

ESTTA Tracking number: **ESTTA819755**

Filing date: **05/09/2017**

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 | Atelier, Inc. DBA Chez LouLou |
| Granted to Date of previous extension | 05/13/2017 |
| Address | 16900 Kercheval Ave. Grosse Pointe, MI 48230 UNITED STATES |

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| Attorney information | SUSAN M KORNFIELD BODMAN PLC 201 SOUTH DIVISION ST ANN ARBOR, MI 48104 UNITED STATES trademarks@bodmanlaw.com Phone:734-761-3780 |
|----------------------|---|

Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 86543127 | Publication date | 03/14/2017 |
| Opposition Filing Date | 05/09/2017 | Opposition Period Ends | 05/13/2017 |
| Applicant | Sarofima, LLC 2828 Kapiolani Boulevard Honolulu, HI 96826 UNITED STATES | | |

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: Cosmetics, face cleansers, non-medicated skin exfoliation preparations, skin masks, skin toner, beauty serums, sun block, face oil

Grounds for Opposition

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| 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. | 4998337 | Application Date | 01/28/2016 |
| Registration Date | 07/12/2016 | Foreign Priority Date | NONE |
| Word Mark | CHEZ LOULOU SALON | | |

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|---------------------|---|
| Design Mark | CHEZ LOULOU SALON |
| Description of Mark | NONE |
| Goods/Services | Class 044. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Beauty salon services; Hair salon services; Nail care salons; Skin care salons |

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|----------------------|----------|-----------------------|------------|
| U.S. Application No. | 87185047 | Application Date | 09/27/2016 |
| Registration Date | NONE | Foreign Priority Date | NONE |


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| Word Mark | CHEZ LOULOU SALON |
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| Description of Mark | The mark consists of three horizontal bars set between a fleur-de-lis at the top and an upside-down fleur-de-lis at the bottom, and with the top bar containing the word "chez", the middle bar containing the wording "LOULOU", and the bottom bar containing the word "Salon". |
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| Goods/Services | Class 003. First use: First Use: 0 First Use In Commerce: 0 Shampoos, Hair Conditioner, Hair Mousse, Hair Gel, Hair Pomades, Hairspray, Seasalt styling spray for hair, Lipstick, Lip liner, Lip gloss, Eye shadow, Eyeliner, Mascara, Blush, Skin bronzer, Foundation, Face powder, Skin cream, Body lotion, and Facial masks |
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|----------------------|----------|------------------|------------|
| U.S. Application No. | 87185108 | Application Date | 09/27/2016 |
|----------------------|----------|------------------|------------|

| | | | |
|---------------------|--|-----------------------|------|
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | CHEZ LOULOU SALON | | |
| Design Mark |  | | |
| Description of Mark | The mark consists of three horizontal bars set between a fleur-de-lis at the top and an upside-down fleur-de-lis at the bottom, and with the top bar containing the word "Chez", the middle bar containing the wording "LOULOU", and the bottom bar containing the word "Salon". | | |
| Goods/Services | Class 044. First use: First Use: 2016/01/14 First Use In Commerce: 2016/01/14 Beauty salon services; Hair salon services; Nail care salons; Skin care salons | | |

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|------------------------------------|---|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
| Registration Date | NONE | | |
| Word Mark | CHEZ LOULOU | | |
| Goods/Services | Beauty salon services; Hair salon services; Nail care salons; Skin care salons; Shampoos, Hair Conditioner, Hair Mousse, Hair Gel, Hair Pomades, Hairspray, Sea salt styling spray for hair, Lipstick, Lip liner, Lip gloss, Eye shadow, Eyeliner, Mascara, Blush, Skin bronzer, Foundation, Face powder, Skin cream, Body lotion, and Facial masks | | |

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| Related Proceedings | Applicant filed a notice of opposition to Opposer's Mark, U.S. Application Serial No. 87/185047 on April 28, 2017. |
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| Attachments | 86890271#TMSN.png(bytes) 87185047#TMSN.png(bytes) 87185108#TMSN.png(bytes) Notice of Opposition to mark LOULOU and exhibits.pdf(360429 bytes) |
|-------------|---|

| | |
|-----------|----------------------|
| Signature | /susan m. kornfield/ |
| Name | SUSAN M KORNFIELD |
| Date | 05/09/2017 |

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

In the matter of Application Serial No. 86/543127
Filed on February 23, 2015
For the Mark, **LOULU**
Published in the Official Gazette (Trademark) on March 14, 2017

ATELIER, INC, DBA CHEZ LOULOU,)
)
)
Opposer,)
)
Opposition No.)
)
v.)
)
SAROFIMA, LLC,)
)
)
Applicant.)
)
)

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

NOTICE OF OPPOSITION

1. Opposer is Atelier, Inc., DBA Chez LouLou, a Michigan corporation with a business address of 16900 Kercheval Avenue, Grosse Pointe, Michigan 48230 (“Chez LouLou” or “Opposer”).
2. Opposer owns the trademark and service marks CHEZ LOULOU, CHEZ LOULOU



SALON, and (collectively, the “Chez LouLou Salon Marks”) which are used in connection with the operation of Chez LouLou Salon, an upscale and full service

salon that opened in December 2012 in Grosse Pointe, Michigan. **Exhibit 1**, Printout from Chez LouLou’s website; **Exhibit 2**, Printout from Grosse Pointe Patch.

3. In addition to its common-law rights in the Chez LouLou Salon Marks, Opposer is the owner of:

a. U.S. Registration No. 4,998,337 for the word mark, CHEZ LOULOU SALON, for “Beauty salon services; Hair salon services; Nail care salons; Skin care salons,” in International Class 44.

b. U.S. Application Serial No. 87/185047 for the design mark depicted below



for “Shampoos, Hair Conditioner, Hair Mousse, Hair Gel, Hair Pomades, Hairspray, Sea salt styling spray for hair, Lipstick, Lip liner, Lip gloss, Eye shadow, Eyeliner, Mascara, Blush, Skin bronzer, Foundation, Face powder, Skin cream, Body lotion, and Facial masks,” in International Class 3. This application is based on intent to use.

c. U.S. Application Serial No. 87/185108 for the design mark depicted below



for “Beauty salon services; Hair salon services; Nail care salons; Skin care salons,” in International Class 44.

4. Since December 2012, Chez Loulou has sold “Shampoos, Hair Conditioner, Hair Mousse, Hair Gel, Hair Pomades, Hairspray, Sea salt styling spray for hair, Lipstick, Lip

liner, Lip gloss, Eye shadow, Eyeliner, Mascara, Blush, Skin bronzer, Foundation, Face powder, Skin cream, Body lotion, and Facial masks” products from its Chez Loulou salon, and has provided “Beauty salon services; Hair salon services; Nail care salons; Skin care salons” services under the CHEZ LOULOU and CHEZ LOULOU SALON marks. Opposer has built goodwill in the Chez LouLou Salon Marks.

5. On February 23, 2015, Applicant Sarofima, LLC applied to register the mark LOULU, for “Cosmetics, face cleansers, non-medicated skin exfoliation preparations, skin masks, skin toner, beauty serums, sun block, face oil” in International Class 3 (U.S. Application Serial No. 86/543127) (“Applicant’s Mark”). The filing basis for Applicant’s Mark is intent to use.
6. Chez Loulou used the Chez Loulou Salon Marks prior to the filing by Applicant of its application for registration of LOULU.
7. Applicant’s Mark was published for opposition in the Official Gazette (Trademark) on March 14, 2017.
8. On March 23, 2017, Opposer’s First 30 Day Request for Extension of Time to Oppose was granted by the Trademark Trial and Appeal Board (the “Board”), thereby extending Opposer’s time to oppose to May 13, 2017. Opposer now timely files this Opposition.
9. One word of Opposer’s Chez Loulou Salon’s mark sounds identical to Applicant’s Mark and the parties have similar goods, such that there is an appreciable likelihood of confusion among potential consumers. 15 U.S.C. § 1052(d). Opposer believes it would be damaged by registration of Applicant’s Mark.



10. On April 28, 2017, Applicant filed a notice of opposition to Opposer's Mark, U.S Application Serial No. 87/185047.

Susan M. Kornfield, attorney for Atelier, Inc., DBA Chez LouLou, states as follows: I am the person authorized to sign for the Opposer named in this Notice of Opposition; I have read the motion and know the contents; all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,
Bodman PLC

Dated: May 9, 2017

By: *Susan M. Kornfield*
Susan M. Kornfield (skornfield@bodmanlaw.com)
Megan E. Fink (mfink@bodmanlaw.com)
Michael J. Serra (mserra@bodmanlaw.com)
Karen H. Anderson (kanderson@bodmanlaw.com)
Attorneys for Atelier, Inc.
201 S. Division St., Suite 400
Ann Arbor, Michigan 48104
734-761-3780

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** has been served on **Applicant Sarofima, LLC** by has been served on via email to opposing counsel:

mhsia@caedes.com; ip@caedes.com

Martin E. Hsia

Cades Schutte a Limited Liability Law Partnership LLP

1000 Bishop Street, 12th Floor

Honolulu, HI 96813-4202

United States

I declare the statements above are true to the best of my information, knowledge and belief.

Dated: May 9, 2017

By: /s/ Mary Poupard



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Our Hair Salon and Spa services Grosse Pointe, MI
Salon Web Design by StyleNot



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Save At The Salon With Local Coupons & Cash Back. Get The Most With Our Savings App! Get to shop with one coupon
- Capital One® Credit Cards ▼
- Your Records Are Here ▼
- Wanted: Travel Writers ▼

Business (/michigan/grossepointe/business)

Chez Loulou, a Trendy, European Salon

The owner of Chez Loulou in the Village celebrated her new business Saturday with a ribbon-cutting ceremony with the Grosse Pointe Chamber of Commerce.

By Sara Eaton Martin (Patch Staff) - (<http://patch.com/users/sara-eaton-martin>) April 28, 2013 7:16 am ET
(<http://my.patch.com/article/14829884/edit>)



Brigitte Rist opened her new salon, Chez Loulou, in the Village earlier this year and celebrated it Saturday with a ribbon-cutting ceremony with the Grosse Pointe Chamber of Commerce.

Offering hair, makeup, nails and massage therapy, the salon is a full-service business with seven stylists, two massage therapists, one facialist and one nail technician, Rist said.

The salon is a european spa with a focus on being upscale, trendy and cutting edge, Rist said. All of the employees have been in the business for years and are involved in New York's Fashion Week, she said.

The salon features Prive products, a French line, and wants to keep people in touch with the fashion scene of L.A., New York and Paris, Rist said.

More than a dozen people joined Rist Saturday evening to celebratet her new business, which opened in January. Among those were employees of the salon, City of Grosse Pointe Mayor Dale Scrace and Grosse Pointe Chamber of Commerce Chairwoman Cathy Champion.

Also in attendance were neighboring business owners, including Mike Kramer and Chick Taylor. A small cocktail party followed the ribbon-cutting.

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(<http://patch.com/michigan/grossepointe/s/fxe5i/3-luxury-home-upgrades-that-cost-less-than-5000>)

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Rist said business has been "booming" since she opened in January.

The salon is open from 9 a.m. to 7 p.m. Tuesday and Friday; 9 a.m. to 9 p.m. Wednesday and Thursday; and 9 a.m. to 5 p.m. Saturday. It is closed on Sundays and Mondays.

Rist wants to work with other local businesses, including other local salons and has plans to working on fashion shows with the incoming SHE boutique and Dawood, she said.

Opening the salon was a collaborative effort, she said, explaining all of her employees sought her out.

The salon is located at 16900 Kercheval Ave. The phone number is 313-647-0525.



0:00 / 0:17



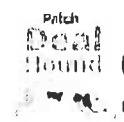
More from Grosse Pointe Patch (/michigan/grossepointe)



Kaine to Stump in Detroit Sunday, Cher in Bloomfield Hills for Hillary
(<http://patch.com/michigan/grossepointe/s/fxd02/kaine-to-stump-in-detroit-sunday-cher-in-bloomfield-hills-for-hillary>)



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Cashmere Clothes, Luggage Sets, Essential Oils Diffuser and More: Thursday's Best Deals
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