

ESTTA Tracking number: **ESTTA904620**

Filing date: **06/21/2018**

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	Advance Magazine Publishers Inc.		
Entity	Corporation	Citizenship	New York
Address	One World Trade Center New York, NY 10007 UNITED STATES		

Attorney information	Eric E. Gisolfi Advance Legal One World Trade Center New York, NY 10007 UNITED STATES Email: egisolfi@advance.com, ncolovic@advance.com Phone: 2123817070
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### Applicant Information

Application No	87756336	Publication date	05/29/2018
Opposition Filing Date	06/21/2018	Opposition Period Ends	06/28/2018
Applicant	Yiwu Maikou Electric Appliance Co., Ltd. No. F3-17187 booth, International Business City, Futian Street, Yiwu, Zhejiang, 322000 CHINA		

### Goods/Services Affected by Opposition

Class 021. First Use: 2018/01/03 First Use In Commerce: 2018/01/03 All goods and services in the class are opposed, namely: Beverage glassware; Cleaning cloth; Containers for household or kitchen use; Cosmetic brushes; Decorative crystal prisms; Electric combs; Plug-in diffusers for mosquito repellents; Tea services in the nature of tableware; Toothbrushes, electric; Vacuum bottles
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### Applicant Information

Application No	87756331	Publication date	05/29/2018
Opposition Filing Date	06/21/2018	Opposition Period Ends	06/28/2018
Applicant	Yiwu Maikou Electric Appliance Co., Ltd. No. F3-17187 booth, International Business City, Futian Street, Yiwu, Zhejiang, 322000 CHINA		

## Goods/Services Affected by Opposition

Class 011. First Use: 2018/01/03 First Use In Commerce: 2018/01/03  
All goods and services in the class are opposed, namely: Apparatus for disinfecting water; Cooling evaporators; Electric griddles; Electric hair dryers; Friction lighters for igniting gas; Lamps; Laundry dryers, electric; Radiators, electric; Refrigerators; Solar collectors

## Applicant Information

Application No	87756327	Publication date	05/29/2018
Opposition Filing Date	06/21/2018	Opposition Period Ends	06/28/2018
Applicant	Yiwu Maikou Electric Appliance Co., Ltd. No. F3-17187 booth, International Business City, Futian Street, Yiwu, Zhejiang, 322000 CHINA		

## Goods/Services Affected by Opposition

Class 008. First Use: 2018/01/03 First Use In Commerce: 2018/01/03  
All goods and services in the class are opposed, namely: Beard clippers; Curling tongs; Depilation appliances, electric and non-electric; Hand-operated agricultural implements, namely, cider presses; Hand-operated cutting tools; Hand-operated riveting tools; Knives, forks and spoons; Manicure sets, electric; Manually-operated razor blade sharpeners; Scissors

## Applicant Information

Application No	87756315	Publication date	05/29/2018
Opposition Filing Date	06/21/2018	Opposition Period Ends	06/28/2018
Applicant	Yiwu Maikou Electric Appliance Co., Ltd. No. F3-17187 booth, International Business City, Futian Street, Yiwu, Zhejiang,, 322000 CHINA		

## Goods/Services Affected by Opposition

Class 003. First Use: 2018/01/03 First Use In Commerce: 2018/01/03  
All goods and services in the class are opposed, namely: Air fragrancing preparations; Beauty masks; Cosmetics; Dentifrices; Ethereal oils; Incense; Nail varnish; Non-medicatedtoiletory preparations; Shampoos; Toiletsoap

## Applicant Information

Application No	87756325	Publication date	05/29/2018
Opposition Filing Date	06/21/2018	Opposition Period Ends	06/28/2018
Applicant	Yiwu Maikou Electric Appliance Co., Ltd. No. F3-17187 booth, International Business City, Futian Street, Yiwu, Zhejiang, 322000 CHINA		


## Goods/Services Affected by Opposition

Class 007. First Use: 2018/01/03 First Use In Commerce: 2018/01/03  
 All goods and services in the class are opposed, namely: Electric food preparation apparatus, namely, tumblers for marinating food; Electric mixers; Electric soldering irons; Food processors, electric; Knitting machines; Mixing machines; Scissors, electric; Shearing machines for animals; Vacuum cleaners; Washing machines for clothes; Electric juicers

## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	87559815	Application Date	08/08/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	VOGUE PATTERNS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 0 First Use In Commerce: 0          Decorative hooks of metal</p> <p>Class 007. First use: First Use: 0 First Use In Commerce: 0          Bobbins for sewing machines, power tools, namely, rotary cutter</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0          Marking and Measuring tools, namely, tape rulers, seam measuring gauge, measuring tape, measuring ruler</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0          Carded gems, namely, gems for attachment to clothing</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0          Stencils, Fabric pencils and markers, gift wrapping paper, gift bags, tissue paper, paper tags, wall decals, cutting mat, pattern weights specifically adapted for use with printed sewing patterns</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0          Decorative hooks of plastic</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0          Ironing Board Covers</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0          Labels of textile</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0          Dress straps</p>		

	<p>Class 026. First use: First Use: 0 First Use In Commerce: 0</p> <p>Buttons, belting and buckles, namely, belt buckles and belt clasps, shoe Fasteners, snap fasteners, hook and eye, hand needles, sewing machine accessories, namely, needles, sewing machine needles, patches for clothing made of rubber, plastic, and vinyl, pin cushions, sewing pins, namely, straight pins, needle threader, thimble, ribbon, sewing kits, carded ribbon, spooled ribbon, carded trim made of lace, spooled trim made of lace, ribbon accessories, namely, ribbons and braids, buttons, ornamental bows of textile for decoration</p>
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U.S. Application No.	87451476	Application Date	05/16/2017
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	TEEN VOGUE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 011. First use: First Use: 0 First Use In Commerce: 0</p> <p>Table, floor and other electric lamps; electric night lights</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0</p> <p>Ottomans; bean bag chairs; drawers; hampers in the nature of baskets for transporting goods for commercial purposes; plastic crates for use as storage cubes; bed rests; non-metal fabric storage bin organizers which also collapse</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0</p> <p>Laundry hampers for domestic or household use; collapsible fabric storage container for domestic use in the nature of a collapsible storage basket</p> <p>Class 027. First use: First Use: 0 First Use In Commerce: 0</p> <p>Rugs</p>
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U.S. Application No.	87366352	Application Date	03/10/2017
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	TEEN VOGUE
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Design Mark	<b>TEEN VOGUE</b>
Description of Mark	NONE
Goods/Services	<p>Class 006. First use: First Use: 0 First Use In Commerce: 0 Metal tissue box holders in the nature of metal tissue box covers</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 Hand mirrors; bathroom and shaving mirrors; personal compact mirrors; plastic tissue box holders, namely, plastic tissue box covers; wood tissue box holders in the nature of wood tissue box covers</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 Bath accessories for domestic use, namely, personal dispensers for soap, tooth paste, shower gels, and lotions; shower caddies; ceramic tissue box holders in the nature of ceramic tissue box covers; plastic storage containers for household or domestic use</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 Bath towels; hand towels; facial cloths in the nature of washcloths for the face; beach towels; shower curtains</p> <p>Class 027. First use: First Use: 0 First Use In Commerce: 0 Bath rugs</p>

U.S. Application No.	87032605	Application Date	05/11/2016
Registration Date	NONE	Foreign Priority Date	NONE


Word Mark	VOGUE LIVING
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Design Mark	
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Description of Mark	The mark consists of the words "VOGUE LIVING" in a stylized form.
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Goods/Services	<p>Class 002. First use: First Use: 0 First Use In Commerce: 0 Paint</p> <p>Class 004. First use: First Use: 0 First Use In Commerce: 0</p>
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	<p>scented candles  Class 011. First use: First Use: 0 First Use In Commerce: 0  Lighting, namely, chandeliers, table lamps, floor lamps, sconces  Class 016. First use: First Use: 0 First Use In Commerce: 0  Art prints on canvas  Class 020. First use: First Use: 0 First Use In Commerce: 0  Pillows; Decorative spheres in the nature of pillows and cushions for use as home décor  Class 024. First use: First Use: 0 First Use In Commerce: 0  Bedding in the nature of comforters, duvets, sheet sets, throws; Bath towels  Class 027. First use: First Use: 0 First Use In Commerce: 0  Rugs</p>
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U.S. Application No.	86926249	Application Date	03/02/2016
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TEEN VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 nail art stickers, nail polish Class 008. First use: First Use: 0 First Use In Commerce: 0 Manicure sets		

U.S. Application No.	87558037	Application Date	08/07/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TEEN VOGUE		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 False eyelashes</p> <p>Class 008. First use: First Use: 0 First Use In Commerce: 0 Manicure implements, namely, cuticle pushers, nail files, nail buffers, and tweezers, all sold separately and in a set; eyelash separators; pedicure implements, namely, nail files, nail clippers, cuticle pushers, tweezers, nail and cuticle scissors; eyelash curlers; tools for eyebrows and eyelashes, namely, eyelash applicators; cosmetic applicators, namely, eyelash applicators</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Cosmetic pencil sharpeners</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 Personal compact mirrors and handheld mirrors</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 Sponges for applying make-up; eyebrow brushes; lip brushes; bath products, namely, exfoliating mitts and bath brushes; bath products, namely, loofah sponges</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 Hand towels</p>

U.S. Registration No.	3069976	Application Date	03/25/2005
Registration Date	03/21/2006	Foreign Priority Date	NONE

Word Mark	VOGUE
Design Mark	

Description of Mark	NONE
Goods/Services	<p>Class 044. First use: First Use: 2000/09/18 First Use In Commerce: 2000/09/18 Providing information about beauty via a global computer network</p> <p>Class 045. First use: First Use: 2000/09/18 First Use In Commerce: 2000/09/18 Providing information about fashion via a global computer network</p>

U.S. Registration No.	1336659	Application Date	11/09/1984
Registration Date	05/21/1985	Foreign Priority Date	NONE
Word Mark	VOGUE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 016. First use: First Use: 1892/12/17 First Use In Commerce: 1892/12/17 Magazine

U.S. Registration No.	5069495	Application Date	04/16/2015
Registration Date	10/25/2016	Foreign Priority Date	NONE

Word Mark	VOGUE RUNWAY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2015/09/01 First Use In Commerce: 2015/09/01 COMPUTER SOFTWARE APPLICATIONS FOR USE IN CONNECTION WITH SMARTPHONES, PDA DEVICES, TABLET COMPUTERS AND PORTABLE AND HANDHELD DIGITAL ELECTRONIC DEVICES, NAMELY, SOFTWARE FOR ACCESSING, VIEWING, INTERACTING WITH AND DOWNLOADING CONTENT AND INFORMATION FROM WEBSITES AND MAGAZINES IN THE FIELDS OF STYLE, BEAUTY AND FASHION</p> <p>Class 045. First use: First Use: 2015/09/01 First Use In Commerce: 2015/09/01 PROVIDING A WEBSITE FEATURING INFORMATION ON FASHION, NAMELY, COVERAGE OF INTERNATIONAL FASHION SHOW, REPORTS ON SEASONAL CLOTHING TRENDS, NEWS AND INFORMATION CONCERNING LATEST STYLE TRENDS AND INDUSTRY DEVELOPMENTS</p>
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U.S. Registration No.	4138408	Application Date	09/06/2011
Registration Date	05/08/2012	Foreign Priority Date	NONE


Word Mark	VOGUE
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Design Mark	
Description of Mark	The mark consists of the word "VOGUE" displayed in a stylized format.
Goods/Services	Class 009. First use: First Use: 2011/03/31 First Use In Commerce: 2011/03/31 Downloadable computer software applications for use in connection with smart-phones, PDA devices, tablet computers and other portable and handheld digital electronic devices, namely, downloadable software for accessing, viewing, interacting with and downloading content and information from magazines and websites in the field of fashion, style and beauty

U.S. Registration No.	4452446	Application Date	11/20/2012
Registration Date	12/17/2013	Foreign Priority Date	NONE
Word Mark	TEEN VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2013/02/20 First Use In Commerce: 2013/02/20 Downloadable computer software applications for use in connection with smart-phones, PDA devices, tablet computers and other portable and handheld digital electronic devices, namely, downloadable software for accessing, viewing, interacting with and downloading content and information from magazines and websites; role playing computer game software; video game software		


U.S. Registration No.	4278369	Application Date	12/21/2011
Registration Date	01/22/2013	Foreign Priority Date	NONE
Word Mark	VOGUE		
Design Mark			
Description of Mark	The mark consists of the word "VOGUE" in stylized lettering.		
Goods/Services	Class 009. First use: First Use: 2001/00/00 First Use In Commerce: 2001/00/00 (based on 44(e)) sunglasses and eyeglasses; (based on use in commerce) sunglasses and frames thereof; and eyeglasses and frames thereof		

U.S. Registration No.	2481153	Application Date	04/08/1998
Registration Date	08/28/2001	Foreign Priority Date	11/28/1997
Word Mark	V VOGUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 SUNGLASSES AND FRAMES THEREFOR; SPECTACLES AND FRAMES THEREFOR; AESTHETIC EYEGLASSES AND FRAMES THEREFOR; EYEGLASSES FOR CYCLISTS, MOTORCYCLISTS, MOTORSCOOTERRIDERS, CAR DRIVERS, TENNIS PLAYERS, SKIERS, SWIMMERS, CANOEISTS, SKY-DIVERS, AND FRAMES THEREFOR; FRAMES, LENSES, CASESAND CONTAINERS FOR EYEGLASSES]		

U.S. Registration No.	4964883	Application Date	04/12/2013
Registration Date	05/24/2016	Foreign Priority Date	NONE
Word Mark	VOGUE		

Design Mark	
Description of Mark	The mark consists of the word "VOGUE" in a stylized form.
Goods/Services	Class 035. First use: First Use: 2012/08/01 First Use In Commerce: 2012/08/01 Advertising; Promotional services, namely, promoting the goods and services of others via digital and mobile networks; E-commerce services, namely, facilitating e-commerce business transactions by processing electronic orders for purchases of goods and services via a global computer network

U.S. Registration No.	4964884	Application Date	04/12/2013
Registration Date	05/24/2016	Foreign Priority Date	NONE

Word Mark	VOGUE
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2012/08/01 First Use In Commerce: 2012/08/01 Advertising; Promotional services, namely, promoting the goods and services of others via digital and mobile networks; E-commerce services, namely, facilitating e-commerce business transactions by processing electronic orders for purchases of goods and services via a global computer network

Attachments	87559815#TMSN.png( bytes ) 87451476#TMSN.png( bytes ) 87366352#TMSN.png( bytes ) 87032605#TMSN.png( bytes ) 86926249#TMSN.png( bytes ) 87558037#TMSN.png( bytes ) 76634388#TMSN.png( bytes ) 86600044#TMSN.png( bytes ) 85415589#TMSN.png( bytes ) 85783699#TMSN.png( bytes ) 85501428#TMSN.png( bytes ) 75464249#TMSN.png( bytes ) 85902451#TMSN.png( bytes ) 85902453#TMSN.png( bytes ) VOGUERY. Notice of Opposition.pdf(167707 bytes )
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Signature	/Natasa Colovic/
Name	Natasa Colovic
Date	06/21/2018



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

In re:	:	
	:	
App. Ser. No. 87/008410	:	Opposition No.
	:	
Mark: VOGUERY	:	
	:	
	:	
Applicant: Zhanghua Lin	:	
-----X		
Advance Magazine Publishers Inc.	:	
	:	
Opposer	:	
	:	
v.	:	
	:	
Zhanghua Lin	:	
	:	
Applicant	:	
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**NOTICE OF OPPOSITION**

Opposer, Advance Magazine Publishers Inc., a New York corporation whose address is One World Trade Center, New York, NY 10007, hereby opposes registration of the mark "VOGUERY", which is the subject of Application Serial No. 87/008410 published in the Official Gazette on May 22, 2018 and requests that registration be refused to Applicant.

In support of its opposition, Opposer asserts as follows:

1. Opposer and its predecessors have adopted and continuously used the mark VOGUE in relation to various goods and services.
2. Opposer is the owner of the valid applications with goods in Class 9 that are similar and related to Applicant's, with Serial Numbers 87/702588 and 86/619371. Opposer is also the owner of the valid, subsisting, unrevoked and uncanceled registrations for similar and related goods and services with Registration Nos. 1336659, 5069495, 4138408, 4452446, 4278369, 2481153, 4964884, 4964883, and others.
3. Founded in 1892, Vogue magazine has become the nation's most widely recognized and revered fashion publication.

4. The US edition of Vogue magazine is read by millions of people each month. Vogue's U.S. digital assets receive over 50 million visitors each month, creating 5 billion impressions.
5. In addition to its magazine and website, Opposer uses its VOGUE trademark across social media, such as Twitter, Facebook, Instagram and Pinterest.
6. In addition to its American magazine and website, via wholly owned subsidiaries or licensees, Opposer publishes magazines and websites using the VOGUE trademark internationally.
7. In addition to its media use, Opposer's use of VOGUE has been extended to various products including merchandise related to Class 9 goods covered by the Opposed Application.
8. As a result of its longstanding and continuous use of VOGUE for a wide range of goods and services, Opposer's mark has acquired substantial goodwill and reputation and has become famous.
9. Applicant has filed an application to register the mark "VOGUERY", based on an intent to use (1b) application in connection with "Batteries and battery chargers; Carrying cases for cell phones; Cell phone cases; Cell phones; Computer peripheral devices; Data cables; Protective covers for smartphones; Smartphones" in class 9.

## **COUNT I**

### Likelihood of Confusion

10. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 9 above, as set forth in their entirety herein.
11. Applicant's mark incorporates the Opposer's previously used and registered mark, "VOGUE". When applied to the goods set forth in Applicant's application, the Applicant's mark is likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
12. Applicant's registration and use of its mark will falsely suggest an association with or approval by Opposer of Applicant's goods, and will inevitably create confusion in the marketplace. Such confusion will cause irreparable harm to Opposer.
13. Applicant's goods are similar and related to Opposer's goods from prior obtained registrations with Registration Numbers 4138408, 5069495, 4452446, 4278369 and 2481153 and with applications with Serial Numbers 87/702588 and 86/619371. Therefore, registration

of Applicant's mark for related products is likely to cause confusion, mistake, or deception.

14. Registration of Applicant's mark is likely to cause Opposer to lose control over good and valuable reputation of "VOGUE" mark.
15. For the reasons stated above the Application should be refused for registration under Section 2(d).

## **COUNT II**

### Dilution – 15 U.S.C. §1125(c)

16. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 15 above, as set forth in their entirety herein.
17. Through considerable investment and promotion by Opposer, the "VOGUE" mark has become famous for many goods and services.
18. The "VOGUE" mark became famous through its over 125 years of use and substantial investments, and in any event certainly prior to the filing date of Applicant's application.
19. Because Applicant's mark incorporates the Opposer's mark, its registration is likely to trade on the considerable goodwill associated therewith and dilute its distinctiveness.
20. For the reasons stated above, Applicant's registration and use of the mark shown in App. Ser. No. 87/008410 is likely to cause dilution of Opposer's famous marks under Section 43(c) of the Trademark Act.

WHEREFORE, Opposer respectfully requests that the opposition is sustained and that registration of "VOGUERY" by Applicant be refused.

Respectfully submitted,

ADVANCE LEGAL  
One World Trade Center  
New York, New York 10007

By:   
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Natasa Colovic, Esq.