

ESTTA Tracking number: **ESTTA922155**

Filing date: **09/14/2018**

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	Spa Heroes, LLC
Granted to Date of previous extension	09/26/2018
Address	10 Fleetwood Court Novato, CA 94947 UNITED STATES

Attorney information	SYLVIA MULHOLLAND LAW OFFICE OF SYLVIA MULHOLLAND 1450 2ND STREET, SUITE #110 SANTA MONICA, CA 90401 UNITED STATES smulholland@mulholland-law.com 844-475-2952
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Applicant Information

Application No	79225620	Publication date	05/29/2018
Opposition Filing Date	09/14/2018	Opposition Period Ends	09/26/2018
International Registration No.	1386120	International Registration Date	12/02/2017
Applicant	Go-To Enterprise Holdings 9 Lookes Ave Balmain East NSW 2041 AUSTRALIA		

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: Cosmetic oils; cosmetics in the form of oils; natural oils for cosmetic purposes; body oil for cosmetic use; cosmetic oils for the skin; cosmetic preparations for use on the face; beauty care products, namely body and beauty care cosmetics; beauty products, namely beauty creams, beauty lotions; cosmetic preparations for skin care; cosmetic skin care preparations; cosmetic facial moisturizers; cosmetic facial preparations, namely, facial creams; cosmetic preparations for the skin in the nature of body balm, moisturizing creams and moisturizing body lotions
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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.	4606684	Application Date	06/18/2013
Registration Date	09/16/2014	Foreign Priority Date	NONE
Word Mark	SPA HEROES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2014/06/02 First Use In Commerce: 2014/06/02 online retail store services featuring a wide variety of skin and body care products, bath and beauty products, hair care products, aromatherapy products, personal care products, colognes, perfumes and cosmetics		

U.S. Registration No.	4606726	Application Date	06/26/2013
Registration Date	09/16/2014	Foreign Priority Date	NONE
Word Mark	SPA HEROES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2014/06/02 First Use In Commerce: 2014/06/02 Retail store services featuring a wide variety of skin and body care products, bath and beauty products, hair care products, aromatherapy products, personal care products, colognes, perfumes and cosmetics		

U.S. Registration No.	4769495	Application Date	10/15/2013
Registration Date	07/07/2015	Foreign Priority Date	NONE
Word Mark	BEAUTY HEROES		

Design Mark	BEAUTY HEROES
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2015/04/19 First Use In Commerce: 2015/04/19 Retail store services and online retailstore services featuring a wide varietyof skin and body care products, bath and beauty products, hair care products, aromatherapy products, personal care products, colognes, perfumes and cosmetics

U.S. Application No.	87762370	Application Date	01/19/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	HANDSOME HEROES
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Design Mark	HANDSOME HEROES
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 0 First Use In Commerce: 0 Online retail store and retail store services featuring a wide variety of male grooming, skin care, hair care and personal care products of others; advertising-services, namely, providing a website promoting the brands, products and services of others in relation to male grooming, skin care, hair care and personal care and providing reviews of the brands, products and services of others; on-line retail store services featuring subscription boxes containing pre-selected grooming, skin care, hair care and personal care products for men

U.S. Application No.	87761631	Application Date	01/19/2018
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	HERO PRODUCTS
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Design Mark	HERO PRODUCTS
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2014/05/28 First Use In Commerce: 2014/05/28 advertising services, namely, providing a website promoting the brands, products and services of others; promoting the goods and services of others by providing a website featuring reviews of brands, products and services of others

Attachments	85963390#TMSN.png(bytes) 85970834#TMSN.png(bytes) 86092247#TMSN.png(bytes) 87762370#TMSN.png(bytes) 87761631#TMSN.png(bytes) Notice of Opposition Face Hero 9.14.18.pdf(82864 bytes)
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Signature	/Sylvia Mulholland/
Name	SYLVIA MULHOLLAND
Date	09/14/2018

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

In the Matter of Application Serial No. 79225620
For the Mark: FACE HERO
Filed: December 2, 2017
Date of Publication: May 29, 2018

Spa Heroes, LLC

Opposer

vs

Go-To Enterprise Holdings

Applicant

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

This Notice of Opposition concerns the application to register the mark FACE HERO, as Serial No.79225620, filed on December 2, 2017 ("Applicant's Mark") on the basis of 66A, in the name of Go-To Enterprises Holdings ("Applicant").

Spa heroes, LLC ("Opposer") believes that it would be damaged by registration of Applicant's Mark and hereby opposes the same in accordance with 15 U.S.C. § 1063.

As grounds for its opposition to the registration of Applicant's Mark,

Opposer alleges:

1. Opposer is the owner of the following USPTO registered trademarks:

SPA HEROES, Reg. No. 4606726, registered September 16, 2014 for: Retail store services featuring a wide variety of skin and body care products, bath and beauty products, hair care products, aromatherapy products, personal care products, colognes, perfumes and cosmetics

SPA HEROES, Reg. No. 4606684, registered September 16, 2014 for: Online retail store services featuring a wide variety of skin and body care products, bath and beauty products, hair care products, aromatherapy products, personal care products, colognes, perfumes and cosmetics

BEAUTY HEROES, Reg. 4769495, registered July 7, 2015 for: Retail store services and online retail store services featuring a wide variety of skin and body care products, bath and beauty products, hair care products, aromatherapy products, personal care products, colognes, perfumes and cosmetics

Opposer is also the owner of the following USPTO applications:

HANDSOME HEROES, Application No. 87762370, filed January 19, 2018 (Allowed) for: Online retail store and retail store services featuring a wide variety of male grooming, skin care, hair care and personal care products of others; advertising services, namely, providing a website promoting the brands, products and services of others in relation to male grooming, skin care, hair care and personal care and providing reviews of the brands, products and services of others; on-line retail store services featuring subscription boxes containing pre-selected grooming, skin care, hair care and personal care products for men

HERO PRODUCTS, Application No. 87761631 (Approved), filed January 19, 2018 for: advertising services, namely, providing a website promoting the brands, products and services of others; promoting the goods and services of others by providing a website featuring reviews of brands, products and services of others

2. In its application, Applicant relies solely on its International Registration No. 1386120 as a basis for filing, under 66A.

3. Applicant's Mark was approved and published on May 29, 2018.

4. On June 27, 2018, Opposer requested, and was granted, an extension of time in which to oppose Applicant's Mark, until September 26, 2018. Accordingly, this Notice of Opposition is timely filed.

5. Opposer is a Limited Liability Company duly organized and existing under the laws of the State of California, located and having a place of business at 10 Fleetwood Court Novato CALIFORNIA 94947.

6. Opposer has been using the Opposer's Marks SPA HEROES since 2014 and BEAUTY HEROES since at least as early as 2015 and Opposer's Marks have been duly registered; and Opposer's Applied-for marks are also in active use by Opposer.

7. Opposer is not connected in any way with Applicant or Applicant's use of Applicant's Mark.

8. Opposer's Marks are valid and distinctive as used in connection with Opposer's services, and for the skincare, beauty and grooming products Opposer reviews, advertises, promotes and sells through its online stores and subscription services under the marks SPA HEROES, BEAUTY HEROES, HANDOME HEROES

and HERO PRODUCTS.

9. Applicant's Mark FACE HERO so resembles Opposer's registered and pending marks as to be likely, when used on or in connection with Applicant's listed goods, namely:

Cosmetic oils; cosmetics in the form of oils; natural oils for cosmetic purposes; body oil for cosmetic use; cosmetic oils for the skin; cosmetic preparations for use on the face; beauty care products, namely body and beauty care cosmetics; beauty products, namely beauty creams, beauty lotions; cosmetic preparations for skin care; cosmetic skin care preparations; cosmetic facial moisturizers; cosmetic facial preparations, namely, facial creams; cosmetic preparations for the skin in the nature of body balm, moisturizing creams and moisturizing body lotions,

so as to cause confusion, or to cause mistake, or to deceive, as provided in 15 U.S.C. §1052(d).

10. The registration of Applicant's Mark on the USPTO Principal Register in connection with the opposed goods would be inconsistent with Opposer's rights under the Trademark Act and common law, and Opposer would be damaged by such registration as confusion would be created in the minds of consumers in the United States as to the source of Applicant's goods on the one hand, and Opposer's services advertising, promoting and retailing the exact same goods.

WHEREFORE, Opposer respectfully prays that Application Serial Number 79225620 be rejected in its entirety, that no registration be issued thereon, and that this Opposition be sustained in favor of Opposer.

The required Opposition filing fee of \$400.00 accompanies this Notice.

Please address all correspondence to:

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Dated: September 14, 2018

Respectfully submitted,

Spa Heroes, LLC

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Attorney for Opposer