

ESTTA Tracking number: **ESTTA17795**

Filing date: **10/25/2004**

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 parties oppose registration of the indicated application.

#### Opposers Information

<b>Name</b>	Metro-Goldwyn-Mayer Studios Inc.
<b>Granted to Date of previous extension</b>	10/24/2004
<b>Address</b>	10250 Constellation Blvd. Los Angeles, CA 90067 UNITED STATES
<b>Party who filed Extension of time to oppose</b>	Metro-Goldwyn-Mayer Studios Inc. and Metro-Goldwyn-Mayer Pictures Inc.
<b>Relationship to party who filed Extension of time to oppose</b>	The second opposer's name has been cut off from the text box and it is being re-added in the box that provides for the second opposer's name so the complete name can be added.

<b>Name</b>	Metro-Goldwyn-Mayer Pictures Inc.		
<b>Entity</b>	Corporation	<b>Citizenship</b>	California
<b>Address</b>	10250 Constellation Boulevard Los Angeles, CA 90067 UNITED STATES		

<b>Attorney information</b>	Alexandra DeNeve Loeb & Loeb LLP
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	345 Park Avenue New York, NY 10154 UNITED STATES adeneve@loeb.com Phone:212-407-4000
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**Applicant Information**

<b>Application No</b>	76533475	<b>Publication date</b>	04/27/2004
<b>Opposition Filing Date</b>	10/25/2004	<b>Opposition Period Ends</b>	10/24/2004
<b>Applicant</b>	UrbanWorks, LLC 770 Lawrence Drive Thousand Oaks, CA 91320 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. All goods and services in the class are opposed, namely: Motion Picture Film Production
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<b>Attachments</b>	bshopnotice.pdf ( 4 pages )
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<b>Signature</b>	/and/
<b>Name</b>	Alexandra DeNeve
<b>Date</b>	10/25/2004

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

In re Application Serial No. 76533475

Filed: July 10, 2003

For the mark BEAUTY SHOP: THE MOVIE

Published in the *Official Gazette* on April 27, 2004

METRO-GOLDWYN-MAYER PICTURES  
INC. and

METRO-GOLDWYN-MAYER STUDIOS  
INC.,

Opposers,

v.

BEAUTY SALON LLC,

Applicant.

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

1. Metro-Goldwyn-Mayer Pictures Inc. and Metro-Goldwyn-Mayer Studios Inc., both corporations organized and existing under the laws of the State of Delaware, with a principal place of business at 10250 Constellation Boulevard, Los Angeles, California 90067 (collectively “Opposer”) believe that they will be damaged by registration of the mark BEAUTY SHOP: THE MOVIE shown in the above-identified intent-to-use application Serial No. 76-533475 (hereinafter referred to as the “Opposed Application”) assigned to Beauty Salon LLC (“Applicant”) and hereby oppose the same pursuant to 37 C.F.R. § 2.101(b).

2. On information and belief, Applicant is a limited liability corporation organized and existing under laws of the State of California with a principal place of business at 2590 Conejo Spectrum Street, Thousand Oaks, California 91320.

3. Since March 2003, Opposer has been publicizing and marketing its upcoming film BEAUTY SHOP, which will be released in theaters in early 2005. Due to Opposer's extensive marketing effort, Opposer has acquired secondary meaning in the mark BEAUTY SHOP for its film production.

4. During the summer of 2004, well after Opposer had publicly announced the production and release of its film entitled BEAUTY SHOP, Applicant's predecessor announced its intention to release a film also entitled BEAUTY SHOP. Applicant's predecessor filed the Opposed Application on July 3, 2003, for the mark BEAUTY SHOP: THE MOVIE for use in connection with motion picture film production. The Opposed Application as filed included a statement by Applicant's predecessor that it had a bona fide intention to use the proposed mark in commerce in connection with the services set forth in the Opposed Application.

5. Applicant's predecessor filed the Opposed Application after Opposer had announced publicly its intent to release a film entitled BEAUTY SHOP, after Opposer had invested significant resources in publicizing and marketing the BEAUTY SHOP film, and after Opposer had acquired secondary meaning in the title and mark BEAUTY SHOP.

6. On April 26, 2004, Applicant recorded the assignment of the Opposed Application from its predecessor. On April 27, 2004, the Opposed Application was published for opposition.

7. Opposer filed timely Notices of Extension of Time to oppose the Opposed Application for a time period of up to and including October 25, 2004.

8. When Opposer notified Applicant of its claim to the BEAUTY SHOP mark and film title, Applicant agreed to change the name of its film, and did change the name of its film, to “Hair Show.”

9. Applicant’s statement in the Opposed Application that it had a bona fide intention to use the proposed mark in commerce is now false because Applicant changed the name of its film title from BEAUTY SHOP to “Hair Show” and has already released its film publicly under the title “Hair Show.” On information and belief, Applicant has no intention of using the mark BEAUTY SHOP in connection with motion picture production or at all.

10. If Applicant is granted the registration herein opposed, Applicant would thereby obtain at least a prima facie exclusive right to the use of the proposed mark. Such registration would be a source of damage and injury to Opposer and to the general public due to the likelihood of confusion that would occur between Opposer’s BEAUTY SHOP mark and goods and Applicant’s proposed mark and services.

WHEREFORE, Opposer pray that this Opposition be sustained and that the Opposed Application be rejected and that registration of the alleged trademark recited therein be refused and denied.

Please recognize as attorneys for Opposer Jonathan Zavin and Alexandra DeNeve (members of the Bar of the State of New York) and the firm of Loeb & Loeb LLP, 345 Park

Avenue, New York, New York 10154. Please address all communications to Alexandra DeNeve of said firm and address.

Respectfully submitted,

Metro-Goldwyn-Mayer Pictures Inc. and  
Metro-Goldwyn-Mayer Studios Inc.,  
Opposers

Dated: October 25, 2004

By: \_\_\_\_\_  
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Alexandra DeNeve  
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