

ESTTA Tracking number: **ESTTA938064**

Filing date: **11/29/2018**

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	MAVALA S.A.
Granted to Date of previous extension	12/02/2018
Address	Rue Antoine-Jolivet 2 Geneva, CH-1227 SWITZERLAND

Correspondence information	Mark Lebow Opposer's Attorney Ladas & Parry 1700 Diagonal Road Suite 505 Alexandria, VA 22314 UNITED STATES mlebow@ladas.com 703-837-9600
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Applicant Information

Application No	87758734	Publication date	06/05/2018
Opposition Filing Date	11/29/2018	Opposition Period Ends	12/02/2018
Applicant	WeShare IP, LLC 629 E. Quality Dr. Ste 102 American Fork, UT 84003 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Cosmetics; Cosmetics and cosmetic preparations; Cosmetics and make-up; Cosmetics in general, including perfumes; Make-up; Make-up for the face and body; Make-up foundations; Make-up pencils; Make-up powder; Make-up preparations; Make-up preparations for the face and body; Facialmake-up; Foundation make-up; Powder formake-up; Cosmetic skin care preparations, namely, lipstick, eye make-up, blush,rouge, and skin makeup, eye makeup, namely, mascara, eye shadow, eyeliners and eye pencils; lip balm moisturizers; Eye-brow cosmetics; Make-up removing lotions;Make-up removing milks; Make-up removing preparations; Eye make-up remover; Cosmetic preparations for skin care; Cosmetic creams for skin care; Nutritional oils for cosmetic purposes; facial care products, namely, cleansers, lotions, creams, oils, and non-medicated serums; skin moisturizers, skin toners, skin brightening lotions and make-up remover; moisturizing facial mask infused with lotions, creams, and serums; anti-wrinkle cream; lotion, cream, and gel for blemished anddamaged skin; personal care preparation; namely, eyelash moistur-</p>
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izer and conditioner; Non-medicated skin care preparations; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners serums and peels; Pore tightening mask packs used as cosmetics; Skin care preparations, namely, skin peels; Anti-aging moisturizers used as cosmetics; Wrinkle removing skin care preparations; Body and beauty care cosmetics; Skin care, namely, facial and skin lotions and creams, soaps, bath and shower gels and bubble bath; skin care preparation, namely, cleanser and lotion; skin disinfectant creams; talc-free body powder; essential oils; Scented body lotions and creams; hair preparations, namely, shampoos, conditioners, gels, lotions and hair sprays; Bath lotion; Body lotion; Body art stickers; Anti-bacterial soap; Baby shampoo; Beauty soap; Body cream soap; Deodorant soap; Liquid soap; Skin soap; Skin fresheners; Skin moisturizers used as cosmetics; After-sun gels; After-sun oils; after-sun skin lotion; Foams containing cosmetics and sunscreens; Self-tanning preparations; Tanning gels; Tanning oils; Sun tan lotion; sun blocking preparations; sun tanning preparations; shavinggels, lotions and soaps

Class 035. First Use: 0 First Use In Commerce: 0

Opposed goods and services in the class: Online retail store services featuring facial care products, skin care products and hair care products; Distribution services in the field of facial care products, skin care products and hair care products; Website specializing in the promotion of cosmetics, facial care products, skin care products, hair care products for use in retail services through direct solicitation by distributors directed to end-users; Online reselling, distributing, promoting, consulting and publicizing services by online media and networking through direct solicitation by distributors to end-users featuring cosmetics, skin care, hair care, health

Class 044. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Advisory information and consultancy services in the field of dietary, beauty and personal care products

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.	718669	Application Date	10/01/1959
Registration Date	07/18/1961	Foreign Priority Date	NONE
Word Mark	MAVALA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Products for the Hardening and the Treatment of Fragile, Split, and Soft Nails		

U.S. Registration No.	2597004	Application Date	07/26/2000
Registration Date	07/23/2002	Foreign Priority Date	NONE
Word Mark	MAVALA		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Cosmetic and beauty products, namely, nail hardeners and liquid treatments for the nails; hand and body creams, hand and body lotions, talcum powder, mascaras, blush, face and body powders, skin soap, bath and shower gels and soaps, perfumes, shampoo, hair lotions, dentifrices, and essential oils for personal use</p> <p>Class 008. First use: First Use: 0 First Use In Commerce: 0 Nail and cuticle scissors, nippers, clippers, metallic nail files and hair tweezers</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 Hair combs, cosmetic sponges, and cosmetic and hair brushes</p>

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	MAVALA		
Goods/Services	Various personal care and beauty products including but not limited to nail, eye, hand, face, lip, feet, leg, hair and body care and beauty products		

Related Proceedings	91232974 91233848
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Attachments	<p>76096087#TMSN.png(bytes) 2018-11-29 Notice of Opposition.pdf(113233 bytes) Exhibit A.pdf(43909 bytes) Reg. Cert. 718669.pdf(13313 bytes) TARR 718669.pdf(127808 bytes) Assignment 718669.pdf(152404 bytes) Exhibit B.pdf(43359 bytes) Reg. Cert. 2597004.pdf(24250 bytes) TARR 2597004.pdf(113765 bytes) Assignment 2597004.pdf(127542 bytes)</p>
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Signature	/ml/
Name	Mark Lebow
Date	11/29/2018

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

MAVALA SA,

Opposer,

v.

WeShare IP, LLC,

Applicant.

Opposition No.

Serial No. 87758734

NOTICE OF OPPOSITION

Opposer, MAVALA SA, is a Swiss société anonyme with offices located at 2, rue Antoine-Jolivet, CH-1227 Carouge, Switzerland.

Applicant, WeShare IP, LLC, is a Utah limited liability company with offices located at 629 E. Quality Dr., Ste 102, American Fork, Utah 84003.

Opposer believes that it will be damaged by registration of the mark TAVALA as depicted in U.S. Application Serial No. 87758734 for goods and services identified in International Classes 3, 35 and 44 of the application and hereby opposes registration of the same.

The grounds for opposition are as follows:

1. Opposer, a manufacturer of high quality cosmetics and make-up products established via its predecessors in interest in 1958, has owned continuously

used its mark MAVALA, with or without a design or other stylized elements or wording, in U.S. commerce on or in connection with various personal care and beauty products including but not limited to nail, eye, hand, face, lip, feet, leg, hair and body care and beauty products since as early as 1961 and long prior to the January 17, 2018 filing date of the intent-to-use based application herein opposed, or any other date upon which Applicant can rely on in this proceeding.

2. Opposer's MAVALA products are made according to the highest Swiss quality standards and over the years, Opposer has extended its product range substantially and it continues to expand their product line.
3. Opposer, a global cosmetic group distributing its products in more than 110 countries worldwide, generates more than 80% of its sales abroad including in the U.S. via various distribution channels including but not limited to pharmacies, perfumeries and department stores.
4. During its continuous use of the mark MAVALA, Opposer has expended considerable time, effort and expense in advertising and publicizing the sale of its goods referenced in Paragraph 1 above.
5. During its continuous use of the mark MAVALA, Opposer has sold, and offered for sale its goods referenced in Paragraph 1 above throughout the United States.

6. As a result of its efforts referenced in Paragraphs 1 – 5 above, Opposer has garnered a high reputation in the industries in which it operates and its MAVALA mark has developed valuable and substantial goodwill that belongs exclusively to Opposer, and which is relied upon by the trade and public as uniquely identify Opposer's goods.
7. From a date prior to any date upon which Applicant rely upon in this proceeding, consumers and the public have used Opposer's Mark to refer to Opposer's goods in Paragraph 1 and have come to identify Opposer's Mark with Opposer's products.
8. In addition to Opposer's strong common law rights in the mark TAVALA stemming from its use of the mark MAVALA in U.S. commerce since as early as 1961, Opposer owns incontestable U.S. Reg. No. 718669 for the mark MAVALA in standard characters for "Products for the Hardening and the Treatment of Fragile, Split, and Soft Nails" in International Class 3, filed on October 1, 1959, and registered on July 18, 1961. Copies of the registration certificate, USPTO status and title extract, and USPTO assignment extract for this registration, which is valid, subsisting, and in full force and effect, are attached hereto as Exhibit A.
9. Opposer also owns incontestable U.S. Registration No. 2597004 for the mark MAVALA in standard characters for "Cosmetic and beauty products, namely,

nail hardeners and liquid treatments for the nails; hand and body creams, hand and body lotions, talcum powder, mascaras, blush, face and body powders, skin soap, bath and shower gels and soaps, perfumes, shampoo, hair lotions, dentifrices, and essential oils for personal use” in International Class 3; for “Nail and cuticle scissors, nippers, clippers, metallic nail files and hair tweezers” in International Class 8; and “for Hair combs, cosmetic sponges, and cosmetic and hair brushes” in International Class 21, filed on July 26, 2000, and registered on July 23, 2002. Copies of the registration certificate, USPTO status and title extract, and USPTO assignment extract for this registration, which is valid, subsisting, and in full force and effect, are attached hereto as Exhibit B.

10. By the application herein opposed, Serial No. 87758734, Applicant seeks to register the mark TAVALA in standard characters for various goods and services in International Classes 3, 5, 35 and 44 including, relevant to this opposition, the following goods and services:

Class3: “Cosmetics; Cosmetics and cosmetic preparations; Cosmetics and make-up; Cosmetics in general, including perfumes; Make-up; Make-up for the face and body; Make-up foundations; Make-up pencils; Make-up powder; Make-up preparations; Make-up preparations for the face and body; Facial make-up; Foundation make-up; Powder for make-up; Cosmetic skin care preparations, namely, lipstick, eye make-up, blush, rouge, and skin makeup, eye makeup, namely, mascara, eye shadow, eyeliners and eye pencils; lip balm moisturizers; Eyebrow cosmetics; Make-up removing lotions; Make-up removing milks; Make-up removing preparations; Eye make-up remover; Cosmetic preparations for skin care; Cosmetic creams for

skin care; Nutritional oils for cosmetic purposes; facial care products, namely, cleansers, lotions, creams, oils, and non-medicated serums; skin moisturizers, skin toners, skin brightening lotions and make-up remover; moisturizing facial mask infused with lotions, creams, and serums; anti-wrinkle cream; lotion, cream, and gel for blemished and damaged skin; personal care preparation; namely, eyelash moisturizer and conditioner; Non-medicated skin care preparations; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners serums and peels; Pore tightening mask packs used as cosmetics; Skin care preparations, namely, skin peels; Anti-aging moisturizers used as cosmetics; Wrinkle removing skin care preparations; Body and beauty care cosmetics; Skin care, namely, facial and skin lotions and creams, soaps, bath and shower gels and bubble bath; skin care preparation, namely, cleanser and lotion; skin disinfectant creams; talc-free body powder; essential oils; Scented body lotions and creams; hair preparations, namely, shampoos, conditioners, gels, lotions and hair sprays; Bath lotion; Body lotion; Body art stickers; Anti-bacterial soap; Baby shampoo; Beauty soap; Body cream soap; Deodorant soap; Liquid soap; Skin soap; Skin fresheners; Skin moisturizers used as cosmetics; After-sun gels; After-sun oils; after-sun skin lotion; Foams containing cosmetics and sunscreens; Self-tanning preparations; Tanning gels; Tanning oils; Sun tan lotion; sun blocking preparations; sun tanning preparations; shaving gels, lotions and soaps”;

Class 35: “Online retail store services featuring ... facial care products, skin care products and haire (sic) care products; Distribution services in the field of ... facial care products, skin care products and haire (sic) care products; Website specializing in the promotion of cosmetics, facial care products, skin care products, hair care products, ... for use in retail services through direct solicitation by distributors directed to end-users; Online reselling, distributing, promoting, consulting and publicizing services by online media and networking through direct solicitation by distributors to end-users featuring cosmetics, skin care, hair care, ...”; and

Class 44: “Advisory information and consultancy services in the field of dietary, beauty and personal care products”.

11. Applicant filed the herein opposed application after Opposer had already opposed two of Applicant’s other TAVALA mark applications, Application

Serial Nos. 87173142 and 87175467, for the identical or closely related goods in Class 3. Those oppositions are now pending in Consolidated Opposition Nos. 91232974 (parent) and 91233848 before the Board.

12. Upon information and belief, Applicant was registered as a limited liability company in Utah on or about January 6, 2016.
13. Upon information and belief, Applicant did not use the mark TAVALA in U.S. commerce on or in connection with the applied for the opposed goods and services before the October 1, 1959 filing and priority date, or the July 18, 2001 registration date accorded to Registration No. 0718669 referenced in paragraph 8 above.
14. Upon information and belief, Applicant did not use the mark TAVALA in U.S. commerce on or in connection with the applied for goods before the July 26, 2000 filing and priority date, or the July 23, 2002 registration date accorded to Registration No. 2597004 referenced in paragraph 9 above.
15. Upon information and belief, and without even accounting for Opposer's common law rights developed in the U.S. for the mark MAVALA for more than 50 years, Applicant could not have used the mark TAVALA prior to Opposer's priority dates referenced in paragraphs 8, 9, 12 and 13 above because Applicant did not exist at the time of those priority dates. Priority is therefore not an issue in this proceeding.

16. Applicant's Mark TAVALA is confusingly similar in appearance, sound, connotation and/or commercial impression to Opposer's Mark, particularly since it merely replaces Opposer's the letter "M" in Opposer's mark "MAVALA" with the letter "T".
17. The goods and services for which Applicant seeks registration are closely similar to, overlapping with, identical to, or otherwise related to the goods in the goods identified in Opposer's registrations referenced in paragraphs 8 and 9 above and/or those with which Opposer uses and has used Opposer's Mark in commerce.
18. Upon information and belief, the goods or products covered by Opposer's Registration and/or which are sold in connection with Opposer's Mark referenced in Paragraphs 8 and 8 above and the opposed goods and services set forth in Applicant's Application Serial No. 87758734 are intended to be directed to similar or identical classes of purchasers and to be distributed through similar or overlapping or identical channels of trade in the United States.
19. Applicant's use of the mark TAVALA depicted in Application Serial No. 87758734 interferes with Opposer's use of Opposer's MAVALA Mark and is likely to cause the public to believe that the goods of Applicant originate with Opposer, or vice versa, or that Applicant is owned or controlled by or in some

- manner affiliated or associated with Opposer, or vice versa, and is otherwise likely to cause confusion, cause mistake or deceive.
20. Any defect, inadequacy or deficiency found in Applicant's goods and services marketed, sold or otherwise provided under the mark depicted in Application Serial No. 87758734 would reflect negatively upon and seriously injure the reputation and goodwill associated with the goods provided by Opposer and provided in connection Opposer's Mark.
 21. If Applicant were granted a registration based on Application Serial No. 87758734, Applicant would thereby obtain at least a *prima facie* exclusive right to use the mark TAVALA depicted in Application Serial No. 87758734. Any such registration would be a source of damage and injury to Opposer and its customers.

WHEREFORE, Opposer prays that Application Serial No. 87758734 be rejected, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

November 29, 2018

Respectfully submitted,

/Mark Lebow/

Mark Lebow
Attorney for Opposer

Ladas & Parry
1700 Diagonal Road, Suite 505
Alexandria, VA 22314
Tel: (703) 837-9600

CERTIFICATE OF SERVICE

I hereby certify the foregoing Notice of Opposition was served by email to Applicant's counsel, Robyn L. Phillips, Esq. (rphillips@wnlaw.com) and John C. Stringham, Esq. (jstringham@wnlaw.com) of the firm Workman Nydegger this 29th day of November 2018.

/Chris Ring/
Chris Ring

EXHIBIT A

United States Patent Office

718,669
Registered July 18, 1961

PRINCIPAL REGISTER Trademark

Ser. No. 83,158, filed Oct. 1, 1959

MAVALA

Anstalt Dynos (Liechtenstein corporation)
Vaduz, Liechtenstein

For: PRODUCTS FOR THE HARDENING AND
THE TREATMENT OF FRAGILE, SPLIT, AND SOFT
NAILS, in CLASS 51.

Owner of Liechtenstein Reg. No. 854, dated June
27, 1959.

Due to high-volume usage, you may experience intermittent issues on the Trademark Status and Document Retrieval (TSDR) system between 6 – 8 a.m. ET. Refreshing your web browser should resolve the issue. If you still need assistance accessing a document, email teas@uspto.gov and include your serial number, the document you are looking for, and a screenshot of any error messages you have received.

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Mark: MAVALA

No Image exists for this case.

US Serial Number: 72083158

Application Filing Date: Oct. 01, 1959

US Registration Number: 718669

Registration Date: Jul. 18, 1961

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office

Status: The registration has been renewed.

Status Date: Jun. 22, 2011

Mark Information

Mark Literal Elements: MAVALA

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Foreign Information

Foreign Registration Number: 854

Foreign Registration Date: Jun. 27, 1959

Foreign Application/Registration Country: LIECHTENSTEIN

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: Products for the Hardening and the Treatment of Fragile, Split, and Soft Nails

International Class(es): 003

U.S Class(es): 051 - Primary Class

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: MAVALA SA

Owner Address: 1211

2, rue Antoine - Jolivet
Geneva SWITZERLAND 26

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: DONALD L DENNISON

Docket Number: 8T12648365

Correspondent

Correspondent Donald L. Dennison

Name/Address: Mark Lebow, LADAS & PARRY LLC

1700 Diagonal Road
Suite 505
Alexandria, VIRGINIA UNITED STATES 22314

Phone: 703-837-9600

Correspondent e-mail: mlebow@ladas.com avmail@ladas.com
lebow@ttab.org

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: DONALD L DENNISON

Prosecution History

Date	Description	Proceeding Number
Dec. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 24, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 21, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 22, 2011	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	68335
Jun. 22, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 20, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	68335
Jun. 20, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 20, 2011	PAPER RECEIVED	
Aug. 03, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 03, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 26, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 23, 2008	CASE FILE IN TICRS	
Sep. 28, 2001	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	
Sep. 28, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 26, 2001	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 25, 1984	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 18, 1981	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 18, 2011

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jun. 22, 2011

Assignment Abstract Of Title Information

Summary

[Convey](#)

Total Assignments: 2

Registrant: ANSTALT DYNOS

Assignment 1 of 2

Assignment 2 of 2

Proceedings

Summary

Party type

Proceedings

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91233848](#)

Filing Date: Apr 03, 2017

Status: Pending

Status Date: Apr 03, 2017

Interlocutory Attorney: CHRISTEN M ENGLISH

Defendant

Name: WeShare IP, LLC

Correspondent Address: JOHN C STRINGHAM
 WORKMAN NYDEGGER
 60 EAST SOUTH TEMPLE SUITE 1000
 SALT LAKE CITY UT UNITED STATES , 84111

Correspondent e-mail: jstringham@wnlaw.com , docketing@wnlaw.com , rphillips@wnlaw.com , ldocketing@wnlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TAVALA	Opposition Pending	87175467	

Plaintiff(s)

Name: Mavala S.A.

Correspondent Address: DONALD L DENNISON
 LADAS & PARRY LLP
 1700 DIAGONAL ROAD SUITE 505
 ALEXANDRIA VA UNITED STATES , 22314

Correspondent e-mail: ddennison@ladas.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MAVALA	REGISTERED AND RENEWED	76096087	2597004
MAVALA	REGISTERED AND RENEWED	72083158	718669

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 03, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 06, 2017	May 16, 2017
3	PENDING, INSTITUTED	Apr 06, 2017	
4	D APPEARANCE / POWER OF ATTORNEY	Apr 28, 2017	
5	D MOT TO DISMISS: FRCP 12(B)	May 15, 2017	
6	D MOTION TO DIVIDE	May 16, 2017	
7	P OPP/RESP TO MOTION	May 17, 2017	

8	SUSP PEND DISP OF OUTSTNDNG MOT	May 19, 2017
9	D REPLY IN SUPPORT OF MOTION	Jun 06, 2017
10	CONSOLIDATED - CHILD OF 91232974; MOT DISMISS DENIED; MOT DIVIDE GRANTED; TD RESET	Jun 13, 2017
11	ANSWER	Jun 30, 2017

Type of Proceeding: Opposition

Proceeding Number: 91232974	Filing Date: Feb 21, 2017
Status: Suspended	Status Date: Nov 26, 2018
Interlocutory Attorney: CHRISTEN M ENGLISH	

Defendant

Name: WeShare IP, LLC
Correspondent Address: JOHN C STRINGHAM WORKMAN NYDEGGER 60 EAST SOUTH TEMPLE, SUITE1000 SALT LAKE CITY UT UNITED STATES , 84111
Correspondent e-mail: jstringham@wnlaw.com , docketing@wnlaw.com , rphillips@wnlaw.com , ldocketing@wnlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TAVALA	Opposition Pending	87173142	

Plaintiff(s)

Name: Mavala S.A.
Correspondent Address: MARK LEBOW LADAS & PARRY 1700 DIAGONAL ROAD, SUITE 505 ALEXANDRIA VA UNITED STATES , 22314
Correspondent e-mail: mlebow@ladas.com , avmail@ladas.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
MAVALA	REGISTERED AND RENEWED	76096087	2597004
MAVALA	REGISTERED AND RENEWED	72083158	718669

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Feb 21, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 21, 2017	Apr 02, 2017
3	PENDING, INSTITUTED	Feb 21, 2017	
4	D APPEARANCE / POWER OF ATTORNEY	Mar 22, 2017	
5	CHANGE OF CORRESP ADDRESS	Mar 23, 2017	

6	D REQ TO DIVIDE	Mar 23, 2017
7	ANSWER	Mar 22, 2017
8	MOT GRANTED; TRIAL DATES REMAIN AS PREVIOUS SET	Mar 29, 2017
9	CONSOLIDATED/91233848; MOT DISMISS DENIED; MOT DIVIDE GRANTED; TD RESET	Jun 13, 2017
10	STIP FOR EXT	Sep 11, 2017
11	EXTENSION OF TIME GRANTED	Sep 11, 2017
12	P CHANGE OF CORRESP ADDRESS	Dec 04, 2017
13	P APPEARANCE / POWER OF ATTORNEY	Dec 05, 2017
14	P CHANGE OF CORRESP ADDRESS	Dec 05, 2017
15	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 19, 2017
16	SUSPENDED	Dec 20, 2017
17	CORRECTION TO THE BDS ORDER	Jan 09, 2018
18	P REQ FOR RESUMPTION W/O CONSENT	Mar 02, 2018
19	TRIAL DATES RESET	Mar 19, 2018
20	P MOT FOR EXT W/ CONSENT	May 07, 2018
21	EXTENSION OF TIME GRANTED	May 08, 2018
22	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Jul 30, 2018
23	SUSPENDED	Aug 22, 2018
24	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Aug 31, 2018
25	SUSPENDED	Sep 04, 2018
26	D MOT FOR EXT W/ CONSENT	Oct 31, 2018
27	EXTENSION OF TIME GRANTED	Oct 31, 2018
28	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Nov 26, 2018
29	SUSPENDED	Nov 26, 2018



Assignments on the Web > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 2

Serial #: [72083158](#)

Filing Dt: 10/01/1959

Reg #: [718669](#)

Reg. Dt: 07/18/1961

Registrant: ANSTALT DYNOS

Mark: MAVALA

Assignment: 1

Reel/Frame: [0118/0331](#)

Recorded: 10/16/1964

Pages: 2

Conveyance: EXTRACT FROM THE REGISTER OF COMMERCE, LIECHTENSTEIN VADUZ, SHOWING THE AUTHORITY OF SAID LIQUIDATOR, REGISTERED MAR. 24, 1959. (IN GERMAN WITH SWORN ENGLISH TRANSLATION).

Assignor: [ANSTALT DYNOS](#)

Exec Dt: 07/16/1964

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: [MAITRE, YVES LIQUIDATOR OF ANSTALT DYNOS](#)

1, RUE DE LA CITE

GENEVE, NONE

Correspondent: ALBERT F. KRONMAN

20 VESEY ST.

20 VESEY ST.

NEW YORK 7, NY

Assignment: 2

Reel/Frame: [0118/0333](#)

Recorded: 10/16/1964

Pages: 2

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Assignor: [MAITRE, YVES LIQUIDATOR OF ANSTALT DYNOS](#)

Exec Dt: 09/17/1964

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: CORPORATION

Citizenship: SWITZERLAND

Assignee: [MAVALA SA](#)

6, RUE CHARLES-HUMBERT

GENEVA, NONE

Correspondent: ALBERT F. KRONMAN

20 VESEY ST.

20 VESEY ST.

NEW YORK 7, NY

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Web interface last modified: August 25, 2017 v.2.6

Search Results as of: 11/29/2018 12:49 PM

EXHIBIT B

Int. Cls.: 3, 8 and 21

**Prior U.S. Cls.: 1, 2, 4, 6, 13, 23, 28, 29, 30, 33, 40, 44,
50, 51 and 52**

Reg. No. 2,597,004

United States Patent and Trademark Office

Registered July 23, 2002

**TRADEMARK
PRINCIPAL REGISTER**

MAVALA

MAVALA S.A. (SWITZERLAND CORPORATION)
5, RUE DE LA MUSE
1205 GENEVA, SWITZERLAND

FOR: COSMETIC AND BEAUTY PRODUCTS,
NAMELY, NAIL HARDENERS AND LIQUID
TREATMENTS FOR THE NAILS; HAND AND
BODY CREAMS, HAND AND BODY LOTIONS,
TALCUM POWDER, MASCARAS, BLUSH, FACE
AND BODY POWDERS, SKIN SOAP, BATH AND
SHOWER GELS AND SOAPS, PERFUMES, SHAM-
POO, HAIR LOTIONS, DENTIFRICES, AND ESSEN-
TIAL OILS FOR PERSONAL USE, IN CLASS 3 (U.S.
CLS. 1, 4, 6, 50, 51 AND 52).

FOR: NAIL AND CUTICLE SCISSORS, NIPPERS,
CLIPPERS, METALLIC NAIL FILES AND HAIR
TWEEZERS, IN CLASS 8 (U.S. CLS. 23, 28 AND 44).

FOR: HAIR COMBS, COSMETIC SPONGES, AND
COSMETIC AND HAIR BRUSHES, IN CLASS 21 (U.S.
CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

OWNER OF SWITZERLAND REG. NO. 325,298,
DATED 3-7-1983, EXPIRES 3-7-2003.

OWNER OF U.S. REG. NO. 718,669.

SER. NO. 76-096,087, FILED 7-26-2000.

ELISSA GARBER KON, EXAMINING ATTORNEY

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Mark: MAVALA

MAVALA

US Serial Number: 76096087

Application Filing Date: Jul. 26, 2000

US Registration Number: 2597004

Registration Date: Jul. 23, 2002

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered with the Office

Status: The registration has been renewed.

Status Date: Apr. 19, 2012

Publication Date: Apr. 30, 2002

Mark Information

Mark Literal Elements: MAVALA

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: [0718669](#)

Foreign Information

Foreign Registration Number: 325,298

Foreign Registration Date: Mar. 07, 1983

Foreign Application/Registration Country: SWITZERLAND

Foreign Expiration Date: Mar. 07, 2003

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: Cosmetic and beauty products, namely, nail hardeners and liquid treatments for the nails; hand and body creams, lotions, talcum powder, mascaras, blush, face and body powders, skin soap, bath and shower gels and soaps, lotions, dentifrices, and essential oils for personal use

International Class(es): 003 - Primary Class

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

Class Status: ACTIVE

Basis: 44(e)

For: Nail and cuticle scissors, nippers, clippers, metallic nail files and hair tweezers

International Class(es): 008 - Primary Class

U.S Class(es): 023, 028, 044

Class Status: ACTIVE

Basis: 44(e)

For: Hair combs, cosmetic sponges, and cosmetic and hair brushes

International Class(es): 021 - Primary Class

U.S Class(es): 002, 013, 023, 029, 031

Class Status: ACTIVE

Basis: 44(e)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Filed ITU: No

Currently ITU: No

Filed 44D: No

Currently 44E: Yes

Filed 44E: Yes

Currently 66A: No

Filed 66A: No

Currently No Basis: No

Filed No Basis: No

Current Owner(s) Information

Owner Name: Mavala S.A.

Owner Address: 2, rue Antoine--Jolivet
1211 Geneve 26 SWITZERLAND 26

Legal Entity Type: CORPORATION

State or Country Where Organized: SWITZERLAND

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Donald L. Dennison

Docket Number: 8T12648362

Correspondent

Correspondent DONALD L. DENNISON
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lebow@ttab.org

Correspondent e-mail Yes
Authorized:

Domestic Representative

Domestic Representative Donald L. Dennison
Name:

Prosecution History

Date	Description	Proceeding Number
Dec. 05, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 04, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 24, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 21, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 19, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - MAILED	
Apr. 19, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Apr. 19, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Apr. 10, 2012	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	73376
Apr. 10, 2012	PAPER RECEIVED	
Aug. 03, 2010	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Aug. 03, 2010	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Aug. 29, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Jul. 17, 2008	ASSIGNED TO PARALEGAL	73376
Jul. 07, 2008	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 07, 2008	PAPER RECEIVED	
Nov. 02, 2007	CASE FILE IN TICRS	
Jul. 23, 2002	REGISTERED-PRINCIPAL REGISTER	
Apr. 30, 2002	PUBLISHED FOR OPPOSITION	
Apr. 10, 2002	NOTICE OF PUBLICATION	
Jan. 11, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 11, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Dec. 27, 2001	ASSIGNED TO EXAMINER	73706
Aug. 30, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 02, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Jan. 10, 2001

NON-FINAL ACTION MAILED

Jan. 04, 2001

ASSIGNED TO EXAMINER

73706

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jul. 23, 2012

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 19, 2012

Assignment Abstract Of Title Information - None recorded

Proceedings

Summary

Party type

Proceedings

Number of Proceedings: 2

Type of Proceeding: Opposition

Type of Proceeding: Opposition



[Assignments on the Web](#) > [Trademark Query](#)

No assignment has been recorded at the USPTO

For Serial Number: 76096087

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Web interface last modified: August 25, 2017 v.2.6

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