA 6225 POWERS AVENUE JACKSONVILLE FLORIDA 32217
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	ROBERT J KENNEY
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090124.
<b>Renewal</b>	1ST RENEWAL 20090124
<b>Live/Dead Indicator</b>	LIVE

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Mark: LIPSTICK

US Serial Number: 75407103      Application Filing Date: Dec. 17, 1997  
US Registration Number: 2218837      Registration Date: Jan. 19, 1999  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Jan. 24, 2009  
Publication Date: Oct. 27, 1998

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### Mark Information

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Mark Literal Elements: LIPSTICK  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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### Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Junior apparel, namely, slacks, jeans, shorts, skirts, dresses, blouses, knit tops, halters, swimwear, robes, sweaters, coats, jackets, rainwear, vests, scarves, belts, socks and hosiery

International Class(es): 025 - Primary Class      U.S Class(es): 022, 039  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Oct. 01, 1997      Use in Commerce: Dec. 01, 1997

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### Basis Information (Case Level)

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Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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### Current Owner(s) Information

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Owner Name: BODY CENTRAL STORES, INC.  
Owner Address: 6225 POWERS AVENUE  
JACKSONVILLE, FLORIDA 32217  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: FLORIDA

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### Attorney/Correspondence Information

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Attorney Name: ROBERT J KENNEY      Attorney of Record  
Docket Number: 2487-0110T

Attorney Primary Email [mailroom@bskb.com](mailto:mailroom@bskb.com)  
Address:

Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent** ROBERT J. KENNEY  
**Name/Address:** BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. BOX 747  
FALLS CHURCH, VIRGINIA 22040-0747  
UNITED STATES

**Phone:** 703-205-8000

**Fax:** 703-205-8050

**Correspondent e-mail:** [mailroom@bskb.com](mailto:mailroom@bskb.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Dec. 19, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 24, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	60132
Jan. 24, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 23, 2009	ASSIGNED TO PARALEGAL	60132
Jan. 16, 2009	TEAS SECTION 8 & 9 RECEIVED	
Aug. 10, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 10, 2005	ASSIGNED TO PARALEGAL	61619
Mar. 02, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 19, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 19, 2005	TEAS SECTION 8 & 15 RECEIVED	
Nov. 30, 2004	CANCELLATION TERMINATED NO. 999999	42466
Nov. 30, 2004	CANCELLATION DISMISSED NO. 999999	42466
Oct. 02, 2003	CANCELLATION INSTITUTED NO. 999999	42466
Jan. 19, 1999	REGISTERED-PRINCIPAL REGISTER	
Oct. 27, 1998	PUBLISHED FOR OPPOSITION	
Sep. 25, 1998	NOTICE OF PUBLICATION	
Aug. 20, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 14, 1998	EXAMINER'S AMENDMENT MAILED	
Aug. 05, 1998	ASSIGNED TO EXAMINER	68788

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued** Section 8 - Accepted  
**Use:**

**Affidavit of** Section 15 - Accepted  
**Incontestability:**

**Renewal Date:** Jan. 19, 2009

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Jan. 24, 2009

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## Assignment Abstract Of Title Information

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**Summary**

**Total Assignments:** 2

**Registrant:** Body Shop of America, Inc.

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### Assignment 1 of 2

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**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [3401/0797](#)

**Pages:** 5

**Date Recorded:** Oct. 03, 2006

Supporting Documents: [assignment-tm-3401-0797.pdf](#)

**Assignor**

Name: BODY SHOP OF AMERICA, INC.  
Legal Entity Type: CORPORATION

Execution Date: Oct. 01, 2006  
State or Country Where Organized: FLORIDA

**Assignee**

Name: DYMAS FUNDING COMPANY, LLC, AS ADMINISTRATIVE AGENT  
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: ONE NORTH FRANKLIN, SUITE 3500  
CHICAGO, ILLINOIS 60606

**Correspondent**

Correspondent Name: KRISTIN BROZOVIC C/O KATTEN MUCHIN  
Correspondent Address: 525 W MONROE STREET  
CHICAGO, IL 60661

**Domestic Representative - Not Found**

**Assignment 2 of 2**

Conveyance: CHANGE OF NAME

Reel/Frame: 4916/0456

Pages: 4

Date Recorded: Dec. 11, 2012

Supporting Documents: [assignment-tm-4916-0456.pdf](#)

**Assignor**

Name: BODY SHOP OF AMERICA, INC.  
Legal Entity Type: CORPORATION

Execution Date: Dec. 07, 2012  
State or Country Where Organized: FLORIDA

**Assignee**

Name: BODY CENTRAL STORES, INC.  
Legal Entity Type: CORPORATION

State or Country Where Organized: FLORIDA

Address: 6225 POWERS AVENUE  
JACKSONVILLE, FLORIDA 32217

**Correspondent**

Correspondent Name: KATHARINE F. ROWE  
Correspondent Address: 50 N. LAURA STREET  
SUITE 2600  
JACKSONVILLE, FL 32202

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Number of Proceedings: 1

**Type of Proceeding: Cancellation**

Proceeding Number: 92042466

Filing Date: Aug 28, 2003

Status: Terminated

Status Date: Oct 02, 2003

Interlocutory Attorney: CHERYL S GOODMAN

**Defendant**

Name: Body Shop of America, Inc.

Correspondent Address: ROBERT J. KENNEY  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. BOX 747  
FALLS CHURCH VA , 22040-0747  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LIPSTICK	Renewed	<u>75407103</u>	<u>2218837</u>

**Plaintiff(s)**

Name: GOAT WEAR, INC.  
Correspondent Address: MICHAEL A. PAINTER  
ISAACMAN, KAUFMAN & PAINTER  
8484 WILSHIRE BOULEVARD, SUITE 850

BEVERLY HILLS CA . 90211  
UNITED STATES

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 28, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 02, 2003	Nov 11, 2003
3	PENDING, INSTITUTED	Oct 02, 2003	
4	ANSWER	Oct 15, 2003	
5	D'S MOTION FOR SUMMARY JUDGMENT	Mar 12, 2004	
6	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Mar 20, 2004	
7	D'S MOTION FOR AN EXTENSION OF TIME	Mar 22, 2004	
8	stip. protective order	Mar 19, 2004	
9	respondent opposition to p's motion to extend time	Apr 05, 2004	
10	reply memo in support of motion for extension of time	Apr 12, 2004	
11	SUSPENDED	Jul 15, 2004	
12	WD OF CANC W PREJUDICE	Sep 23, 2004	
13	BOARD'S DECISION: DISMISSED W PREJUDICE	Nov 30, 2004	
14	TERMINATED	Nov 30, 2004	

# EXHIBIT B

Lipstick



NO USAR CLORO  
RN:109490  
STYLE:#J1909  
POLYESTER100%

S

MADE IN CHINA

Lipstick



DO NOT BLEACH  
HANG DRY  
LAVE FRIO A MANO  
NO USAR CLORO  
RN:109/490  
STYLE:#J1909  
POLYESTER100%

M

MADE IN CHINA

Lipsack 

DO NOT BLEACH  
HAND DRY  
LAVE FRIO A MANO  
NO USAR CLORO  
RN: 109490  
STYLE # J1909  
POLYESTER 100%  
M  
MADE IN CHINA

**BODY CENTRAL** 

DPT D08 CL 0614  
VENDOR 03772 1909 COLOR 18



74698630

SIZE **M**

\$19.90

**Sale**  
Was \$19.90  
\$0.00

Lipstick



LAVING IN WARM  
NO USAR CLORO  
RN:109490  
STYLE:#J1909  
POLYESTER100%

S

MADE IN CHINA

**BODY CENTRAL**

DPT  
D08

CL  
0614

VENDOR  
03772

STYL  
190

COLOR  
18



74698622

SIZE  
**S**

**Sale**  
Was \$19.90  
**\$9.99**

# EXHIBIT C



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<b>Word Mark</b>	LIPSTIK LINGERIE
<b>Goods and Services</b>	IC 025. US 022 039. G & S: Clothing, namely, new and recycled vintage-style slips and undergarments
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	02.11.04 - Human lips or mouths 11.09.02 - Clothes hangers; Hangers (clothing) 26.01.26 - Coils; Spirals; Swirls 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s) 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)
<b>Serial Number</b>	85769487
<b>Filing Date</b>	November 1, 2012
<b>Current Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 21, 2013
<b>Owner</b>	(APPLICANT) Roschmann, Kimberly INDIVIDUAL UNITED STATES 41W121 Whitney Rd. Campton Hills ILLINOIS 60175
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "LINGERIE" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	Color is not claimed as a feature of the mark. The mark consists of a filigree-style depiction of a clothes hanger in the shape of human lips with the stylized text "Lipstik Lingerie" below.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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Mark: LIPSTIK LINGERIE



US Serial Number: 85769487

Application Filing Date: Nov. 01, 2012

Register: Principal

Mark Type: Trademark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jun. 07, 2013

Publication Date: May 21, 2013

## Mark Information

Mark Literal Elements: LIPSTIK LINGERIE

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a filigree-style depiction of a clothes hanger in the shape of human lips with the stylized text "Lipstik Lingerie" below.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "LINGERIE"

Design Search Code(s): 02.11.04 - Human lips or mouths  
11.09.02 - Clothes hangers; Hangers (clothing)  
26.01.26 - Coils; Spirals; Swirls  
26.17.01 - Bands, straight; Straight line(s), band(s) or bar(s); Lines, straight; Bars, straight  
26.17.02 - Lines, wavy; Bars, wavy; Bands, wavy; Wavy line(s), band(s) or bar(s)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Clothing, namely, new and recycled vintage-style slips and undergarments

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: Yes	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Roschmann, Kimberly  
Owner Address: 41W121 Whitney Rd.  
Campton Hills, ILLINOIS 60175  
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent ROSCHMANN, KIMBERLY  
Name/Address: 41W121 WHITNEY RD  
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Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 07, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
May 21, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 21, 2013	PUBLISHED FOR OPPOSITION	
May 01, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 12, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Apr. 11, 2013	ASSIGNED TO LIE	68123
Mar. 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 15, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 15, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 15, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 06, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 06, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 06, 2013	NON-FINAL ACTION WRITTEN	83186
Feb. 28, 2013	ASSIGNED TO EXAMINER	83186
Nov. 08, 2012	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Nov. 07, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information

TM Attorney: BIBB, SCOTT

Law Office Assigned: LAW OFFICE 109

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 12, 2013

## Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: 85769487

Filing Date: Jun 07, 2013

Status: Not Instituted

Status Date: Jun 07, 2013

Interlocutory Attorney:

Defendant

Name: Roschmann, Kimberly

Correspondent Address: ROSCHMANN, KIMBERLY  
41W121 WHITNEY RD  
CAMPTON HILLS IL , 60175-8571

Associated marks

Mark	Application Status	Serial Number	Registration Number
LIPSTIK LINGERIE	Request For Extension of Time to File Opposition Potential Opposer(s)	<u>85769487</u>	

**Name:** Body Central Stores, Inc.

**Correspondent Address:** Katharine F. Rowe  
Smith, Gambrell & Russell, LLP  
50 N. Laura Street Suite 2600  
Jacksonville FL , 32202  
UNITED STATES

**Correspondent e-mail:** [krowe@sgrlaw.com](mailto:krowe@sgrlaw.com)

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	INCOMING - EXT TIME TO OPPOSE FILED	Jun 07, 2013	
2	EXTENSION OF TIME GRANTED	Jun 07, 2013	