

ESTTA Tracking number: **ESTTA713256**

Filing date: **12/08/2015**

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	IT Cosmetics, LLC		
Entity	Limited Liability Company	Citizenship	Delaware
Address	111 Town Square Place Suite 317 Jersey City, NJ 07310 UNITED STATES		

Attorney information	Grant J. Steyer Renner, Otto, Boisselle & Sklar, LLP 1621 Euclid Avenue 19th Floor Cleveland, OH 44115 UNITED STATES gsteyer@rennerotto.com, eorsine@rennerotto.com, ngingo@rennerotto.com, mailroom@rennerotto.com Phone:216-621-1113
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Applicant Information

Application No	86046340	Publication date	12/01/2015
Opposition Filing Date	12/08/2015	Opposition Period Ends	12/31/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	CJ E&M Corporation CJ E&M Center Seoul, KOREA, REPUBLIC OF		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hair conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions; Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hairconditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnishfor cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions

Grounds for Opposition

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

U.S. Registration No.	4728185	Application Date	04/30/2013
Registration Date	04/28/2015	Foreign Priority Date	NONE
Word Mark	IT BEAUTY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2015/03/07 First Use In Commerce: 2015/03/07 Cosmetics; Make-up; Non-medicated skin care preparations		

U.S. Registration No.	4735762	Application Date	03/08/2013
Registration Date	05/12/2015	Foreign Priority Date	NONE
Word Mark	IT BEAUTY SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2015/02/28 First Use In Commerce: 2015/02/28 Cosmetics; Make-up; Non-medicated skin care preparations		

Related Proceedings	Opposition No. 91222704
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Attachments	85918798#TMSN.png(bytes) 85870512#TMSN.png(bytes) KERJL111-Notice of Opposition re GET IT BEAUTY Class 3.pdf(93201 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	/GrantJSteyer/
Name	Grant J. Steyer
Date	12/08/2015

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

In the Matter of: Serial No. 86046340
Date of Filing: August 23, 2013
Mark: GET IT BEAUTY
Date of Publication: December 1, 2015

IT Cosmetics, LLC
Opposer

Opposition No:

v.

CJ E&M Corporation
Applicant

BOX TTAB/FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria , VA 22313-1451

NOTICE OF OPPOSITION

Opposer, IT Cosmetics, LLC (hereinafter the "Opposer"), is a Limited Liability Company duly organized and existing under the laws of Delaware, with a principal place of business at Suite 317, 111 Town Square Place, Jersey City, New Jersey 07310.

Opposer believes that it will be damaged by and hereby opposes registration of the trademark GET IT BEAUTY as reflected in U.S. Application Serial No. 86046340 filed August 23, 2013, which covers goods in Class 3, namely, "Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hair conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions; Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hair

conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions” (See Exhibit A).

The grounds for opposition are as follows:

NOTICE OF OPPOSITION

1. Opposer is the owner of all right, title and interest in and to the following federal trademark applications (referred to herein as “Opposer’s Marks”):

- i. United States Trademark Application No. 85870512, filed March 8, 2013, for the trademark IT BEAUTY SOLUTIONS, covering “Cosmetics and make-up; Non-medicated skin care preparations” in International Class 3 (See Exhibit B).
- ii. United States Trademark Application No. 85918798, filed April; 30, 2013, for the trademark IT BEAUTY, covering “Cosmetics and make-up; Non-medicated skin care preparations” in International Class 3 (See Exhibit C).

Applicant and Its Mark

2. Upon information and belief, CJ E&M Corporation (“Applicant”) is a Republic of Korea corporation with an address at CJ E&M Center, 66, Sangamsan-ro, Mapo-gu Seoul, Republic of Korea.

3. Applicant is the record owner of the following U.S. Trademark Application for the mark GET IT BEAUTY (which was filed on the basis of Applicant's alleged intent to use the mark on its goods in interstate commerce):

Application No.	Filing Date	Goods
86046340	August 23, 2013	“Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hair conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions; Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False

eyelashes; Hair conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions"

COUNT 1: LIKELIHOOD OF CONFUSION

4. Opposer repeats and incorporates herein by reference the averments in the preceding paragraphs.
5. Applicant's GET IT BEAUTY mark is similar in appearance, sound, and meaning to Opposer's Marks and creates an overall commercial impression confusingly similar to that of Opposer's Marks.
6. The goods listed in Application No. 86046340 either directly overlap or are closely related to the goods identified by Opposer's Marks. On information and belief, the goods in Application No. 86046340 are intended to be offered in the same channels of trade as those offered by Opposer under the Opposer's Mark and offered to the same class of consumers who purchase the goods promoted by Opposer's Mark.
7. The filing date for the application claimed in Opposer's Appl. No. 8570512, namely, March 8, 2013, predates the filing date of Appl. No. 86046340, namely, August 23, 2013.
8. The filing date for the application claimed in Opposer's Appl. No. 85918798, namely, April 30, 2013, predates the filing date of Appl. No. 86046340, namely, August 23, 2013.
9. In light of the foregoing, Applicant's GET IT BEAUTY mark as used or proposed for use on the goods recited in the opposed application is confusingly similar to Opposer's Marks and is likely to cause confusion and mistake, and to deceive the public into believing that Applicant's goods originate from, or are in some way sponsored by, licensed by, associated with or otherwise authorized by Opposer in violation of Section 2(d) of the Lanham Act, 15 U.S.C.A. § 1052(d), resulting in damage to Opposer.
10. If Applicant is granted the registration herein proposed, it would thereby obtain a prima facie right to use the mark, which would be a further source of damage to Opposer.

PRAYER FOR RELIEF

WHEREFORE, Opposer respectfully requests that this Opposition be sustained and that Application No. 86046340 for the GET IT BEAUTY mark be denied registration.

The filing fee of \$300 for this Notice of Opposition is being submitted electronically with this Notice. Please charge Deposit Account No. 18 0988 in the event the actual fee is greater than the payment submitted or is inadvertently omitted.

Respectfully submitted,

IT Cosmetics, LLC
By Its Attorneys

/Grant J. Steyer/

Grant J. Steyer

gsteyer@rennerotto.com

Warren A. Sklar

wasklar@rennerotto.com

Nicholas J. Gingo

ngingo@rennerotto.com

Renner, Otto, Boisselle, & Sklar, LLP

1621 Euclid Avenue, 19th Floor

Cleveland, OH 44115

Tel: 216-621-1113

Fax: 216-621-6165

CERTIFICATE OF ELECTRONIC MAILING

I hereby certify that the foregoing Notice of Opposition is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this December 8, 2015.

/Grant J. Steyer/

Grant J. Steyer

Renner, Otto, Boisselle, & Sklar, LLP

1621 Euclid Avenue, 19th Floor

Cleveland, OH 44115

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION is being deposited with the U.S. Postal Service with sufficient postage as first-class mail this December 8, 2015, in an envelope addressed to Applicant's counsel of record at the following address: Mark J. Liss, Leydig, Voit & Mayer, LTD., 2 Prudential Plaza, 180 N. Stetson Avenue, Suite 4900, Chicago, Illinois 60601, UNITED STATES.

/Grant J. Steyer/

Grant J. Steyer
Renner, Otto, Boisselle, & Sklar, LLP
1621 Euclid Avenue, 19th Floor
Cleveland, OH 44115

EXHIBIT A

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86046340

Filing Date: 08/23/2013

*NOTE: Data fields with the * are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK	\\TICRS\EXPORT16\IMAGEOUT\16\860\463\86046340\xml1\FTK0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	GET IT BEAUTY
*COLOR MARK	YES
*COLOR(S) CLAIMED (If applicable)	The color(s) pink and black is/are claimed as a feature of the mark.
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the words Get it in black above and to the left of the word beauty where the letter b is the color pink and the letters eauty are the color black.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	403 x 250
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	CJ E&M Corporation
INTERNAL ADDRESS	CJ E&M Center
*STREET	66, Sangamsan-ro, Mapo-gu

*CITY	Seoul
*COUNTRY	Korea, South
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
* STATE/COUNTRY OF INCORPORATION	Korea, South
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	003
*IDENTIFICATION	Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hair conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions
*FILING BASIS	SECTION 1(b)
*FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	40-2013-56437
*FOREIGN APPLICATION COUNTRY	Korea, South
*FOREIGN FILING DATE	08/22/2013
INTENT TO PERFECT 44(d)	At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.
ADDITIONAL STATEMENTS SECTION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	

ATTORNEY INFORMATION	
NAME	Mark J. Liss
ATTORNEY DOCKET NUMBER	278814
FIRM NAME	Leydig, Voit & Mayer, Ltd.
INTERNAL ADDRESS	Suite 4900
STREET	Two Prudential Plaza, 180 N. Stetson Ave
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60601
PHONE	312-616-5600
FAX	312-616-5700
EMAIL ADDRESS	trademark@leydig.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Lynn A. Sullivan, Tamara A. Miller, Anne E. Naffziger, Claudia W. Stangle, Caroline L. Stevens, Kevin C. Parks, Angela J. Baylin, Michelle L. Zimmermann, Nimita L. Parekh
CORRESPONDENCE INFORMATION	
*NAME	Mark J. Liss
FIRM NAME	Leydig, Voit & Mayer, Ltd.
INTERNAL ADDRESS	Suite 4900
*STREET	Two Prudential Plaza, 180 N. Stetson Ave
*CITY	Chicago
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE	60601
PHONE	312-616-5600
FAX	312-616-5700
*EMAIL ADDRESS	trademark@leydig.com
*AUTHORIZED TO COMMUNICATE VIA	Yes

EMAIL	
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
SIGNATURE INFORMATION	
* SIGNATURE	/Mark J. Liss/
* SIGNATORY'S NAME	Mark J. Liss
* SIGNATORY'S POSITION	Attorney of record, IL bar member
SIGNATORY'S PHONE NUMBER	312-616-5600
* DATE SIGNED	08/23/2013

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 86046340

Filing Date: 08/23/2013

To the Commissioner for Trademarks:

MARK: GET IT BEAUTY (stylized and/or with design, see [mark](#))

The literal element of the mark consists of GET IT BEAUTY.

The color(s) pink and black is/are claimed as a feature of the mark. The mark consists of the words Get it in black above and to the left of the word beauty where the letter b is the color pink and the letters eauty are the color black.

The applicant, CJ E&M Corporation, a corporation of Korea, South, having an address of
CJ E&M Center,
66, Sangamsan-ro, Mapo-gu
Seoul
Korea, South

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

For specific filing basis information for each item, you must view the display within the Input Table.

International Class 003: Beauty soap; Cleaning preparations; Cosmetic preparations for skin care; Cosmetics; Cotton wool for cosmetic purposes; Dentifrices; False eyelashes; Hair conditioners; Lipsticks; Make-up; Make-up removing preparations; Mascara; Mask pack for cosmetic purposes; Nail varnish for cosmetic purposes; Perfumes; Shampoos; Shaving preparations; Shower gels; Skin lotions
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Korea, South application number 40-2013-56437, filed 08/22/2013. 15 U.S.C. Section 1126(d), as amended.

INTENT TO PERFECT 44(d) : At this time, the applicant intends to rely on Section 44(e) as a basis for registration. If ultimately the applicant does not rely on Section 44(e) as a basis for registration, a valid claim of priority may be retained.

The applicant's current Attorney Information:

Mark J. Liss and Lynn A. Sullivan, Tamara A. Miller, Anne E. Naffziger, Claudia W. Stangle, Caroline L. Stevens, Kevin C. Parks, Angela J. Baylin, Michelle L. Zimmermann, Nimita L. Parekh of Leydig, Voit & Mayer, Ltd.

Suite 4900

Two Prudential Plaza, 180 N. Stetson Ave

Chicago, Illinois 60601

United States

The attorney docket/reference number is 278814.

The applicant's current Correspondence Information:

Mark J. Liss

Leydig, Voit & Mayer, Ltd.

Suite 4900

Two Prudential Plaza, 180 N. Stetson Ave

Chicago, Illinois 60601

312-616-5600(phone)

312-616-5700(fax)

trademark@leydig.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Mark J. Liss/ Date Signed: 08/23/2013

Signatory's Name: Mark J. Liss

Signatory's Position: Attorney of record, IL bar member

RAM Sale Number: 86046340

RAM Accounting Date: 08/23/2013

Serial Number: 86046340

Internet Transmission Date: Fri Aug 23 13:39:34 EDT 2013

TEAS Stamp: USPTO/FTK-XX.XX.XXX.XXX-2013082313393444

1301-86046340-50096cab933fef78e256e93830

516c55646f9cd4ccb742bd4e72896dd50caea6-D

A-10948-20130823132409416127

Get it
beaauty

EXHIBIT B

[STATUS](#)[DOCUMENTS](#)[Back to Search](#)[Print](#)**Generated on:** This page was generated by TSDR on 2015-07-02 10:05:06 EDT**Mark:** IT BEAUTY SOLUTIONS

IT BEAUTY SOLUTIONS

US Serial Number: 85870512**Application Filing Date:** Mar. 08, 2015**US Registration Number:** 4735762**Registration Date:** May 12, 2015**Filed as TEAS Plus:** Yes**Currently TEAS Plus:** Yes**Register:** Principal**Mark Type:** Trademark**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.**Status Date:** May 12, 2015**Publication Date:** Jul. 23, 2013**Notice of Allowance Date:** Sep. 17, 2013

Mark Information

Related Properties Information

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 incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Cosmetics; Make-up; Non-medicated skin care preparations**International Class(es):** 003 - Primary Class**U.S Class(es):** 001, 004, 005**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Feb. 28, 2015**Use in Commerce:** Feb. 28, 2015

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: IT Cosmetics, LLC**Owner Address:** 111 Town Square Place, Suite 317
Jersey City, NEW JERSEY 07310

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: IT Cosmet

Assignment 1 of 1

Proceedings - Click to Load

EXHIBIT C

STATUS **DOCUMENTS**

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Mark: IT BEAUTY

IT BEAUTY

US Serial Number: 85918798

Application Filing Date: Apr. 30, 2015

US Registration Number: 4728185

Registration Date: Apr. 28, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 28, 2015

Publication Date: Jul. 16, 2013

Notice of Allowance Date: Sep. 10, 2013

Mark Information

Related Properties Information

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 incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Cosmetics; Make-up; Non-medicated skin care preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 005

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 07, 2015

Use in Commerce: Mar. 07, 2015

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: IT COSMETICS, LLC

Owner Address: Suite 317
111 Town Square Place
Jersey City, NEW JERSEY 07310

UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information

Summary

Total Assignments: 1

Registrant: IT COSME

Assignment 1 of 1

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