

ESTTA Tracking number: **ESTTA842885**

Filing date: **08/30/2017**

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	Green Heart Labs, LLC
Granted to Date of previous extension	08/30/2017
Address	8895 Towne Centre Dr. Suite 105 San Diego, CA 92122 UNITED STATES

Attorney information	Mark D. Kremer Conkle, Kremer & Engel, PLC 3130 Wilshire Blvd., Suite 500 Santa Monica, CA 90403 UNITED STATES Email: lp@conklelaw.com Phone: 3109989100
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Applicant Information

Application No	87129127	Publication date	05/02/2017
Opposition Filing Date	08/30/2017	Opposition Period Ends	08/30/2017
Applicant	SKINBOSS INC 2075 SILAS DEANE HWY STE 2C ROCKY HILL, CT 06067 UNITED STATES		


Goods/Services Affected by Opposition

<p>Class 003. First Use: 2016/08/05 First Use In Commerce: 2016/08/05 All goods and services in the class are opposed, namely: Perfumes; perfumery; essential oils for personal use, namely, bath oils, body oils, and massage oils; soaps, and cosmetics, namely, bath gels, bath powders, beauty masks, body creams, body powders, cosmetic pencils, cotton for cosmetic purposes, hand creams, night creams, skin cleansing creams, skin creams, vanishing creams, eye creams, skin lotions, facial lotions, body lotions, skin moisturizers, night creams, shower gels, skin clarifiers, skin soaps, suntanning preparations, moisturizers; make-up products, namely, eye makeup, eye makeup remover, eye pencils, eye shadow, eyebrow pencils, eyeliner, face powder, lipstick, make-up mascara, nail polish, nail polish remover, rouge; hair lotions; hair shampoos</p>
<p>Class 035. First Use: 2016/08/05 First Use In Commerce: 2016/08/05 All goods and services in the class are opposed, namely: Computerized online ordering services featuring cosmetics; retail and on-line store services featuring curated cosmetics; on-line retail store services featuring cosmetics and beauty supplies; on-line retail store services featuring cosmetics, personal hygiene and care products; retail store services featuring cosmetics and beauty and personal hygiene products</p>

Grounds for Opposition

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

U.S. Application No.	87165752	Application Date	09/09/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SKINBOSS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2012/06/00 First Use In Commerce: 2012/06/00 Non-medicated skin care preparations Class 021. First use: First Use: 2012/06/00 First Use In Commerce: 2012/06/00 Bath products, namely, loofah sponges; Bath sponges; Body scrubbing puffs; Exfoliating cloths; Exfoliating mitts; Exfoliating pads; Scrub sponges; Scrubbing brushes; Washing cloths; Cleaning cloths		

Attachments	87165752#TMSN.png(bytes) 9999 SKINBOSS Opposition.pdf(300603 bytes)
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Signature	/Mark D. Kremer/
Name	Mark D. Kremer
Date	08/30/2017

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

Green Heart Labs, LLC

Opposer,

v.

Skinboss Inc.

Applicant.

OPPOSITION No. _____

Serial No. 87/129,127

Mark: SKINBOSS

NOTICE OF OPPOSITION

Opposer, Green Heart Labs, LLC (“GHL”), a limited liability company organized and existing under the laws of Oregon, believes it will be damaged by the issuance of a registration for the alleged mark shown in Application Serial No. 87/129,127. Opposer hereby opposes same pursuant to Section 13(a) of the Lanham Trademark Act of 1946 (“Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for opposition, Opposer hereby alleges as follows:

1. Opposer is the owner of the application for SKINBOSS (Serial No. 87165752) (the “GHL Application”) in Class 3 for “Non-medicated skin care preparations” and Class 21 for “Bath products, namely, loofah sponges; Bath sponges; Body scrubbing puffs; Exfoliating cloths; Exfoliating mitts; Exfoliating pads; Scrub sponges; Scrubbing brushes; Washing cloths; Cleaning cloths.” Attached as Exhibit 1 is a true and correct printout from the United States Patent and Trademark Office electronic database showing the current status of the application as of August 28, 2017.

2. Opposer has used its SKINBOSS Mark in interstate commerce in the United States continuously since June 2012 in connection with the sale, marketing, advertising and promotion of the goods set forth in the GHL Application.

3. As a result of its continuous use of the SKINBOSS mark to identify its goods and Opposer as their source, Opposer owns valid and subsisting common law rights to the SKINBOSS Mark.

4. Opposer's SKINBOSS Mark is distinctive to both the consuming public and Opposer's trade.

5. Upon information and belief, Applicant, Skinboss, Inc. ("Applicant"), a corporation organized and existing under the laws of Connecticut, filed the subject application for SKINBOSS (Serial No. 87129127) in Class 3 for, among other goods, "skin cleansing creams, skin creams . . . skin moisturizers . . . skin clarifiers, skin soaps" and Class 35 for "Computerized online ordering services featuring cosmetics; retail and on-line store services featuring curated cosmetics; on-line retail store services featuring cosmetics and beauty supplies; on-line retail store services featuring cosmetics, personal hygiene and care products; retail store services featuring cosmetics and beauty and personal hygiene products."

6. Applicant allegedly began using the proposed mark on August 5, 2016, at least four (4) years after Opposer began using the Opposer's SKINBOSS mark.

7. Applicant's proposed mark SKINBOSS is identical to Opposer's SKINBOSS mark. Both marks consist of the unitary word "SKINBOSS" in standard characters.

8. The goods and services covered by the Applicant's subject application are similar to the goods Opposer offers under its SKINBOSS mark. Opposer's application cover skin care preparations in Class 3, while Applicant's subject application covers skin cleansing creams, skin

creams, skin moisturizers, skin clarifiers, skin soaps, and other related goods in Class 3.

Applicant's Class 35 services, which, among other things, include on-line retail store services featuring cosmetics and beauty supplies, are closely related to Opposer's goods, such that confusion is likely to arise if Applicant is granted a registration for the SKINBOSS Mark in Class 35.

9. Applicant's proposed mark should be denied registration because it is identical to Opposer's previously-used SKINBOSS mark and is therefore likely, when used in connection with the alleged goods and services of Applicant, to cause confusion, mistake, or deception within the meaning of 15 U.S.C. § 1052(d).

WHEREFORE, Opposer respectfully prays that its opposition be sustained and that registration to Applicant be refused.

Dated: August 30, 2017

By: /s Aleen Tomassian /s/

Mark D. Kremer
Aleen Tomassian
Attorneys for GREEN HEART LABS, LLC

CONKLE, KREMER & ENGEL
Professional Law Corporation
3130 Wilshire Boulevard, Suite 500
Santa Monica, California 90403-2351
Phone: (310) 998-9100
Fax: (310) 998-9109
m.kremer@conklelaw.com
a.tomassian@conklelaw.com
tm@conklelaw.com

EXHIBIT 1



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SKINBOSS

Word Mark SKINBOSS

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Non-medicated skin care preparations. FIRST USE: 20120600. FIRST USE IN COMMERCE: 20120600

IC 021. US 002 013 023 029 030 033 040 050. G & S: Bath products, namely, loofah sponges; Bath sponges; Body scrubbing puffs; Exfoliating cloths; Exfoliating mitts; Exfoliating pads; Scrub sponges; Scrubbing brushes; Washing cloths; Cleaning cloths. FIRST USE: 20120600. FIRST USE IN COMMERCE: 20120600

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 87165752

Filing Date September 9, 2016

Current Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) Green Heart Labs LIMITED LIABILITY COMPANY OREGON 8895 Towne Centre Dr. Suite 105 San Diego CALIFORNIA 92122

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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