ESTTA Tracking number: **ESTTA67516**

Filing date: **02/22/2006**

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	Bonne Bell, Inc.
Granted to Date of previous extension	02/22/2006
Address	18519 Detroit Avenue Lakewood, OH 44107 UNITED STATES

Attorney information	Sandra M. Koenig, Jude A. Fry Fay, Sharpe, Fagan, Minnich & McKee, LLP 1100 Superior Avenue7th Floor Cleveland, OH 44114 UNITED STATES skoenig@faysharpe.com, jfry@faysharpe.com,kriley@faysharpe.com

Applicant Information

Application No	76616812	Publication date	10/25/2005
Opposition Filing Date	02/22/2006	Opposition Period Ends	02/22/2006
Applicant	INTERMARK USA, LLC 200 Business Park Drive, Suite 307 Armonk, NY 10504 UNITED STATES		

Goods/Services Affected by Opposition

Class 003.
All goods and sevices in the class are opposed, namely: COSMETIC PRODUCTS, NAMELY, LIPSTICK, LIQUID LIPSTICK, LIPGLOSS, LIPLINER

Attachments	Notice of Opposition.pdf (3 pages)

Signature	/Jude A. Fry/
Name	Sandra M. Koenig, Jude A. Fry
Date	02/22/2006

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

In re Application No. 76/616,812 for the mark LIP STYLE filed on October 19, 2004, and published on October 25, 2005

BONNE BELL, INC.,	)	
	)	Opp. No.
Opposer,	)	
	)	
v.	)	
	)	
INTERMARK USA, LLC,	)	
	)	
Applicant.	)	

NOTICE OF OPPOSITION

Bonne Bell, Inc. ("Bonne Bell") an Ohio corporation, having a business address at 18519 Detroit Avenue, Lakewood, Ohio 44107 believes that it will be damaged by the registration of the above-identified mark and hereby opposes the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

As grounds for the opposition, it is alleged that:

1. Opposer has adopted and continuously used the mark EYE STYLE since at least as early as June 15, 2002 to the present to distinguish its eye cosmetics goods. The mark EYE STYLE is inherently distinctive as applied to these goods.

2. Through its extensive sales and advertising, Opposer has developed extensive good will and secondary meaning throughout the United States with respect to the mark EYE STYLE.

3. Opposer is the owner of all right, title and interest in and to the mark EYE STYLE in International Class 3, for eye cosmetics, namely, eye shadow, eye liner, mascara and

eyebrow pencil. Said mark is registered in the United States Patent and Trademark Office under Registration No. 2,947,252.

4. Opposer's registration is valid and subsisting. The registration is conclusive evidence of Opposer's ownership of the mark and of its exclusive right to use the mark in commerce.

5. The aforementioned registration also provides constructive notice of Opposer's claim of ownership.

6. Since long prior to the date of the filing of Applicant's application, Opposer has used its mark in interstate commerce on and in connection with the goods identified in the registration and such use has been widely publicized throughout the United States.

7. Notwithstanding Opposer's prior established rights in EYE STYLE, Applicant has applied to register the highly similar mark LIP STYLE for related cosmetic goods, i.e., "cosmetic products, namely, lipstick, liquid lipstick, lipgloss, lipliner."

8. Upon information and belief, Applicant made no use of its alleged mark in commerce prior to the filing date of its application.

9. The mark that Applicant seeks to register so resembles Opposer's mark that use and registration thereof is likely to cause confusion, mistake and/or deception as to the source or origin of Applicant's goods and will injure and damage Opposer and the goodwill and reputation it has established in its mark.

10. The goods of Opposer and Applicant are so closely related that the public is likely to be confused and to assume erroneously that Applicant's goods are the goods of Opposer or that Applicant is in some way connected with and/or sponsored by or affiliated with Opposer, all to Opposer's irreparable damage.

11. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's mark and registration of the mark should be refused.

WHEREFORE, Opposer prays that its opposition be sustained and that registration be denied.

BONNE BELL, INC.,

Date: February 22, 2006

/Jude A. Fry/

Sandra M. Koenig
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Attorneys for Opposer

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