

ESTTA Tracking number: **ESTTA688125**

Filing date: **08/06/2015**

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	Advance Magazine Publishers Inc.
Granted to Date of previous extension	08/08/2015
Address	One World Trade Center New York, NY 10007 UNITED STATES
Attorney information	ERIC E GISOLFI Sabin Bermant & Gould LLP One World Trade Center New York, NY 10007 UNITED STATES egisolfi@sabinfirm.com

Applicant Information

Application No	86513199	Publication date	06/09/2015
Opposition Filing Date	08/06/2015	Opposition Period Ends	08/08/2015
Applicant	P.E. Asia Biomedicine Co., Ltd 9 F, No.45, Sec. 1, Minquan East Rd. Taipei, ZhongShan TAIWAN		

Goods/Services Affected by Opposition

<p>Class 003. First Use: 2012/04/01 First Use In Commerce: 2012/09/01 All goods and services in the class are opposed, namely: Cosmetic and beauty products, namely, cleansing cosmetic oil, make-up remover, Facial Foam Cleansing preparations, bodycream, skin cleansers, eye make-up remover, Lotion skin toner, skin toning Water, Moisturizer Lotion, day face cream, Night Cream, Eye Cream, Eye Gel, Facial Mask, water spray in the nature of toiletwater, flower essence concentrate for cosmetic purposes, foundation make-up in the nature of a protective base block, foundation make-up in the nature of a makeup base, foundation make-up in the nature of a control base, sun screen lotion, face and cosmetic protector in the nature of a lotion, stick facial concealer, pen facial concealer, liquid foundation, Foundation Compact in the nature of makeup, Compact Powder in the nature of makeup, loose face powder, Pressed face powder, Cream-to-Powder Foundation make-up, Blush, Blush Powder, Cheek Color, Eye shadow, Eyeliner Pencil, Eye Liner, Eye Liner Gel, Liquid Eyeliner, Mascara, Lip Pencil, Lipstick Rouge, Lip Gloss, Lip Balm, Lip Conditioner in the form of a cream, Hand Cream, Hand Lotion, Massage Cream, Body Lotion, Shower Gel, Bath and Massage Oil, essential oil, Body Wash, shower gel, bathing gel, Body Scrub, Sun Block, Sunscreen, After-sun Lotion, Hand Cleanser in the form of a cream, Nail Polish, Crystal Nail Lacquer, nail polish remover, Cracked Heel Treatment Cream, Shampoo, Conditioner, non-medicated hair treatment preparations for cosmetic purposes, hair mask, hair sculpting gel, hair wax, Hair Mousse, hair Finishing Spray in the nature of hair spray, and Fragrance and Perfume Sprays</p>
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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.	103770	Application Date	10/17/1914
Registration Date	04/13/1915	Foreign Priority Date	NONE
Word Mark	VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1892/12/17 First Use In Commerce: 1892/12/17 PATTERNS		

U.S. Registration No.	125542	Application Date	07/26/1918
Registration Date	05/20/1919	Foreign Priority Date	NONE
Word Mark	VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U038 (International Class 009, 016, 028). First use: First Use: 1892/12/17 First Use In Commerce: 1892/12/17 [SEMI-MONTHLY PUBLICATION] * MAGAZINES *		

U.S. Registration No.	3069976	Application Date	03/25/2005
Registration Date	03/21/2006	Foreign Priority Date	NONE
Word Mark	VOGUE		

Design Mark	VOGUE		
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2000/09/18 First Use In Commerce: 2000/09/18 Providing information about beauty via a global computer network Class 045. First use: First Use: 2000/09/18 First Use In Commerce: 2000/09/18 Providing information about fashion viaa global computer network		

U.S. Registration No.	504006	Application Date	01/31/1948
Registration Date	11/16/1948	Foreign Priority Date	NONE
Word Mark	VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1892/12/17 First Use In Commerce: 1892/12/17 MAGAZINE [PUBLISHED TWENTY TIMES YEARLY]		

U.S. Registration No.	1659761	Application Date	09/21/1990
Registration Date	10/08/1991	Foreign Priority Date	NONE
Word Mark	VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1990/01/00 First Use In Commerce: 1990/01/00 tote bags		

U.S. Registration No.	2701928	Application Date	09/24/2001
Registration Date	04/01/2003	Foreign Priority Date	NONE
Word Mark	VOGUE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1998/01/01 First Use In Commerce: 1998/01/01 clothing, namely, T-shirts [and sweatshirts]

U.S. Application No.	85686052	Application Date	07/25/2012
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	VOGUE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 body creams Class 004. First use: First Use: 0 First Use In Commerce: 0 scented candles

Attachments	71081968#TMSN.png(bytes) 71112351#TMSN.png(bytes) 76634388#TMSN.png(bytes) 76316168#TMSN.png(bytes) 85686052#TMSN.png(bytes) voguemaster.pdf(111643 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	/eric e gisolfi/
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Name	ERIC E GISOLFI
Date	08/06/2015

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

In re:	:	
	:	
App. Ser. No. 86/513199	:	Opposition No.
	:	
Mark: VOGUE MASTER	:	
	:	
Applicant: P.E. Asia Biomedicine Co. Ltd.	:	
X		
Advance Magazine Publishers Inc.	:	
	:	
Opposer	:	
	:	
v.	:	
	:	
P.E. Asia Biomedicine Co. Ltd.	:	
	:	
Applicant	:	
X		

NOTICE OF OPPOSITION

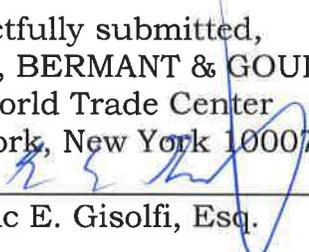
Opposer, Advance Magazine Publishers Inc., a New York corporation whose address is One World Trade Center, New York, NY 10007, hereby opposes registration of the mark "Vogue Master", which is the subject of Application Serial No. 86/513199, published in the Official Gazette of June 9, 2015, and requests that registration be refused to Applicant.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer and its predecessors have adopted and continuously used the mark VOGUE as the title of a fashion magazine and internet site.
2. Opposer is the owner of the valid, subsisting, unrevoked and uncanceled Registrations Nos. 103770, 125542, 3069976, 504006, 1659761, 2701928, and others.
3. Founded in 1892, Vogue magazine has become the nation's most widely recognized and revered fashion publication.
4. The US edition of Vogue magazine is read by 12.7 million people each month. Vogue's American website receives 8.7 million visitors each month, creating 5 billion impressions.

5. Millions of U.S. citizens instantly recognize and associate the VOGUE trademark with Opposer's products and services.
6. In addition to its magazine and website, Opposer uses its VOGUE trademark in social media, such as Twitter, Facebook, Instagram and Pinterest, as well as in connection with computer application software products.
7. As a result of its longstanding and continuous use of VOGUE for a wide range of goods and services, Opposer's mark has acquired substantial goodwill and reputation and has become famous.
8. Applicant has filed an application to register the mark "Vogue Master" covering a wide range of goods in Class 3.
9. Applicant's mark wholly incorporates the Opposer's previously used and registered mark, VOGUE, and when applied to the goods set forth in Applicant's application, is likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
10. Applicant's registration and use of its mark will falsely suggest an association with or approval by Opposer of Applicant's goods and services and will inevitably create confusion in the marketplace. Such confusion will cause irreparable harm to Opposer.
11. Applicant's registration of the mark shown in App. Ser. No. 86/513199 is likely to cause dilution of Opposer's famous marks under Section 43(c) of the Trademark Act and should be refused registration under Section 2(f).

WHEREFORE, Opposer hopes that the opposition be sustained and that registration of "Vogue Master" by Applicant be refused.

Respectfully submitted,
SABIN, BERMANT & GOULD LLP
One World Trade Center
New York, New York 10007
By: 
Eric E. Gisolfi, Esq.