

ESTTA Tracking number: **ESTTA864604**

Filing date: **12/13/2017**

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	Too Faced Cosmetics, LLC
Granted to Date of previous extension	12/13/2017
Address	18321 McDermott West Irvine, CA 92614 UNITED STATES

Attorney information	Amanda J. Mooney Goodman Mooney LLP 3420 Bristol Street, Sixth Floor Costa Mesa, CA 92626 UNITED STATES Email: uspto@goodmanmooney.com
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Applicant Information

Application No	87050703	Publication date	08/15/2017
Opposition Filing Date	12/13/2017	Opposition Period Ends	12/13/2017
Applicant	Noxell Corporation 11050 York Road Hunt Valley, MD 21030 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

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.	4561298	Application Date	05/16/2013
Registration Date	07/01/2014	Foreign Priority Date	NONE
Word Mark	MELTED		

Design Mark	<h1>MELTED</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2014/03/15 First Use In Commerce: 2014/03/15 Cosmetics		


U.S. Registration No.	4787121	Application Date	05/30/2014
Registration Date	08/04/2015	Foreign Priority Date	NONE
Word Mark	MELTED METAL		
Design Mark	<h1>MELTED METAL</h1>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2015/03/01 First Use In Commerce: 2015/03/01 Cosmetics		

U.S. Registration No.	5216323	Application Date	03/29/2016
Registration Date	06/06/2017	Foreign Priority Date	NONE
Word Mark	MELTED CANDY		
Design Mark	<h1>MELTED CANDY</h1>		

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2014/06/01 First Use In Commerce: 2014/06/01 Cosmetics and cosmetic preparations

U.S. Registration No.	5218958	Application Date	03/10/2015
Registration Date	06/06/2017	Foreign Priority Date	NONE

Word Mark	MELTED CHOCOLATE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 003. First use: First Use: 2015/12/01 First Use In Commerce: 2015/12/01 Cosmetics and cosmetic preparations; Make-up
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Attachments	85934216#TMSN.png(bytes) 86296667#TMSN.png(bytes) 86957192#TMSN.png(bytes) 86559862#TMSN.png(bytes) Notice of Opposition.pdf(278118 bytes)
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Signature	/Amanda Mooney/
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Name	Amanda J. Mooney
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Date	12/13/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

TOO FACED COSMETICS, LLC,

Opposer

v.

NOXELL CORPORATION

Applicant.

Application Serial No. 87/050,703

Published on August 15, 2017

NOTICE OF OPPOSITION

In the matter of the application of Noxell Corporation (“Applicant”) for registration of the mark MELTING POUT in International Class 003 for “cosmetics” published for opposition on August 15, 2017, Too Faced Cosmetics, LLC (“Opposer”), believing that it will be damaged by registration of the trademark, hereby opposes such application.

As grounds for opposition, Opposer, by its attorneys, alleges as follows:

1. Opposer is an industry leading manufacturer, marketer and supplier of color cosmetics sold extensively in the United States and internationally.
2. In 2014, Opposer first commenced use of the trademark MELTED for cosmetics.
3. Opposer is the owner of numerous federal trademark registrations for MELTED formative marks (collectively the “MELTED Marks”) for use with cosmetics. These marks include:

Mark	Reg. No.	Reg. Date	Goods
MELTED	4,561,298	7/1/2014	Cosmetics
MELTED METAL	4,787,121	8/04/2015	Cosmetics
MELTED CANDY	5,216,323	6/6/2017	Cosmetics
MELTED CHOCOLATE	5,218,958	6/6/2017	Cosmetics

All of the registrations set forth above are valid, subsisting and in full force and effect; all serve as prima facie evidence of Opposer's exclusive rights in and to the MELTED Marks; all establish that Opposer's rights in marks that include in whole or in part MELTED are superior to any rights on which Applicant can rely; and all serve to place Applicant on notice of Opposer's rights. See attached "Exhibit A."

4. Opposer's goods bearing the trademark MELTED have been extensively and continuously offered to the public through various channels of trade. Opposer has also extensively advertised its goods under said trademark throughout the United States. By reason of such advertising and wide distribution of Opposer's goods bearing the trademark MELTED, the public has come to recognize the trademark MELTED, individually and as a family of "MELTED" marks, as signifying Opposer and its goods, and Opposer has built up extensive goodwill in connection with the sale and provision of goods under the trademark.

5. Notwithstanding Opposer's prior rights in and to the trademark MELTED, Applicant has applied for registration of MELTING POUT for cosmetics in Class 003.

6. Opposer consistently uses the term MELTED in or as part of its trademarks for its goods. Applicant has adopted the highly similar term MELTING POUT as its mark thereby mimicking Opposer's use and making it appear that MELTING POUT is part of Opposer's family of MELTED Marks. By using the highly similar term MELTING POUT, consumers are likely to believe that MELTING POUT designates products sold by, endorsed by, sponsored by or affiliated with Opposer.

7. Applicant's application is unrestricted with respect to the marketing and retail channels in which it intends to market and sell its goods. As the goods identified in Applicant's application are also cosmetics, it can be assumed that Applicant markets and sells or will market and sell its products through identical channels as Opposer and to the same consumers as Opposer.

8. Applicant's alleged mark so resembles Opposer's MELTED Marks as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, mistake, or

deception within the meaning of Section 2(d) of the Lanham Act.

9. As a matter of law, by virtue of Opposer's registrations, Applicant had constructive knowledge of Opposer's prior rights in the MELTED Marks prior to adopting or seeking to register its mark. In addition, upon information and belief, Applicant was on actual notice of Opposer's prior rights in the MELTED Marks.

11. For the foregoing reasons, Applicant's alleged mark is not entitled to registration on the Principal Register under Section 2(d) of the Lanham Act, 15 U.S.C. § 1025(d) and Section 2.69 of the Trademark Rules of Practice, 37 C.F.R. § 2.69.

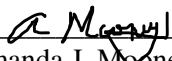
WHEREFORE, Opposer prays that Application Serial No. 87/050,703 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Opposer hereby appoints Goodman Mooney LLP to act as its attorneys with full power to prosecute this opposition, to transact all relevant business in the United States Patent and Trademark Office, and to receive all communications with respect to this opposition.

DATED this 13th day of December 2017.

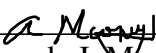
Respectfully submitted,

GOODMAN MOONEY LLP

By:  _____
Amanda J. Mooney, Esq.
3420 Bristol Street, Sixth Floor
Costa Mesa, CA 92626
Tel. 949.622.0020
Fax. 949.622.0024
uspto@goodmanmooney.com
Attorneys for Opposer

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached NOTICE OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on December 13, 2017.

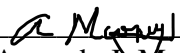


Amanda J. Mooney
Attorney for Opposer

CERTIFICATE OF SERVICE

I certify that a true and complete copy of the attached NOTICE OF OPPOSITION has been served on Applicant by sending said copy on December 13, 2017, via email as follows:

trademarks@cotyinc.com



Amanda J. Mooney
Attorney for Opposer

Exhibit A

Generated on: This page was generated by TSDR on 2017-12-13 13:58:53 EST

Mark: MELTED

MELTED

US Serial Number: 85934216

Application Filing Date: May 16, 2013

US Registration Number: 4561298

Registration Date: Jul. 01, 2014

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: Jul. 01, 2014

Publication Date: Oct. 01, 2013

Notice of Allowance Date: Nov. 26, 2013

Mark Information

Mark Literal Elements: MELTED

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration Number: 1325368

International Application(s) / Registration(s) Based on this Property: A0062824/1325368

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

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 15, 2014

Use in Commerce: Mar. 15, 2014

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: TOO Faced Cosmetics, LLC

Owner Address: 18231 McDermott West
Irvine, CALIFORNIA 92614
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda J. Mooney

Docket Number: TOO01-2191

Attorney Primary Email Address: uspto@goodmanmooney.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMANDA J. MOONEY
Goodman Mooney, LLP
3420 Bristol St., Sixth Floor
Costa Mesa, CALIFORNIA 92626
UNITED STATES

Phone: 949.622.0020

Fax: 949.622.0024

Correspondent e-mail: uspto@goodmanmooney.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 21, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 15, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 15, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 25, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 01, 2014	REGISTERED-PRINCIPAL REGISTER	
May 24, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 22, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 30, 2014	STATEMENT OF USE PROCESSING COMPLETE	65362
Apr. 10, 2014	USE AMENDMENT FILED	65362
Apr. 30, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Apr. 10, 2014	TEAS STATEMENT OF USE RECEIVED	
Nov. 26, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 01, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 01, 2013	PUBLISHED FOR OPPOSITION	
Sep. 11, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 20, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 20, 2013	ASSIGNED TO EXAMINER	77300
May 28, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 20, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: TOO Faced Cosmetics, LLC

Assignment 1 of 2

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [5571/0055](#)

Pages: 15

Date Recorded: Jul. 07, 2015

Supporting Documents: [assignment-tm-5571-0055.pdf](#)

Assignor

Name: [TOO FACED COSMETICS, LLC](#)

Execution Date: Jul. 07, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 4900 TIEDEMAN RD.
OH-01-49-0114
BROOKLYN, OHIO 44144

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC

Correspondent Address: 3015 CARRINGTON MILL BLVD., SUITE 400
MORRISVILLE, NC 27560

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY

Reel/Frame: [5939/0747](#)

Pages: 11

Date Recorded: Dec. 19, 2016

Supporting Documents: [assignment-tm-5939-0747.pdf](#)

Assignor

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Execution Date: Dec. 19, 2016

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: [TOO FACED COSMETICS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 18231 MCDURMOTT WEST
IRVINE, CALIFORNIA 92614

Correspondent

Correspondent Name: VANESSA A. IGNACIO, ESQ.

Correspondent Address: LOWENSTEIN SANDLER LLP
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068-1791

Domestic Representative - Not Found

United States of America
United States Patent and Trademark Office

MELTED

Reg. No. 4,561,298

Registered July 1, 2014

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

TOO FACED COSMETICS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
17361 ARMSTRONG AVENUE
IRVINE, CA 92618

FOR: COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 3-15-2014; IN COMMERCE 3-15-2014.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 85-934,216, FILED 5-16-2013.

CHERYL CLAYTON, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

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Mark: MELTED METAL

MELTED METAL

US Serial Number: 86296667

Application Filing Date: May 30, 2014

US Registration Number: 4787121

Registration Date: Aug. 04, 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: Aug. 04, 2015

Publication Date: Oct. 28, 2014

Notice of Allowance Date: Dec. 23, 2014

Mark Information

Mark Literal Elements: MELTED METAL

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 4561298

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

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 01, 2015

Use in Commerce: Mar. 01, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Too Faced Cosmetics, LLC

Owner Address: 18231 McDermott West
Irvine, CALIFORNIA 92614
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda J. Mooney

Docket Number: TOO01-2227

Attorney Primary Email Address: uspto@goodmanmooney.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMANDA J. MOONEY
Goodman Mooney, LLP
3420 Bristol St., Sixth Floor
Costa Mesa, CALIFORNIA 92626
UNITED STATES

Phone: 949.622.0020

Fax: 949.622.0024

Correspondent e-mail: uspto@goodmanmooney.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Dec. 21, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 15, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 15, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 04, 2015	REGISTERED-PRINCIPAL REGISTER	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 01, 2015	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 30, 2015	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 12, 2015	STATEMENT OF USE PROCESSING COMPLETE	76538
May 13, 2015	USE AMENDMENT FILED	76538
Jun. 10, 2015	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76538
May 13, 2015	TEAS STATEMENT OF USE RECEIVED	
Dec. 23, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 28, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 28, 2014	PUBLISHED FOR OPPOSITION	
Oct. 08, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Sep. 25, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 23, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
Sep. 19, 2014	ASSIGNED TO LIE	68552
Sep. 08, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 08, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 08, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 08, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 08, 2014	EXAMINERS AMENDMENT -WRITTEN	74784
Sep. 08, 2014	ASSIGNED TO EXAMINER	74784
Jun. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 03, 2014	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 30, 2015

Assignment Abstract Of Title Information**Summary**

Total Assignments: 2

Registrant: Too Faced Cosmetics, LLC

Assignment 1 of 2

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [5571/0055](#)

Pages: 15

Date Recorded: Jul. 07, 2015

Supporting Documents: [assignment-tm-5571-0055.pdf](#)**Assignor**Name: [TOO FACED COSMETICS, LLC](#)

Execution Date: Jul. 07, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

AssigneeName: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 4900 TIEDEMAN RD.
OH-01-49-0114
BROOKLYN, OHIO 44144**Correspondent**

Correspondent Name: MOORE & VAN ALLEN PLLC

Correspondent Address: 3015 CARRINGTON MILL BLVD., SUITE 400
MORRISVILLE, NC 27560**Domestic Representative - Not Found****Assignment 2 of 2**

Conveyance: TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY

Reel/Frame: [5939/0747](#)

Pages: 11

Date Recorded: Dec. 19, 2016

Supporting Documents: [assignment-tm-5939-0747.pdf](#)**Assignor**Name: [KEYBANK NATIONAL ASSOCIATION](#)

Execution Date: Dec. 19, 2016

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

AssigneeName: [TOO FACED COSMETICS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 18231 MCDURMOTT WEST
IRVINE, CALIFORNIA 92614**Correspondent**

Correspondent Name: VANESSA A. IGNACIO, ESQ.

Correspondent Address: LOWENSTEIN SANDLER LLP
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068-1791**Domestic Representative - Not Found**

United States of America

United States Patent and Trademark Office

MELTED METAL

Reg. No. 4,787,121

Registered Aug. 4, 2015

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

TOO FACED COSMETICS, LLC (DELAWARE LIMITED LIABILITY COMPANY)
17361 ARMSTRONG AVENUE
IRVINE, CA 92614

FOR: COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 3-1-2015; IN COMMERCE 3-1-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 4,561,298.

SN 86-296,667, FILED 5-30-2014.

JAMES GRIFFIN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

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Mark: MELTED CHOCOLATE

MELTED CHOCOLATE

US Serial Number: 86559862

Application Filing Date: Mar. 10, 2015

US Registration Number: 5218958

Registration Date: Jun. 06, 2017

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: Jun. 06, 2017

Publication Date: Feb. 16, 2016

Notice of Allowance Date: Apr. 12, 2016

Mark Information

Mark Literal Elements: MELTED CHOCOLATE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

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 and cosmetic preparations; Make-up

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 2015

Use in Commerce: Dec. 01, 2015

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Too Faced Cosmetics, LLC

Owner Address: 18231 McDermott West
Irvine, CALIFORNIA 92614
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda Mooney
Attorney Primary Email Address: amanda@goodmanmooney.com
Docket Number: TOO01-2247
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMANDA MOONEY
Goodman Mooney Llp
3420 Bristol St Fl 6
Costa Mesa, CALIFORNIA 92626-1996
UNITED STATES
Phone: 9496220020
Fax: 949.622.0040
Correspondent e-mail: amanda@goodmanmooney.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 06, 2017	REGISTERED-PRINCIPAL REGISTER	
May 02, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
May 01, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 18, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 15, 2017	STATEMENT OF USE PROCESSING COMPLETE	71034
Apr. 13, 2017	USE AMENDMENT FILED	71034
Apr. 15, 2017	EXTENSION 2 GRANTED	71034
Apr. 12, 2017	EXTENSION 2 FILED	71034
Apr. 13, 2017	TEAS STATEMENT OF USE RECEIVED	
Apr. 13, 2017	NOTICE OF REVIVAL - E-MAILED	
Apr. 13, 2017	EXTENSION RECEIVED WITH TEAS PETITION	
Apr. 13, 2017	PETITION TO REVIVE-GRANTED	88889
Apr. 13, 2017	TEAS PETITION TO REVIVE RECEIVED	
Jan. 14, 2017	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 13, 2017	EXTENSION 1 GRANTED	71034
Oct. 12, 2016	EXTENSION 1 FILED	71034
Jan. 13, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Dec. 21, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 01, 2016	NOTICE OF REVIVAL - E-MAILED	
Nov. 29, 2016	EXTENSION RECEIVED WITH TEAS PETITION	
Nov. 29, 2016	PETITION TO REVIVE-GRANTED	88889
Nov. 29, 2016	TEAS PETITION TO REVIVE RECEIVED	
Nov. 14, 2016	ABANDONMENT NOTICE MAILED - NO USE STATEMENT FILED	
Nov. 14, 2016	ABANDONMENT - NO USE STATEMENT FILED	99999
Apr. 12, 2016	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 16, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 16, 2016	PUBLISHED FOR OPPOSITION	
Jan. 27, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 15, 2016	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 15, 2016	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 12, 2016	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Dec. 30, 2015	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 15, 2015	TEAS/EMAIL CORRESPONDENCE ENTERED	73797
Dec. 15, 2015	CORRESPONDENCE RECEIVED IN LAW OFFICE	73797

Dec. 10, 2015	ASSIGNED TO LIE	73797
Nov. 30, 2015	NOTICE OF REVIVAL - E-MAILED	
Nov. 29, 2015	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 29, 2015	PETITION TO REVIVE-GRANTED	88889
Nov. 29, 2015	TEAS PETITION TO REVIVE RECEIVED	
Jul. 15, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 18, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 18, 2015	NON-FINAL ACTION E-MAILED	6325
May 18, 2015	NON-FINAL ACTION WRITTEN	83694
May 11, 2015	ASSIGNED TO EXAMINER	83694
Mar. 21, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 13, 2015	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 01, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Too Faced Cosmetics, LLC

Assignment 1 of 2

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [5571/0055](#)

Pages: 15

Date Recorded: Jul. 07, 2015

Supporting Documents: [assignment-tm-5571-0055.pdf](#)

Assignor

Name: [TOO FACED COSMETICS, LLC](#)

Execution Date: Jul. 07, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 4900 TIEDEMAN RD.
OH-01-49-0114
BROOKLYN, OHIO 44144

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC

Correspondent Address: 3015 CARRINGTON MILL BLVD., SUITE 400
MORRISVILLE, NC 27560

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY

Reel/Frame: [5939/0747](#)

Pages: 11

Date Recorded: Dec. 19, 2016

Supporting Documents: [assignment-tm-5939-0747.pdf](#)

Assignor

Name: [KEYBANK NATIONAL ASSOCIATION](#)

Execution Date: Dec. 19, 2016

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Assignee

Name: [TOO FACED COSMETICS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 18231 MCDURMOTT WEST
IRVINE, CALIFORNIA 92614

Correspondent

Correspondent Name: VANESSA A. IGNACIO, ESQ.

Correspondent Address: LOWENSTEIN SANDLER LLP
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068-1791

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office

MELTED CHOCOLATE

Reg. No. 5,218,958

Registered Jun. 06, 2017

Int. Cl.: 3

Trademark

Principal Register

Too Faced Cosmetics, LLC (DELAWARE LIMITED LIABILITY COMPANY)
18231 McDermott West
Irvine, CA 92614

CLASS 3: Cosmetics and cosmetic preparations; Make-up

FIRST USE 12-1-2015; IN COMMERCE 12-1-2015

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

SER. NO. 86-559,862, FILED 03-10-2015
BRIAN P CALLAGHAN, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office

Generated on: This page was generated by TSDR on 2017-12-13 14:03:36 EST

Mark: MELTED CANDY

MELTED CANDY

US Serial Number: 86957192

Application Filing Date: Mar. 29, 2016

US Registration Number: 5216323

Registration Date: Jun. 06, 2017

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: Jun. 06, 2017

Publication Date: Mar. 21, 2017

Mark Information

Mark Literal Elements: MELTED CANDY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 4561298, 4787121

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 and cosmetic preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 2014

Use in Commerce: Jun. 01, 2014

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Too Faced Cosmetics, LLC

Owner Address: 18231 McDermott West
Irvine, CALIFORNIA 92614
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country DELAWARE
Where Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Amanda J. Mooney

Docket Number: TOO01-2298

Attorney Primary Email Address: uspto@goodmanmooney.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: AMANDA J. MOONEY
GOODMAN MOONEY, LLP
3420 BRISTOL STREET
SIXTH FLOOR
COSTA MESA, CALIFORNIA 92626
UNITED STATES

Phone: 9496220020

Correspondent e-mail: uspto@goodmanmooney.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jun. 06, 2017	REGISTERED-PRINCIPAL REGISTER	
Mar. 21, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 21, 2017	PUBLISHED FOR OPPOSITION	
Mar. 01, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 06, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 18, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 17, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 17, 2017	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 21, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 23, 2016	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jul. 14, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 14, 2016	NON-FINAL ACTION E-MAILED	6325
Jul. 14, 2016	NON-FINAL ACTION WRITTEN	78353
Jul. 11, 2016	ASSIGNED TO EXAMINER	78353
Apr. 02, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 01, 2016	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 06, 2017

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: Too Faced Cosmetics, LLC

Assignment 1 of 2

Conveyance: INTELLECTUAL PROPERTY SECURITY AGREEMENT

Reel/Frame: [5918/0149](#)

Pages: 11

Date Recorded: Nov. 09, 2016

Supporting Documents: [assignment-tm-5918-0149.pdf](#)

Assignor

Name: [TOO FACED COSMETICS, LLC](#) Execution Date: Nov. 08, 2016
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Assignee

Name: [KEYBANK NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#)
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: UNITED STATES
Address: 4900 TIEDEMAN RD
MAIL CODE: OH-01-49-0114
BROOKLYN, OHIO 44144

Correspondent

Correspondent Name: MOORE & VAN ALLEN PLLC
Correspondent Address: 3015 CARRINGTON MILL BOULEVARD
SUITE 400
MORRISVILLE, NC 27560

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: TERMINATION AND RELEASE OF SECURITY INTEREST IN INTELLECTUAL PROPERTY

Reel/Frame: [5939/0866](#) Pages: 7

Date Recorded: Dec. 19, 2016

Supporting Documents: [assignment-tm-5939-0866.pdf](#)

Assignor

Name: [KEYBANK NATIONAL ASSOCIATION, AS ADMINISTRATIVE AGENT](#) Execution Date: Dec. 19, 2016
Legal Entity Type: NATIONAL BANKING ASSOCIATION State or Country Where Organized: UNITED STATES

Assignee

Name: [TOO FACED COSMETICS, LLC](#)
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE
Address: 18231 MCDURMOTT WEST
IRVINE, CALIFORNIA 92614

Correspondent

Correspondent Name: VANESSA A. IGNACIO, ESQ.
Correspondent Address: LOWENSTEIN SANDLER LLP
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068-1791

Domestic Representative - Not Found

United States of America

United States Patent and Trademark Office

MELTED CANDY

Reg. No. 5,216,323

Registered Jun. 06, 2017

Int. Cl.: 3

Trademark

Principal Register

Too Faced Cosmetics, LLC (DELAWARE LIMITED LIABILITY COMPANY)
18231 McDermott West
Irvine, CA 92614

CLASS 3: Cosmetics and cosmetic preparations

FIRST USE 6-1-2014; IN COMMERCE 6-1-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4787121, 4561298

SER. NO. 86-957,192, FILED 03-29-2016
MICHELLE E DUBOIS, EXAMINING ATTORNEY



Michelle K. Lee

Director of the United States
Patent and Trademark Office