

ESTTA Tracking number: **ESTTA913414**

Filing date: **08/03/2018**

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

Proceeding	91241945
Party	Plaintiff Advance Magazine Publishers Inc.
Correspondence Address	Eric E. Gisolfi Advance Legal One World Trade Center New York, NY 10007 UNITED STATES Email: egisolfi@advance.com, ncolovic@advance.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Natasa Colovic
Filer's email	ncolovic@advance.com
Signature	/Natasa Colovic/
Date	08/03/2018
Attachments	Request for Amendment.pdf(51565 bytes ) VogueVenus. Notice of Opposition.pdf(291021 bytes ) Affirmation of Service.pdf(101009 bytes )

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

In re:

Opposition No.  
91241945

App. Ser. No. 87/756336  
87/756331  
87/756327  
87/756325  
87/756315

Mark: VOGUE VENUS

Applicant: Yiwu Maikou Electric Appliance Co., Ltd. :

-----X  
Advance Magazine Publishers Inc.

Opposer

v.

Yiwu Maikou Electric Appliance Co., Ltd.

Applicant  
-----X


REQUEST FOR AMENDMENT TO OPPOSITION NOTICE

Opposer of the above captioned opposition is hereby submitting an amendment of the originally filed Notice of Opposition. The reason for such amendment is that, due to unintentional clerical mistake, the Opposer submitted a wrong attachment with the initial filing. Opposer hereby respectfully requests that the Notice of Opposition and the records be corrected to reflect the correct attachment, which has been included with this filing. In addition, Opposer hereby submits a proof of service of the amended documents upon the Applicant.

Kindly find attachments.

Respectfully submitted,

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

By:   
\_\_\_\_\_  
Natasa Colovic, Esq.

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

In re:	:	
	:	Opposition No.
	:	91241945
App. Ser. No. 87/756336	:	
87/756331	:	
87/756327	:	
87/756325	:	
87/756315	:	
Mark: VOGUE VENUS	:	
Applicant: Yiwu Maikou Electric Appliance Co., Ltd.:	:	
-----X	:	
Advance Magazine Publishers Inc.	:	
Opposer	:	
v.	:	
Yiwu Maikou Electric Appliance Co., Ltd.	:	
Applicant	:	
-----X	:	

**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 "VOGUE VENUS", which is the subject of Application Serial Nos. 87/756336, 87/756331, 87/756327, 87/756325 and 87/756315 published in the Official Gazette on May 29, 2018 and requests that these registrations 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 and marks incorporating the word "VOGUE" such as TEEN VOGUE, VOGUE LIVING and VOGUE PATTERNS, in relation to various goods and services.
2. Opposer is the owner of the valid applications with goods in Classes 3, 7, 8, 11 and 21 that are similar and related to Applicant's, with Serial Nos. 87/559815, 87/451476, 87/366352, 87/032605, 86/926249

and 87/558037. Opposer is also the owner of the valid, subsisting, unrevoked and uncanceled registrations with Registration Nos. 3069976, 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 magazine, website and social media use, Opposer uses its VOGUE trademark and trademarks that incorporate the word "VOGUE" in connection with various goods and services.
8. As a result of its longstanding and continuous use of "VOGUE" and trademarks that incorporate the word "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 "VOGUE VENUS", based on a current use (1a) application in connection with "air fragrancng preparations; beauty masks; cosmetics; dentifrices; ethereal oils; incense; nail varnish; non-medicated toiletry preparations; shampoos; toilet soap" in class 3 and for Application Serial No. 87/756315 which are related to Opposer's goods "nail art stickers, nail polish, false eyelashes, cosmetic applicators, namely, eyelash applicators; personal dispensers for soap, tooth paste, shower gels and lotions" in class 3 and 21 for serial numbers 87/366352, 86/926249 and 87/558037.
10. Applicant has filed an application to register the mark "VOGUE VENUS", based on a current use (1a) application in connection with "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" in class 7 and for Application Serial No. 87/756327 which are related to Opposer's goods "scissors, seam

ripper, bobbins, rotary cutter" in classes 7 and 8 for serial number 87/559815.

11. Applicant has filed an application to register the mark "VOGUE VENUS", based on a current use (1a) application in connection with "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" in class 8 which and for Application Serial No. 87/756327 are related to Opposer's goods "scissors, seam ripper, bobbins, rotary cutter; flatware; manicure sets" in classes 7 and 8 for serial numbers 87/559815, 86/926249 and 87/032605.
12. Applicant has filed an application to register the mark "VOGUE VENUS", based on a current use (1a) application in connection with "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." in class 11 and for Application Serial No. 87/756331 which are related to Opposer's goods "lighting, namely, chandeliers, table lamps, floor lamps, sconces; table, floor and other electric lamps; electric night lights" in class 11 for serial numbers 87/451476 and 87/032605.
13. Applicant has filed an application to register the mark "VOGUE VENUS", based on a current use (1a) application in connection with "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" in class 21 and for Application Serial No. 87/756336 which are related to Opposer's goods "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; iron board covers; sponges for applying make-up; eyebrow brushes; lip brushes; bath products, namely, exfoliating mitts and bath brushes; bath products, namely, loofah sponges; laundry hampers for domestic or household use; collapsible fabric storage container for domestic use in the nature of a collapsible storage basket" in class 21 for serial numbers 87/451476, 87/366352, 87/558037 and 87/559815.

## **COUNT I**

### Likelihood of Confusion

14. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 13 above, as set forth in their entirety herein.
15. Applicant's mark incorporates the Opposer's previously used and registered mark, "VOGUE". When applied to the goods set forth in Applicant's applications, the Applicant's mark is likely to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.
16. Applicant's registrations 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.
17. Applicant's goods are similar and related to Opposer's goods from prior filed applications with Serial Nos. 87/451476, 87/366352, 86/926249, 87/032605, 87/558037 and 87/559815.
18. Therefore, registration of Applicant's mark for related products is likely to cause confusion, mistake, or deception.
19. Registration of Applicant's mark is likely to cause Opposer to lose control over good and valuable reputation of "VOGUE" mark.
20. 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)

21. Opposer realleges and incorporates by reference the allegations contained in paragraphs 1 through 20 above, as set forth in their entirety herein.
22. Through considerable investment and promotion by Opposer, the "VOGUE" mark has become famous for many goods and services.
23. 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.

24. 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.

25. For the reasons stated above, Applicant's registration and use of the mark shown in App. Ser. Nos. 87/756336, 87/756331, 87/756327, 87/756325 and 87/756315 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 "VOGUE VENUS" by Applicant be refused.

Respectfully submitted,

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

By:   
\_\_\_\_\_  
Natasa Colovic, Esq.





By E-mail and Certified Mail To:

SUN TING

3211 WALNUT CREEK PKWY, APT N

RALEIGH, NC 27606

cm-mark@hotmail.com

By FEDEX To:

Yiwu Maikou Electric Appliance Co., Ltd.

No. F3-17187 booth, International

Business City, Futian Street, Yiwu

Zhejiang, 322000

CHINA

Dated: August 3, 2018



---

Natasa Colovic, Esq.

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

In re:

Opposition No.  
91241945

App. Ser. No. 87/756336  
87/756331  
87/756327  
87/756325  
87/756315

Mark: VOGUE VENUS

Applicant: Yiwu Maikou Electric Appliance Co., Ltd.:

-----X  
Advance Magazine Publishers Inc.

Opposer

v.

Yiwu Maikou Electric Appliance Co., Ltd.

Applicant  
-----X

REQUEST FOR AMENDMENT TO OPPOSITION NOTICE

Opposer of the above captioned opposition is hereby submitting an amendment of the originally filed Notice of Opposition. The reason for such amendment is that, due to unintentional clerical mistake, the Opposer submitted a wrong attachment with the initial filing. Opposer hereby respectfully requests that the Notice of Opposition and the records be corrected to reflect the correct attachment, which has been included with this filing. In addition, Opposer hereby submits a proof of service of the amended documents upon the Applicant.

Kindly find attachments.

Respectfully submitted,

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

By:   
\_\_\_\_\_  
Natasa Colovic, Esq.