

ESTTA Tracking number: **ESTTA986487**

Filing date: **07/10/2019**

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                                  | Noxell Corporation  |
| Granted to Date of previous extension | 07/10/2019  |
| Address                               | 11050 York Road<br>Hunt Valley, MD 21030<br>UNITED STATES |

|                      |   |
|----------------------|---|
| Attorney information | Lisa Pearson<br>Kilpatrick Townsend & Stockton LLP<br>1114 Avenue of the Americas<br>The Grace Building<br>New York, NY 10036<br>UNITED STATES<br>lpearson@ktslaw.com, lamiller@ktslaw.com, brnelson@ktslaw.com, tmadmin@ktslaw.com, agarcia@ktslaw.com<br>2127758700 |
|----------------------|---|

**Applicant Information**

|                        |  |                        |            |
|------------------------|--|------------------------|------------|
| Application No         | 88158015   | Publication date       | 03/12/2019 |
| Opposition Filing Date | 07/10/2019   | Opposition Period Ends | 07/10/2019 |
| Applicant              | Next Step Group, Inc.<br>551 Madison Avenue, 14th Floor<br>New York, NY 10022<br>UNITED STATES |                        |            |

**Goods/Services Affected by Opposition**

|   |
|---|
| Class 018. First Use: 2016/12/02 First Use In Commerce: 2016/12/02<br>All goods and services in the class are opposed, namely: (Based on Use in Commerce) Tote bags; waist packs; (Based on Intent to Use) Handbags, travel bags, backpacks, duffel bags, luggage and wallets |
| Class 025. First Use: 0 First Use In Commerce: 0<br>All goods and services in the class are opposed, namely: Headwear   |

**Grounds for Opposition**

|  |                            |
|--|----------------------------|
| Priority and likelihood of confusion   | Trademark Act Section 2(d) |
| No bona fide intent to use mark in commerce for identified goods or services | Trademark Act Section 1(b) |


|  |  |
|--|--|
| Registration barred by claim or issue preclusion | Mayer/Berkshire Corp. v. Berkshire Fashions Inc., 424 F.3d 1229, 76 USPQ2d 1310 (Fed. Cir. 2005) |
|--|--|

### Marks Cited by Opposer as Basis for Opposition

|                       |  |                       |            |
|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 1808733  | Application Date      | 09/21/1992 |
| Registration Date     | 12/07/1993   | Foreign Priority Date | NONE       |
| Word Mark             | COVER GIRL   |                       |            |
| Design Mark           |  |                       |            |
| Description of Mark   | NONE   |                       |            |
| Goods/Services        | <p>Class 003. First use: First Use: 1943/07/03 First Use In Commerce: 1943/07/03 cosmetics; namely, foundation, powder, blusher, eye shadow, eye liner, mascara, eyebrow pencil, lip color, lip gloss, and lip base; [perfume and cologne;] nailcare products; namely, nail color, nailbase coat, nail drying preparation, nail top coat, and nail saving preparations; [skin care products; namely, moisturizing lotions and creams, astringents and,cleansing creams]</p> <p>Class 008. First use: First Use: 1981/12/16 First Use In Commerce: 1981/12/16 [cosmetic accessories; namely, eyelash curlers and nail buffers]</p> <p>Class 021. First use: First Use: 1981/12/16 First Use In Commerce: 1981/12/16 [cosmetic brushes, sponges and applicators]</p> |                       |            |

|                       |   |                       |            |
|-----------------------|---|-----------------------|------------|
| U.S. Registration No. | 2644668   | Application Date      | 09/13/2001 |
| Registration Date     | 10/29/2002  | Foreign Priority Date | NONE       |
| Word Mark             | COVER GIRL  |                       |            |
| Design Mark           |   |                       |            |
| Description of Mark   | NONE  |                       |            |
| Goods/Services        | <p>Class 009. First use: First Use: 2001/09/25 First Use In Commerce: 2001/09/25 Eyeglass frames and eyeglass lenses; sunglass frames and sunglass lenses; [sunglass clips; ] eyeglass cases, [ eyeglass chains; straps for holding eyeglasses;and eyeglass cords ]</p> |                       |            |

|                       |            |                       |            |
|-----------------------|------------|-----------------------|------------|
| U.S. Registration No. | 3716448    | Application Date      | 08/06/2008 |
| Registration Date     | 11/24/2009 | Foreign Priority Date | NONE       |
| Word Mark             | COVERGIRL  |                       |            |

|                     |   |
|---------------------|---|
| Design Mark         |   |
| Description of Mark | NONE  |
| Goods/Services      | Class 008. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 eyelash curlers; tweezers [, clippers,nippers, scissors; nail files; manicuresets; pedicure sets ]<br>Class 016. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 cosmetic pencil sharpeners<br>Class 021. First use: First Use: 1990/00/00 First Use In Commerce: 1990/00/00 cosmetic brushes; facial sponges for applying make-up; applicator sticks for applying make-up; powder puffs |

|                                    |  |                  |      |
|------------------------------------|--|------------------|------|
| U.S. Application/ Registration No. | NONE   | Application Date | NONE |
| Registration Date                  | NONE   |                  |      |
| Word Mark                          | The COVER GIRL mark and composite marks incorporating COVER GIRL   |                  |      |
| Goods/Services                     | Cosmetics; namely, foundation, powder, blusher, eye shadow, eye liner, mascara, eyebrow pencil, lip color, lip gloss, and lip base; nail care products; namely, nail color, nail base coat, nail drying preparation, nail top coat, and nail saving preparations; Eyeglass frames and eyeglass lenses; sunglass frames and sunglass lenses; eyeglass cases; Eyelash curlers; tweezers; Cosmetic pencil sharpeners; Cosmetic brushes; facial sponges for applying make-up; applicator sticks for applying make-up; powder puffs |                  |      |

|             |   |
|-------------|---|
| Attachments | 77540586#TMSN.png( bytes )<br>2019.07.10 Notice of Opposition_Exh 1 - 3 (COVER GIRL).pdf(270033 bytes ) |
| Signature   | /Lisa Pearson/  |
| Name        | Lisa Pearson  |
| Date        | 07/10/2019  |

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

In the Matter of Application Serial No. 88/158,015  
Published on March 12, 2019

|                        |   |                         |
|------------------------|---|-------------------------|
| Noxell Corporation,    | ) |                         |
|                        | ) |                         |
| Opposer,               | ) | Opposition No. _____    |
|                        | ) |                         |
| v.                     | ) | <b>Mark: COVER GIRL</b> |
|                        | ) |                         |
| Next Step Group, Inc., | ) |                         |
|                        | ) |                         |
| Applicant.             | ) |                         |

**NOTICE OF OPPOSITION**

Opposer Noxell Corporation (“Opposer”) is a corporation organized and existing under the laws of the State of Maryland and located and doing business at 11050 York Road, Hunt Valley, Maryland 21030.

Opposer believes that it is or will be damaged by registration of the mark COVER GIRL, in standard characters (“Applicant’s COVER GIRL Mark”), that is the subject of Application Serial No. 88/158,015 (the “Opposed COVER GIRL Application”), currently pending before the United States Patent and Trademark Office (“USPTO”).

As grounds for opposition, the following is alleged:

**FACTS COMMON TO ALL GROUNDS FOR OPPOSITION**

1. Since at least as early as 1943, long before any actual or constructive use of Applicant’s COVER GIRL Mark, Opposer and its predecessors-in-interest have continuously used the inherently distinctive COVER GIRL and COVERGIRL marks (collectively, the

“COVER GIRL Marks”) in interstate commerce in connection with cosmetics and related goods and services. Opposer’s COVER GIRL beauty brand has always been closely associated with fashion. For example, Opposer’s COVER GIRL advertisements have featured top fashion models and appeared in top fashion magazines for decades, Opposer has sponsored model and beauty contests under the COVER GIRL brand, and Opposer has offered COVER GIRL fashion eyewear.

2. As a result of the nationwide use and extensive promotion of the COVER GIRL Marks since 1943, Opposer has established strong common law rights in the COVER GIRL Marks for beauty products and related goods and services.

3. In addition to strong common law rights in the COVER GIRL Marks, Opposer also owns, *inter alia*, the following U.S. trademark registrations for the COVER GIRL Marks (collectively, the “COVER GIRL Registrations”):

| Trademark  | Registration No. | Registration Date | Goods   |
|------------|------------------|-------------------|---|
| COVER GIRL | 1,808,733        | December 7, 1993  | Class 3: Cosmetics; namely, foundation, powder, blusher, eye shadow, eye liner, mascara, eyebrow pencil, lip color, lip gloss, and lip base; nail care products; namely, nail color, nail base coat, nail drying preparation, nail top coat, and nail saving preparations |
| COVER GIRL | 2,644,668        | October 29, 2002  | Class 9: Eyeglass frames and eyeglass lenses; sunglass frames and sunglass lenses; eyeglass cases   |
| COVERGIRL  | 3,716,448        | November 24, 2009 | Class 8: Eyelash curlers; tweezers<br><br>Class 16: Cosmetic pencil sharpeners<br><br>Class 21: Cosmetic brushes; facial sponges for applying make-up; applicator sticks for applying make-up; powder puffs   |

The COVER GIRL Registrations are valid, subsisting, and in full force and effect. Furthermore, Registration Nos. 1,808,733 and 2,644,668 are incontestable pursuant to 15 U.S.C. § 1065.

4. Pursuant to 37 C.F.R. § 2.122(d)(1), current printouts of information from electronic database records of the USPTO showing the current status and title of the above-listed COVER GIRL Registrations are attached hereto as **Exhibits 1-3**.

5. Opposer has expended substantial amounts of time, money and effort in advertising and promoting its COVER GIRL Marks over the years and in preserving the goodwill associated therewith. For example, COVER GIRL branded goods and services have been routinely advertised in national magazines and broadcast television commercials featuring famous models who frequently appeared on fashion magazine covers, such as Christy Brinkley, Cybill Shepherd, Tyra Banks, and Cheryl Tiegs, as well as fashionable celebrities such as Jennifer O'Neill, Taylor Swift, Drew Barrymore, Queen Latifah, and Katy Perry.

6. By virtue of Opposer's extensive use and enormous investment in advertisement, promotion and marketing, Opposer's COVER GIRL Marks have become distinctive of, and associated in the minds of the trade and purchasing public with, Opposer. As a result of Opposer's efforts, Opposer has gained a significant and valuable reputation for the goods and services associated with its COVER GIRL Marks.

7. The COVER GIRL Marks have come to serve as unique and famous identifiers of Opposer's goods and services.

8. Upon information and belief, Applicant Next Step Group, Inc. ("Applicant") is a corporation with a principal place of business at 200 Madison Avenue, Suite 2225, New York, New York 10116.

9. Applicant filed the Opposed COVER GIRL Application on October 17, 2018, for “tote bags, waist packs, handbags, travel bags, backpacks, duffel bags, luggage and wallets” in Class 18 and “headwear” in Class 25.

10. Applicant filed the Opposed COVER GIRL Application on both a use and “intent to use” basis. Applicant claimed that it had a “bona fide intention, and is entitled, to use the mark in commerce on or in connection with the identified goods/services.” Specifically, Applicant claimed it had a bona fide intent to use Applicant’s COVER GIRL Mark in Class 18 for handbags, travel bags, backpacks, duffel bags, luggage and wallets, and in Class 25 for headwear (the “ITU Goods”). Applicant also claimed use of Applicant’s COVER GIRL Mark on tote bags and waist packs since December 2, 2016.

11. This is not the first time Applicant has sought to register Applicant’s COVER GIRL Mark for goods in Class 18.

12. On February 23, 2016, Applicant applied to register, on an intent to use basis, the mark COVER GIRL, in standard characters, in connection with, among other things, “organizer pouches made from leather, imitation leather or cloth [and] travel bags.” That application was assigned U.S. Application Serial No. 86/916,203 (the “Prior Application”).

13. Opposer filed a Notice of Opposition to the Prior Application on November 9, 2016, and Applicant answered the Notice of Opposition on December 7, 2016.

14. Applicant withdrew and abandoned the Prior Application on June 21, 2018, without Opposer’s consent.

15. Because the abandonment of the Prior Application was without Opposer’s consent, the Trademark Trial and Appeal Board (the “Board”) entered judgment against Applicant, sustained the opposition and refused registration to the Prior Application.

16. Applicant then filed the Opposed COVER GIRL Application for exactly the same mark and virtually the same goods.

17. Applicant has a history of (a) filing applications, on an intent to use basis, to register COVER GIRL marks, (b) failing to file specimens of use until the last possible deadline, and then filing suspect specimens, (c) abandoning its applications or registrations either as the result of a challenge or Applicant's failure to file a Statement of Use once those applications were allowed, and (d) filing new applications to register the same mark it previously abandoned for the same or highly similar goods.

18. Applicant has thereby manipulated the USPTO's intent-to-use application process to warehouse numerous COVER GIRL trademarks, including the mark identified in the Opposed COVER GIRL Application.

**GROUND I – APPLICANT IS PRECLUDED FROM REGISTERING  
APPLICANT'S COVER GIRL MARK IN CLASS 18**

19. Opposer incorporates each and every allegation in the preceding paragraphs of this Notice of Opposition as though fully set forth herein.

20. Applicant previously sought registration for Applicant's COVER GIRL Mark, in standard characters, for "organizer pouches made from leather, imitation leather or cloth [and] travel bags" under the Prior Application.

21. Applicant withdrew and abandoned the Prior Application on June 21, 2018, without Opposer's consent, and the Board sustained the Opposer's opposition to the Prior Application and refused registration to the Prior Application.

22. The Class 18 goods identified in the Opposed COVER GIRL Application, namely, tote bags, waist packs, handbags, travel bags, backpacks, duffel bags, luggage and wallets, are encompassed in the identification of goods in Class 18 in the Prior Application,



namely, organizer pouches made from leather, imitation leather or cloth and travel bags, for which judgment was entered against Applicant.

23. Applicant is therefore barred from obtaining a registration for the same COVER GIRL mark for the Class 18 goods for which an opposition was previously sustained.

24. Registration of Applicant's COVER GIRL Mark for goods that Opposer has previously successfully opposed will damage Opposer by forcing Opposer to re-litigate the same issue. Registration of Applicant's COVER GIRL Mark for these goods will give color and exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Opposer.

## **GROUND II – LIKELIHOOD OF CONFUSION**

25. Opposer incorporates each and every allegation in the preceding paragraphs of this Notice of Opposition as though fully set forth herein.

26. There is no issue as to priority. Opposer and its predecessors-in-interest began using in commerce its COVER GIRL Marks at least as early as 1943, which is many years prior to Applicant's actual or constructive use of Applicant's COVER GIRL Mark and the October 17, 2018 filing date of the Opposed COVER GIRL Application.

27. Opposer's COVER GIRL Marks were well established and renowned long before the filing date of the Opposed COVER GIRL Application and at the time that Applicant filed the Opposed COVER GIRL Application.

28. Applicant's COVER GIRL Mark, as shown in the Opposed COVER GIRL Application, is confusingly similar and, indeed, virtually identical in appearance, sound, meaning and commercial impression to Opposer's COVER GIRL Marks.

29. Applicant's COVER GIRL Mark, as shown in the Opposed COVER GIRL Application, is confusingly similar and, indeed, virtually identical in appearance, sound, meaning and commercial impression to the marks shown in Opposer's COVER GIRL Registrations.

30. The goods identified in the Opposed COVER GIRL Application are highly related to the goods and services on or in connection with which Opposer has previously used the COVER GIRL Marks, including the goods identified in Opposer's COVER GIRL Registrations. Specifically, the goods identified in the Opposed COVER GIRL Application consist primarily of headwear and various types of bags—items that are used in connection with and are closely related to the beauty products and fashion accessories offered by Opposer under the COVER GIRL Marks and covered by the COVER GIRL Registrations.

31. Consumers are likely to encounter tote bags, waist packs, handbags, travel bags, backpacks, duffel bags, luggage, wallets and headwear in the same channels of trade where Opposer's COVER GIRL branded cosmetics and beauty care products are sold.

32. Consumers are likely to believe that headwear, tote bags, handbags, travel bags, and other similar and related goods offered under Applicant's COVER GIRL Mark are produced, sponsored, approved, or licensed by, affiliated with, or otherwise connected to Opposer and its COVER GIRL Marks.

33. The goods identified in the Opposed COVER GIRL Application are within the reasonable and logical zone of expansion for Opposer and the goods sold under its COVER GIRL Marks.

34. Upon information and belief, both Opposer's goods sold under the COVER GIRL Marks and Applicant's goods identified in the Opposed COVER GIRL Application are relatively low-priced and are likely to be purchased on impulse by consumers.

35. Upon information and belief, Applicant is acting in bad faith in seeking to exploit the goodwill associated with Opposer's COVER GIRL Marks.

36. Applicant's COVER GIRL Mark, when used in connection with Applicant's goods as identified in the Opposed COVER GIRL Application, so resembles the previously used COVER GIRL Marks as to be likely to cause confusion, mistake and/or to deceive customers concerning an affiliation, connection, association, or sponsorship with the source of goods sold under the COVER GIRL Marks, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer, the public and the trade.

37. Applicant's COVER GIRL Mark, when used in connection with Applicant's goods as identified in the Opposed COVER GIRL Application, so resembles the marks shown in Opposer's previously registered COVER GIRL Registrations as to be likely to cause confusion, mistake and/or to deceive customers concerning an affiliation, connection, association or sponsorship with the source of goods sold under the marks shown in Opposer's previously registered COVER GIRL Registrations, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), with consequent injury to Opposer, the public and the trade.

38. Pursuant to Section 13(a) of the Lanham Act, 15 U.S.C. § 1063(a), Opposer believes it will be damaged by registration of Applicant's COVER GIRL Mark in that members of the purchasing public and/or the trade are likely to be confused or mistaken that Applicant's goods offered under Applicant's COVER GIRL Mark originate from Opposer, or from the same source as goods sold under the COVER GIRL Marks and/or the marks shown in the COVER GIRL Registrations, or that such goods of Applicant are sponsored by, endorsed by, or affiliated with the source of goods sold under the COVER GIRL Marks and/or the marks shown in the COVER GIRL Registrations.

39. Such likelihood of confusion results in damage to the goodwill among purchasers and the trade that the COVER GIRL Marks symbolize. Registration of Applicant's COVER GIRL Mark will support and assist Applicant in the confusing and misleading use of Applicant's COVER GIRL Mark, and, in addition, will give color and exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Opposer.

**GROUND III – NO *BONA FIDE* INTENT TO USE**

40. Opposer incorporates each and every allegation in the preceding paragraphs of this Notice of Opposition as though fully set forth herein.

41. Pursuant to 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), an applicant who files an intent-to-use application must have a *bona fide* intention to use the mark in commerce in the United States in connection with each of the goods specified in the application.

42. Upon information and belief, Applicant lacked a *bona fide* intent to use Applicant's COVER GIRL Mark in commerce in the United States in connection with each of the goods identified in the Opposed COVER GIRL Application as of October 17, 2018, the date of the Opposed COVER GIRL Application.

43. Upon information and belief, Applicant in fact had no *bona fide* intention to use Applicant's COVER GIRL Mark in commerce on or in connection with some or all of the ITU Goods, namely, handbags, travel bags, backpacks, duffel bags, luggage, wallets, or headwear as of October 17, 2018. Thus, Applicant is not entitled to registration of that mark in connection with such goods.

44. Opposer's opposition should be sustained due to Applicant's lack of a *bona fide* intention to use Applicant's COVER GIRL Mark in connection with the ITU Goods identified in the Opposed COVER GIRL Application.

45. As Applicant had no *bona fide* intent to use Applicant's COVER GIRL Mark in connection with the ITU Goods identified in the Opposed COVER GIRL Application, that application should be declared as *void ab initio*.

46. Registration of Applicant's COVER GIRL Mark for goods for which Applicant had no *bona fide* intent to use that mark will damage Opposer. Registration of Applicant's COVER GIRL Mark will give color and exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Opposer.

**WHEREFORE**, Opposer requests that registration of Applicant's COVER GIRL Mark, as shown in Application Serial No. 88/158,015 be refused.

The required fee for instituting this opposition proceeding is being submitted herewith. Please charge any deficiency or refund in the filing fee to Deposit Account No. 20-1430 for Kilpatrick Townsend & Stockton LLP.

Please recognize Lisa Pearson, Laura Miller, Bethany Nelson and the law firm of Kilpatrick Townsend & Stockton LLP as attorneys for Opposer in connection with this opposition proceeding. Please address all correspondence regarding this proceeding to Laura Miller at Kilpatrick Townsend & Stockton LLP, 1001 West Fourth Street, Winston-Salem, North Carolina 27101.

Date: July 10, 2019

Respectfully submitted,

KILPATRICK TOWNSEND & STOCKTON LLP

/Lisa Pearson/

Lisa Pearson

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*Attorneys for Opposer Noxell Corporation*

## **EXHIBIT 1**

Generated on: This page was generated by TSDR on 2019-07-09 13:27:55 EDT

Mark: COVER GIRL

US Serial Number: 74316022

Application Filing Date: Sep. 21, 1992

US Registration Number: 1808733

Registration Date: Dec. 07, 1993

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: Jan. 03, 2013

Publication Date: Sep. 14, 1993

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## Mark Information

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Mark Literal Elements: COVER GIRL

Standard Character Claim: No

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

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## Related Properties Information

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Claimed Ownership of US Registrations: 0404783, 1587370

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## Goods and Services

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**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; namely, foundation, powder, blusher, eye shadow, eye liner, mascara, eyebrow pencil, lip color, lip gloss, and lip base; [perfume and cologne;] nail care products; namely, nail color, nail base coat, nail drying preparation, nail top coat, and nail saving preparations; [skin care products; namely, moisturizing lotions and creams, astringents and, cleansing creams]

**International Class(es):** 003 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 03, 1943

**Use in Commerce:** Jul. 03, 1943

**For:** [cosmetic brushes, sponges and applicators]

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Dec. 16, 1981

**Use in Commerce:** Dec. 16, 1981



**For:** [cosmetic accessories; namely, eyelash curlers and nail buffers]

**International Class(es):** 008 - Primary Class

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

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Dec. 16, 1981

**Use in Commerce:** Dec. 16, 1981

## Basis Information (Case Level)

|                           |                               |                        |
|---------------------------|-------------------------------|------------------------|
| <b>Filed Use:</b> Yes     | <b>Currently Use:</b> Yes     | <b>Amended Use:</b> No |
| <b>Filed ITU:</b> No      | <b>Currently ITU:</b> No      | <b>Amended ITU:</b> No |
| <b>Filed 44D:</b> No      | <b>Currently 44D:</b> No      | <b>Amended 44D:</b> No |
| <b>Filed 44E:</b> No      | <b>Currently 44E:</b> No      | <b>Amended 44E:</b> No |
| <b>Filed 66A:</b> No      | <b>Currently 66A:</b> No      |                        |
| <b>Filed No Basis:</b> No | <b>Currently No Basis:</b> No |                        |

## Current Owner(s) Information

**Owner Name:** NOXELL CORPORATION

**Owner Address:** 11050 York Road  
Hunt Valley, MARYLAND 21030  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph Conklin

**Attorney Primary Email Address:** [trademarks@cotyinc.com](mailto:trademarks@cotyinc.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Joseph Conklin  
Coty Inc.  
350 Fifth Avenue, 19th Floor  
Empire State Building  
New York, NEW YORK 10118  
UNITED STATES

**Phone:** 2124794512

**Fax:** 2124794545

**Correspondent e-mail:** [trademarks@cotyinc.com](mailto:trademarks@cotyinc.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

| Date          | Description  | Proceeding Number |
|---------------|--|-------------------|
| Apr. 13, 2017 | ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED            |                   |
| Apr. 13, 2017 | TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED |                   |
| Nov. 23, 2016 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY    |                   |
| Jan. 03, 2013 | NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED        |                   |
| Jan. 03, 2013 | REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)     | 68335             |
| Jan. 03, 2013 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED  | 68335             |
| Jan. 03, 2013 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL         | 68335             |
| Dec. 10, 2012 | TEAS SECTION 8 & 9 RECEIVED                          |                   |
| Sep. 11, 2007 | CASE FILE IN TICRS                                   |                   |
| Apr. 24, 2004 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)      |                   |
| Apr. 24, 2004 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED  |                   |

Jan. 27, 2004 REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED  
 Jan. 27, 2004 TEAS SECTION 8 & 9 RECEIVED  
 Mar. 09, 2000 REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.  
 Nov. 18, 1999 REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED  
 Dec. 07, 1993 REGISTERED-PRINCIPAL REGISTER  
 Sep. 14, 1993 PUBLISHED FOR OPPOSITION  
 Aug. 13, 1993 NOTICE OF PUBLICATION  
 Mar. 03, 1993 APPROVED FOR PUB - PRINCIPAL REGISTER  
 Feb. 10, 1993 CORRESPONDENCE RECEIVED IN LAW OFFICE  
 Dec. 28, 1992 NON-FINAL ACTION MAILED  
 Dec. 09, 1992 ASSIGNED TO EXAMINER

69226

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted  
**Affidavit of Incontestability:** Section 15 - Accepted  
**Renewal Date:** Dec. 07, 2013  
**Change in Registration:** Yes

## TM Staff and Location Information

### TM Staff Information - None File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jan. 03, 2013

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Registrant:** NOXELL CORPORATION

### Assignment 1 of 3

**Conveyance:** INTELLECTUAL PROPERTY SECURITY AGREEMENT

**Reel/Frame:** [5921/0652](#)

**Pages:** 43

**Date Recorded:** Oct. 19, 2016

**Supporting Documents:** [assignment-tm-5921-0652.pdf](#)

### Assignor

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [THE WELLA CORPORATION](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [NOXELL CORPORATION](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

### Assignee

**Name:** [JPMORGAN CHASE BANK, N.A.](#)

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** UNITED STATES

**Address:** 500 STANTON CHRISTIANA RD  
NEWARK, DELAWARE 19713

### Correspondent

**Correspondent:** PAUL TATE

**Name:**

**Correspondent Address:** 1025 VERMONT AVENUE, NW #1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 2 of 3**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [6096/0142](#)

**Pages:** 43

**Date Recorded:** Jun. 29, 2017

**Supporting Documents:** [assignment-tm-6096-0142.pdf](#)

**Assignor**

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#) **Execution Date:** Oct. 01, 2016  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** [THE WELLA CORPORATION](#) **Execution Date:** Oct. 01, 2016  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Name:** [NOXELL CORPORATION](#) **Execution Date:** Oct. 01, 2016  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MARYLAND

**Assignee**

**Name:** [JPMORGAN CHASE BANK, N.A.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** BANK

**Address:** 500 STANTON CHRISTIANA RD.  
NEWARK, DELAWARE 19713

**Correspondent**

**Correspondent Name:** JOANNA MCCALL

**Correspondent Address:** 1025 VERMONT AVE NW, SUITE 1130  
COGENCY GLOBAL INC.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 3 of 3**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [6346/0836](#)

**Pages:** 72

**Date Recorded:** Apr. 16, 2018

**Supporting Documents:** [assignment-tm-6346-0836.pdf](#)

**Assignor**

**Name:** [JPMORGAN CHASE BANK, N.A.](#) **Execution Date:** Apr. 05, 2018  
**Legal Entity Type:** BANK **State or Country Where Organized:** OHIO

**Assignee**

**Name:** [NOXELL CORPORATION](#) **State or Country Where Organized:** MARYLAND  
**Legal Entity Type:** CORPORATION

**Address:** 11050 YORK ROAD  
HUNT VALLEY, MARYLAND 21030

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 4500 PARK GRANADA

CALABASAS, CALIFORNIA 91302

Name: [THE WELLA CORPORATION](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 4500 PARK GRANADA  
CALABASAS, CALIFORNIA 91302

#### Correspondent

Correspondent Name: MELONY SOT

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
COGENCY GLOBAL INC.  
WASHINGTON, DC 20005

#### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 3

#### Type of Proceeding: Opposition

Proceeding Number: [91231104](#)

Filing Date: Nov 09, 2016

Status: Terminated

Status Date: Jun 27, 2018

Interlocutory Attorney: ELIZABETH A DUNN

#### Defendant

Name: Next Step Group, Inc.

Correspondent Address: MARTIN W SCHIFFMILLER  
KIRSCHSTEIN ISRAEL SCHIFFMILLER & PIERON PC  
425 FIFTH AVE 5TH FL  
NEW YORK NY , 10016-2223  
UNITED STATES

Correspondent e-mail: [mws@kirschsteinlaw.com](mailto:mws@kirschsteinlaw.com)

#### Associated marks

| Mark       | Application Status                      | Serial Number            | Registration Number |
|------------|---|--------------------------|---------------------|
| COVER GIRL | Abandoned - After Inter-Partes Decision | <a href="#">86916203</a> |                     |
| COVER GIRL | Abandoned - After Inter-Partes Decision | <a href="#">86950260</a> |                     |

#### Plaintiff(s)

Name: Noxell Corporation

Correspondent Address: KAREN K GAUNT  
DINSMORE & SHOHL LLP  
255 E FIFTH ST STE 1900  
CINCINNATI OH , 45202  
UNITED STATES

Correspondent e-mail: [karen.gaunt@dinsmore.com](mailto:karen.gaunt@dinsmore.com) , [robin.bissantz@dinsmore.com](mailto:robin.bissantz@dinsmore.com)

#### Associated marks

| Mark                               | Application Status     | Serial Number            | Registration Number     |
|------------------------------------|------------------------|--------------------------|-------------------------|
| COVER GIRL                         | REGISTERED AND RENEWED | <a href="#">73697616</a> | <a href="#">1498995</a> |
| COVER GIRL                         | REGISTERED AND RENEWED | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL                         | REGISTERED AND RENEWED | <a href="#">78083695</a> | <a href="#">2644668</a> |
| COVER GIRL LIP LAVA                | Registered             | <a href="#">86148550</a> | <a href="#">4717583</a> |
| COVERGIRL                          | Section 8 - Accepted   | <a href="#">77540586</a> | <a href="#">3716448</a> |
| 50 YEARS OF ROCKING YOUR COVERGIRL | Cancelled - Section 8  | <a href="#">85085530</a> | <a href="#">4029755</a> |
| FABLAB BY COVERGIRL                | Registered             | <a href="#">86048103</a> | <a href="#">4571095</a> |

|                               |                                       |                          |                         |
|-------------------------------|---------------------------------------|--------------------------|-------------------------|
| COVERGIRL READY, SET GORGEOUS | Registered                            | <a href="#">86305640</a> | <a href="#">4691416</a> |
| COVERGIRL INTENSIFY ME!       | Registered                            | <a href="#">86312794</a> | <a href="#">4778708</a> |
| COVERGIRL INTENSIFY ME!       | Registered                            | <a href="#">86312794</a> | <a href="#">4778708</a> |
| COVERGIRL TRUNAKED            | Registered                            | <a href="#">86439856</a> | <a href="#">4909714</a> |
| COVERGIRL GIRLS CAN           | Abandoned - No Statement Of Use Filed | <a href="#">86315665</a> |                         |
| COVER GIRL BEAUTYU            | Abandoned - No Statement Of Use Filed | <a href="#">86792874</a> |                         |

#### Prosecution History

| Entry Number | History Text                                     | Date         | Due Date     |
|--------------|--|--------------|--------------|
| 1            | FILED AND FEE                                    | Nov 09, 2016 |              |
| 2            | NOTICE AND TRIAL DATES SENT; ANSWER DUE:         | Nov 09, 2016 | Dec 19, 2016 |
| 3            | PENDING, INSTITUTED                              | Nov 09, 2016 |              |
| 4            | ANSWER   | Dec 07, 2016 |              |
| 5            | D MOT FOR EXT W/ CONSENT                         | Feb 10, 2017 |              |
| 6            | EXTENSION OF TIME GRANTED                        | Feb 17, 2017 |              |
| 7            | P MOT FOR EXT W/ CONSENT                         | Mar 13, 2017 |              |
| 8            | EXTENSION OF TIME GRANTED                        | Mar 13, 2017 |              |
| 9            | P MOT FOR EXT W/ CONSENT                         | Apr 10, 2017 |              |
| 10           | EXTENSION OF TIME GRANTED                        | Apr 10, 2017 |              |
| 11           | P MOT FOR EXT W/ CONSENT                         | May 17, 2017 |              |
| 12           | EXTENSION OF TIME GRANTED                        | May 17, 2017 |              |
| 13           | P MOT FOR EXT W/ CONSENT                         | Jun 19, 2017 |              |
| 14           | EXTENSION OF TIME GRANTED                        | Jun 19, 2017 |              |
| 15           | P MOT FOR EXT W/ CONSENT                         | Sep 01, 2017 |              |
| 16           | EXTENSION OF TIME GRANTED                        | Sep 07, 2017 |              |
| 17           | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Jan 03, 2018 |              |
| 18           | SUSPENDED  | Jan 03, 2018 |              |
| 19           | P MOT FOR EXT W/ CONSENT                         | Mar 01, 2018 |              |
| 20           | EXTENSION OF TIME GRANTED                        | Mar 01, 2018 |              |
| 21           | P MOT FOR EXT W/ CONSENT                         | May 14, 2018 |              |
| 22           | EXTENSION OF TIME GRANTED                        | May 14, 2018 |              |
| 23           | W/DRAW OF APPLICATION                            | Jun 21, 2018 |              |
| 24           | BD DECISION: SUSTAINED                           | Jun 27, 2018 |              |
| 25           | TERMINATED                                       | Jun 27, 2018 |              |

#### Type of Proceeding: Cancellation

**Proceeding Number:** [92048589](#)

**Filing Date:** Dec 10, 2007

**Status:** Terminated

**Status Date:** Apr 18, 2008

**Interlocutory Attorney:** ROBERT COGGINS

#### Defendant

**Name:** Jason M. Gee

**Correspondent Address:** Jason M. Gee  
7483 NW 3rd Court  
Plantation FL , 33317  
UNITED STATES

#### Associated marks

| Mark                          | Application Status | Serial Number            | Registration Number     |
|-------------------------------|--------------------|--------------------------|-------------------------|
| CG CIRCUITGIRLS MODELS & MORE | Registered         | <a href="#">78879402</a> | <a href="#">3348373</a> |

#### Plaintiff(s)

**Name:** Noxell Corporation

**Correspondent Address:** Rene (LaForte) Guess  
The Procter & Gamble Company  
One Procter & Gamble Plaza  
Cincinnati OH , 45202  
UNITED STATES

Correspondent e-mail: [guess.rl@pg.com](mailto:guess.rl@pg.com) , [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

**Associated marks**

| Mark                     | Application Status     | Serial Number            | Registration Number     |
|--------------------------|------------------------|--------------------------|-------------------------|
| CG                       | REGISTERED AND RENEWED | <a href="#">74316017</a> | <a href="#">1778603</a> |
| CG                       | REGISTERED AND RENEWED | <a href="#">73042508</a> | <a href="#">1021850</a> |
| COVER GIRL               | REGISTERED AND RENEWED | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL               | Expired                | <a href="#">72240186</a> | <a href="#">825071</a>  |
| COVER GIRL CLEAN MAKE-UP | Expired                | <a href="#">73072717</a> | <a href="#">1056386</a> |
| COVER GIRL               | REGISTERED AND RENEWED | <a href="#">78083695</a> | <a href="#">2644668</a> |
| COVER GIRL               | Cancelled - Section 8  | <a href="#">78171070</a> | <a href="#">2814249</a> |

**Prosecution History**

| Entry Number | History Text                             | Date         | Due Date     |
|--------------|--|--------------|--------------|
| 1            | FILED AND FEE                            | Dec 10, 2007 |              |
| 2            | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Dec 12, 2007 | Jan 21, 2008 |
| 3            | PENDING, INSTITUTED                      | Dec 12, 2007 |              |
| 4            | NOTICE OF DEFAULT                        | Feb 20, 2008 |              |
| 5            | BOARD'S DECISION: GRANTED                | Apr 02, 2008 |              |
| 6            | COMM'RS ORDER CANCELLING REGISTRATION    | Apr 16, 2008 |              |
| 7            | COPY OF #6                               | Apr 16, 2008 |              |
| 8            | TERMINATED                               | Apr 18, 2008 |              |

**Type of Proceeding: Opposition**

**Proceeding Number:** [91179081](#)

**Filing Date:** Aug 22, 2007

**Status:** Terminated

**Status Date:** Dec 13, 2007

**Interlocutory Attorney:** GEORGE POLOGEORGIS

**Defendant**

**Name:** Gee, Jason M.

**Correspondent Address:** MICHAEL I SANTUCCI  
SILVERMAN SANTUCCI LLP  
500 W CYPRESS CREEK RD STE 500  
FORT LAUDERDALE FL , 33309-6157  
UNITED STATES

**Correspondent e-mail:** [mis@500law.com](mailto:mis@500law.com)

**Associated marks**

| Mark                          | Application Status    | Serial Number            | Registration Number     |
|-------------------------------|-----------------------|--------------------------|-------------------------|
| CG CIRCUITGIRLS MODELS & MORE | Cancelled - Section 8 | <a href="#">78853540</a> | <a href="#">3372981</a> |

**Plaintiff(s)**

**Name:** Noxell Corporation

**Correspondent Address:** Rene L. Guess  
The Procter & Gamble Company  
One Procter & Gamble PlazaC-2 Mailstop 11  
Cincinnati OH , 45202  
UNITED STATES

**Correspondent e-mail:** [guess.rl@pg.com](mailto:guess.rl@pg.com) , [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

**Associated marks**

| Mark       | Application Status     | Serial Number            | Registration Number     |
|------------|------------------------|--------------------------|-------------------------|
| CG         | REGISTERED AND RENEWED | <a href="#">74316017</a> | <a href="#">1778603</a> |
| CG         | REGISTERED AND RENEWED | <a href="#">73042508</a> | <a href="#">1021850</a> |
| COVER GIRL | REGISTERED AND RENEWED | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL | Expired                | <a href="#">72240186</a> | <a href="#">825071</a>  |

COVER GIRL CLEAN MAKE-UP

Expired

[73072717](#)

[1056386](#)

COVER GIRL

REGISTERED AND RENEWED

[78083695](#)

[2644668](#)

COVER GIRL

Cancelled - Section 8

[78171070](#)

[2814249](#)

**Prosecution History**

| <b>Entry Number</b> | <b>History Text</b>                      | <b>Date</b>  | <b>Due Date</b> |
|---------------------|--|--------------|-----------------|
| 1                   | FILED AND FEE                            | Aug 22, 2007 |                 |
| 2                   | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Aug 22, 2007 | Oct 01, 2007    |
| 3                   | PENDING, INSTITUTED                      | Aug 22, 2007 |                 |
| 4                   | RESPONSE DUE 30 DAYS (DUE DATE)          | Oct 19, 2007 | Nov 18, 2007    |
| 5                   | BOARD'S DECISION: SUSTAINED              | Dec 13, 2007 |                 |
| 6                   | TERMINATED                               | Dec 13, 2007 |                 |

## **EXHIBIT 2**



Generated on: This page was generated by TSDR on 2019-07-09 13:28:22 EDT

Mark: COVER GIRL

US Serial Number: 78083695

Application Filing Date: Sep. 13, 2001

US Registration Number: 2644668

Registration Date: Oct. 29, 2002

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: Nov. 07, 2011

Publication Date: Jan. 01, 2002

Notice of Allowance Date: Mar. 26, 2002

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## Mark Information

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Mark Literal Elements: COVER GIRL

Standard Character Claim: No

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

---

## Related Properties Information

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Claimed Ownership of US Registrations: 0404783, 0434267, 0825071, 1498995, 1715085, 1808733 and others

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## Goods and Services

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**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:** Eyeglass frames and eyeglass lenses; sunglass frames and sunglass lenses; [ sunglass clips; ] eyeglass cases, [ eyeglass chains; straps for holding eyeglasses; and eyeglass cords ]

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 25, 2001

**Use in Commerce:** Sep. 25, 2001

---

## Basis Information (Case Level)

---

**Filed Use:** No  
**Filed ITU:** Yes  
**Filed 44D:** No  
**Filed 44E:** No  
**Filed 66A:** No  
**Filed No Basis:** No

**Currently Use:** Yes  
**Currently ITU:** No  
**Currently 44E:** No  
**Currently 66A:** No  
**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Noxell Corporation  
**Owner Address:** 11050 York Road  
Hunt Valley, MARYLAND UNITED STATES 210302098  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** MARYLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph Conklin  
**Attorney Primary Email Address:** [trademarks@cotyinc.com](mailto:trademarks@cotyinc.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Joseph Conklin  
Coty Inc.  
350 Fifth Avenue, 19th Floor  
Empire State Building  
New York, NEW YORK UNITED STATES 10118  
**Phone:** 2124794512  
**Fax:** 2124794545  
**Correspondent e-mail:** [trademarks@cotyinc.com](mailto:trademarks@cotyinc.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

| Date          | Description  | Proceeding Number |
|---------------|--|-------------------|
| Apr. 13, 2017 | ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED            |                   |
| Apr. 13, 2017 | TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED |                   |
| Nov. 23, 2016 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY    |                   |
| Nov. 07, 2011 | REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)      | 68502             |
| Nov. 07, 2011 | REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED  | 68502             |
| Nov. 04, 2011 | TEAS SECTION 8 & 9 RECEIVED                          |                   |
| Nov. 07, 2008 | REGISTERED - SEC. 15 ACKNOWLEDGED                    | 68502             |
| Nov. 07, 2008 | REGISTERED - SEC. 8 (6-YR) ACCEPTED                  | 68502             |
| Nov. 03, 2008 | ASSIGNED TO PARALEGAL                                | 68502             |
| Oct. 29, 2008 | TEAS SECTION 15 RECEIVED                             |                   |
| Oct. 29, 2008 | TEAS SECTION 8 RECEIVED                              |                   |
| Dec. 06, 2007 | CASE FILE IN TICRS                                   |                   |
| Oct. 29, 2002 | REGISTERED-PRINCIPAL REGISTER                        |                   |
| Aug. 12, 2002 | ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED            |                   |
| Aug. 09, 2002 | ASSIGNED TO EXAMINER                                 | 66486             |
| Aug. 07, 2002 | STATEMENT OF USE PROCESSING COMPLETE                 |                   |
| Jul. 31, 2002 | USE AMENDMENT FILED                                  |                   |
| Jul. 31, 2002 | TEAS STATEMENT OF USE RECEIVED                       |                   |
| Mar. 26, 2002 | NOA MAILED - SOU REQUIRED FROM APPLICANT             |                   |
| Jan. 01, 2002 | PUBLISHED FOR OPPOSITION                             |                   |
| Dec. 12, 2001 | NOTICE OF PUBLICATION                                |                   |
| Nov. 13, 2001 | APPROVED FOR PUB - PRINCIPAL REGISTER                |                   |

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Nov. 07, 2011

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Registrant:** Noxell Corporation

### Assignment 1 of 3

**Conveyance:** INTELLECTUAL PROPERTY SECURITY AGREEMENT

**Reel/Frame:** [5921/0652](#)

**Pages:** 43

**Date Recorded:** Oct. 19, 2016

**Supporting Documents:** [assignment-tm-5921-0652.pdf](#)

#### Assignor

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [THE WELLA CORPORATION](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [NOXELL CORPORATION](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

#### Assignee

**Name:** [JPMORGAN CHASE BANK, N.A.](#)

**State or Country Where Organized:** UNITED STATES

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**Address:** 500 STANTON CHRISTIANA RD  
NEWARK, DELAWARE 19713

#### Correspondent

**Correspondent Name:** PAUL TATE

**Correspondent Address:** 1025 VERMONT AVENUE, NW #1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

#### Domestic Representative - Not Found

### Assignment 2 of 3

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [6096/0142](#)

**Pages:** 43

**Date Recorded:** Jun. 29, 2017

**Supporting Documents:** [assignment-tm-6096-0142.pdf](#)

#### Assignor

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#)

**Execution Date:** Oct. 01, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [THE WELLA CORPORATION](#)

**Execution Date:** Oct. 01, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [NOXELL CORPORATION](#) **Execution Date:** Oct. 01, 2016  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MARYLAND

#### Assignee

**Name:** [JPMORGAN CHASE BANK, N.A.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** BANK

**Address:** 500 STANTON CHRISTIANA RD.  
NEWARK, DELAWARE 19713

#### Correspondent

**Correspondent Name:** JOANNA MCCALL

**Correspondent Address:** 1025 VERMONT AVE NW, SUITE 1130  
COGENCY GLOBAL INC.  
WASHINGTON, DC 20005

#### Domestic Representative - Not Found

### Assignment 3 of 3

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** [6346/0836](#)

**Pages:** 72

**Date Recorded:** Apr. 16, 2018

**Supporting Documents:** [assignment-tm-6346-0836.pdf](#)

#### Assignor

**Name:** [JPMORGAN CHASE BANK, N.A.](#) **Execution Date:** Apr. 05, 2018  
**Legal Entity Type:** BANK **State or Country Where Organized:** OHIO

#### Assignee

**Name:** [NOXELL CORPORATION](#) **State or Country Where Organized:** MARYLAND  
**Legal Entity Type:** CORPORATION

**Address:** 11050 YORK ROAD  
HUNT VALLEY, MARYLAND 21030

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 4500 PARK GRANADA  
CALABASAS, CALIFORNIA 91302

**Name:** [THE WELLA CORPORATION](#) **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** CORPORATION

**Address:** 4500 PARK GRANADA  
CALABASAS, CALIFORNIA 91302

#### Correspondent

**Correspondent Name:** MELONY SOT

**Correspondent Address:** 1025 VERMONT AVE NW, SUITE 1130  
COGENCY GLOBAL INC.  
WASHINGTON, DC 20005

#### Domestic Representative - Not Found

## Proceedings

#### Summary

**Number of Proceedings:** 3

**Type of Proceeding:** Opposition

Proceeding [91231104](#)  
Number:

Filing Date: Nov 09, 2016

Status: Terminated

Status Date: Jun 27, 2018

Interlocutory Attorney: ELIZABETH A DUNN

#### Defendant

Name: Next Step Group, Inc.

Correspondent MARTIN W SCHIFFMILLER  
Address: KIRSCHSTEIN ISRAEL SCHIFFMILLER & PIERON PC  
425 FIFTH AVE 5TH FL  
NEW YORK NY UNITED STATES , 10016-2223

Correspondent e-mail: [mws@kirschsteinlaw.com](mailto:mws@kirschsteinlaw.com)

#### Associated marks

| Mark       | Application Status                      | Serial Number            | Registration Number |
|------------|---|--------------------------|---------------------|
| COVER GIRL | Abandoned - After Inter-Partes Decision | <a href="#">86916203</a> |                     |
| COVER GIRL | Abandoned - After Inter-Partes Decision | <a href="#">86950260</a> |                     |

#### Plaintiff(s)

Name: Noxell Corporation

Correspondent KAREN K GAUNT  
Address: DINSMORE & SHOHL LLP  
255 E FIFTH ST STE 1900  
CINCINNATI OH UNITED STATES , 45202

Correspondent e-mail: [karen.gaunt@dinsmore.com](mailto:karen.gaunt@dinsmore.com) , [robin.bissantz@dinsmore.com](mailto:robin.bissantz@dinsmore.com)

#### Associated marks

| Mark                               | Application Status                    | Serial Number            | Registration Number     |
|------------------------------------|---------------------------------------|--------------------------|-------------------------|
| COVER GIRL                         | REGISTERED AND RENEWED                | <a href="#">73697616</a> | <a href="#">1498995</a> |
| COVER GIRL                         | REGISTERED AND RENEWED                | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL                         | REGISTERED AND RENEWED                | <a href="#">78083695</a> | <a href="#">2644668</a> |
| COVER GIRL LIP LAVA                | Registered                            | <a href="#">86148550</a> | <a href="#">4717583</a> |
| COVERGIRL                          | Section 8 - Accepted                  | <a href="#">77540586</a> | <a href="#">3716448</a> |
| 50 YEARS OF ROCKING YOUR COVERGIRL | Cancelled - Section 8                 | <a href="#">85085530</a> | <a href="#">4029755</a> |
| FABLAB BY COVERGIRL                | Registered                            | <a href="#">86048103</a> | <a href="#">4571095</a> |
| COVERGIRL READY, SET GORGEOUS      | Registered                            | <a href="#">86305640</a> | <a href="#">4691416</a> |
| COVERGIRL INTENSIFY ME!            | Registered                            | <a href="#">86312794</a> | <a href="#">4778708</a> |
| COVERGIRL INTENSIFY ME!            | Registered                            | <a href="#">86312794</a> | <a href="#">4778708</a> |
| COVERGIRL TRUNAKED                 | Registered                            | <a href="#">86439856</a> | <a href="#">4909714</a> |
| COVERGIRL GIRLS CAN                | Abandoned - No Statement Of Use Filed | <a href="#">86315665</a> |                         |
| COVER GIRL BEAUTYU                 | Abandoned - No Statement Of Use Filed | <a href="#">86792874</a> |                         |

#### Prosecution History

| Entry Number | History Text                             | Date         | Due Date     |
|--------------|--|--------------|--------------|
| 1            | FILED AND FEE                            | Nov 09, 2016 |              |
| 2            | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Nov 09, 2016 | Dec 19, 2016 |
| 3            | PENDING, INSTITUTED                      | Nov 09, 2016 |              |
| 4            | ANSWER                                   | Dec 07, 2016 |              |
| 5            | D MOT FOR EXT W/ CONSENT                 | Feb 10, 2017 |              |
| 6            | EXTENSION OF TIME GRANTED                | Feb 17, 2017 |              |
| 7            | P MOT FOR EXT W/ CONSENT                 | Mar 13, 2017 |              |
| 8            | EXTENSION OF TIME GRANTED                | Mar 13, 2017 |              |
| 9            | P MOT FOR EXT W/ CONSENT                 | Apr 10, 2017 |              |
| 10           | EXTENSION OF TIME GRANTED                | Apr 10, 2017 |              |
| 11           | P MOT FOR EXT W/ CONSENT                 | May 17, 2017 |              |
| 12           | EXTENSION OF TIME GRANTED                | May 17, 2017 |              |

|    |   |              |
|----|---|--------------|
| 13 | P MOT FOR EXT W/ CONSENT                          | Jun 19, 2017 |
| 14 | EXTENSION OF TIME GRANTED                         | Jun 19, 2017 |
| 15 | P MOT FOR EXT W/ CONSENT                          | Sep 01, 2017 |
| 16 | EXTENSION OF TIME GRANTED                         | Sep 07, 2017 |
| 17 | P MOT TO SUSP W/ CONSENT PEND SETTLE NEGOTIATIONS | Jan 03, 2018 |
| 18 | SUSPENDED   | Jan 03, 2018 |
| 19 | P MOT FOR EXT W/ CONSENT                          | Mar 01, 2018 |
| 20 | EXTENSION OF TIME GRANTED                         | Mar 01, 2018 |
| 21 | P MOT FOR EXT W/ CONSENT                          | May 14, 2018 |
| 22 | EXTENSION OF TIME GRANTED                         | May 14, 2018 |
| 23 | W/DRAW OF APPLICATION                             | Jun 21, 2018 |
| 24 | BD DECISION: SUSTAINED                            | Jun 27, 2018 |
| 25 | TERMINATED  | Jun 27, 2018 |

### Type of Proceeding: Cancellation

**Proceeding Number:** [92048589](#)

**Filing Date:** Dec 10, 2007

**Status:** Terminated

**Status Date:** Apr 18, 2008

**Interlocutory Attorney:** ROBERT COGGINS

#### Defendant

**Name:** Jason M. Gee

**Correspondent:** Jason M. Gee

**Address:** 7483 NW 3rd Court  
Plantation FL UNITED STATES , 33317

#### Associated marks

| Mark                          | Application Status | Serial Number            | Registration Number     |
|-------------------------------|--------------------|--------------------------|-------------------------|
| CG CIRCUITGIRLS MODELS & MORE | Registered         | <a href="#">78879402</a> | <a href="#">3348373</a> |

#### Plaintiff(s)

**Name:** Noxell Corporation

**Correspondent:** Rene (LaForte) Guess

**Address:** The Procter & Gamble Company  
One Procter & Gamble Plaza  
Cincinnati OH UNITED STATES , 45202

**Correspondent e-mail:** [guess.rl@pg.com](mailto:guess.rl@pg.com) , [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

#### Associated marks

| Mark                     | Application Status     | Serial Number            | Registration Number     |
|--------------------------|------------------------|--------------------------|-------------------------|
| CG                       | REGISTERED AND RENEWED | <a href="#">74316017</a> | <a href="#">1778603</a> |
| CG                       | REGISTERED AND RENEWED | <a href="#">73042508</a> | <a href="#">1021850</a> |
| COVER GIRL               | REGISTERED AND RENEWED | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL               | Expired                | <a href="#">72240186</a> | <a href="#">825071</a>  |
| COVER GIRL CLEAN MAKE-UP | Expired                | <a href="#">73072717</a> | <a href="#">1056386</a> |
| COVER GIRL               | REGISTERED AND RENEWED | <a href="#">78083695</a> | <a href="#">2644668</a> |
| COVER GIRL               | Cancelled - Section 8  | <a href="#">78171070</a> | <a href="#">2814249</a> |

#### Prosecution History

| Entry Number | History Text                             | Date         | Due Date     |
|--------------|--|--------------|--------------|
| 1            | FILED AND FEE                            | Dec 10, 2007 |              |
| 2            | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Dec 12, 2007 | Jan 21, 2008 |
| 3            | PENDING, INSTITUTED                      | Dec 12, 2007 |              |
| 4            | NOTICE OF DEFAULT                        | Feb 20, 2008 |              |
| 5            | BOARD'S DECISION: GRANTED                | Apr 02, 2008 |              |
| 6            | COMM'RS ORDER CANCELLING REGISTRATION    | Apr 16, 2008 |              |
| 7            | COPY OF #6                               | Apr 16, 2008 |              |
| 8            | TERMINATED                               | Apr 18, 2008 |              |

**Type of Proceeding: Opposition**

**Proceeding Number:** [91179081](#)

**Filing Date:** Aug 22, 2007

**Status:** Terminated

**Status Date:** Dec 13, 2007

**Interlocutory Attorney:** GEORGE POLOGEORGIS

**Defendant**

**Name:** Gee, Jason M.

**Correspondent Address:** MICHAEL I SANTUCCI  
SILVERMAN SANTUCCI LLP  
500 W CYPRESS CREEK RD STE 500  
FORT LAUDERDALE FL UNITED STATES , 33309-6157

**Correspondent e-mail:** [mis@500law.com](mailto:mis@500law.com)

**Associated marks**

| Mark                          | Application Status    | Serial Number            | Registration Number     |
|-------------------------------|-----------------------|--------------------------|-------------------------|
| CG CIRCUITGIRLS MODELS & MORE | Cancelled - Section 8 | <a href="#">78853540</a> | <a href="#">3372981</a> |

**Plaintiff(s)**

**Name:** Noxell Corporation

**Correspondent Address:** Rene L. Guess  
The Procter & Gamble Company  
One Procter & Gamble PlazaC-2 Mailstop 11  
Cincinnati OH UNITED STATES , 45202

**Correspondent e-mail:** [guess.rl@pg.com](mailto:guess.rl@pg.com) , [pgtrademarks.im@pg.com](mailto:pgtrademarks.im@pg.com)

**Associated marks**

| Mark                     | Application Status     | Serial Number            | Registration Number     |
|--------------------------|------------------------|--------------------------|-------------------------|
| CG                       | REGISTERED AND RENEWED | <a href="#">74316017</a> | <a href="#">1778603</a> |
| CG                       | REGISTERED AND RENEWED | <a href="#">73042508</a> | <a href="#">1021850</a> |
| COVER GIRL               | REGISTERED AND RENEWED | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL               | Expired                | <a href="#">72240186</a> | <a href="#">825071</a>  |
| COVER GIRL CLEAN MAKE-UP | Expired                | <a href="#">73072717</a> | <a href="#">1056386</a> |
| COVER GIRL               | REGISTERED AND RENEWED | <a href="#">78083695</a> | <a href="#">2644668</a> |
| COVER GIRL               | Cancelled - Section 8  | <a href="#">78171070</a> | <a href="#">2814249</a> |

**Prosecution History**

| Entry Number | History Text                             | Date         | Due Date     |
|--------------|--|--------------|--------------|
| 1            | FILED AND FEE                            | Aug 22, 2007 |              |
| 2            | NOTICE AND TRIAL DATES SENT; ANSWER DUE: | Aug 22, 2007 | Oct 01, 2007 |
| 3            | PENDING, INSTITUTED                      | Aug 22, 2007 |              |
| 4            | RESPONSE DUE 30 DAYS (DUE DATE)          | Oct 19, 2007 | Nov 18, 2007 |
| 5            | BOARD'S DECISION: SUSTAINED              | Dec 13, 2007 |              |
| 6            | TERMINATED                               | Dec 13, 2007 |              |

## **EXHIBIT 3**



Generated on: This page was generated by TSDR on 2019-07-09 13:28:48 EDT

Mark: COVERGIRL

COVERGIRL

US Serial Number: 77540586

Application Filing Date: Aug. 06, 2008

US Registration Number: 3716448

Registration Date: Nov. 24, 2009

Register: Principal

Mark Type: Trademark

Status: A Section 8 declaration has been accepted.

Status Date: Mar. 25, 2015

Publication Date: Dec. 30, 2008

Notice of Allowance Date: Mar. 24, 2009

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## Mark Information

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Mark Literal Elements: COVERGIRL

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

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## Related Properties Information

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Claimed Ownership of US Registrations: 1498995, 1808733, 2979310 and others

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## Goods and Services

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**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 brushes; facial sponges for applying make-up; applicator sticks for applying make-up; powder puffs

**International Class(es):** 021 - Primary Class

**U.S Class(es):** 002, 013, 023, 029, 030, 033, 040, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1990

**Use in Commerce:** 1990

**For:** cosmetic pencil sharpeners

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1990

**Use in Commerce:** 1990

**For:** eyelash curlers; tweezers [, clippers, nippers, scissors; nail files; manicure sets; pedicure sets ]

**International Class(es):** 008 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

First Use: 1990

Use in Commerce: 1990

## Basis Information (Case Level)

|                    |                        |                 |
|--------------------|------------------------|-----------------|
| Filed Use: Yes     | 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:** Noxell Corporation  
**Owner Address:** 11050 York Road  
Hunt Valley, MARYLAND 210302098  
UNITED STATES  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** MARYLAND

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Joseph Conklin  
**Attorney Primary Email Address:** [trademarks@cotyinc.com](mailto:trademarks@cotyinc.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Joseph Conklin  
Coty Inc.  
350 Fifth Avenue, 19th Floor  
Empire State Building  
New York, NEW YORK 10118  
UNITED STATES  
**Phone:** 2124794512  
**Fax:** 2124794545  
**Correspondent e-mail:** [trademarks@cotyinc.com](mailto:trademarks@cotyinc.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

| Date          | Description  | Proceeding Number |
|---------------|--|-------------------|
| Nov. 24, 2018 | COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED   |                   |
| Apr. 13, 2017 | ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED            |                   |
| Apr. 13, 2017 | TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED |                   |
| Nov. 23, 2016 | ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY    |                   |
| Mar. 25, 2015 | NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED            |                   |
| Mar. 25, 2015 | REGISTERED - SEC. 8 (6-YR) ACCEPTED                  | 59136             |
| Mar. 25, 2015 | CASE ASSIGNED TO POST REGISTRATION PARALEGAL         | 59136             |
| Mar. 23, 2015 | TEAS SECTION 8 RECEIVED                              |                   |
| Nov. 24, 2009 | REGISTERED-PRINCIPAL REGISTER                        |                   |
| Oct. 20, 2009 | LAW OFFICE REGISTRATION REVIEW COMPLETED             | 66121             |
| Oct. 16, 2009 | ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED            |                   |
| Sep. 23, 2009 | STATEMENT OF USE PROCESSING COMPLETE                 | 69302             |
| Sep. 08, 2009 | USE AMENDMENT FILED                                  | 69302             |
| Sep. 23, 2009 | CASE ASSIGNED TO INTENT TO USE PARALEGAL             | 69302             |
| Sep. 08, 2009 | TEAS STATEMENT OF USE RECEIVED                       |                   |
| Mar. 24, 2009 | NOA MAILED - SOU REQUIRED FROM APPLICANT             |                   |
| Dec. 30, 2008 | PUBLISHED FOR OPPOSITION                             |                   |

|               |   |       |
|---------------|---|-------|
| Dec. 10, 2008 | NOTICE OF PUBLICATION                   |       |
| Nov. 24, 2008 | LAW OFFICE PUBLICATION REVIEW COMPLETED | 66121 |
| Nov. 20, 2008 | ASSIGNED TO LIE                         | 66121 |
| Nov. 17, 2008 | APPROVED FOR PUB - PRINCIPAL REGISTER   |       |
| Nov. 10, 2008 | ASSIGNED TO EXAMINER                    | 67424 |
| Aug. 12, 2008 | NOTICE OF PSEUDO MARK MAILED            |       |
| Aug. 11, 2008 | NEW APPLICATION ENTERED IN TRAM         |       |

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMO LAW OFFICE 114

**Date in Location:** Mar. 25, 2015

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 3

**Registrant:** Noxell Corporation

### Assignment 1 of 3

**Conveyance:** INTELLECTUAL PROPERTY SECURITY AGREEMENT

**Reel/Frame:** [5921/0652](#)

**Pages:** 43

**Date Recorded:** Oct. 19, 2016

**Supporting Documents:** [assignment-tm-5921-0652.pdf](#)

#### Assignor

**Name:** [GRAHAM WEBB INTERNATIONAL, INC.](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [THE WELLA CORPORATION](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Name:** [NOXELL CORPORATION](#)

**Execution Date:** Sep. 29, 2016

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

#### Assignee

**Name:** [JPMORGAN CHASE BANK, N.A.](#)

**State or Country Where Organized:** UNITED STATES

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**Address:** 500 STANTON CHRISTIANA RD  
NEWARK, DELAWARE 19713

#### Correspondent

**Correspondent Name:** PAUL TATE

**Correspondent Address:** 1025 VERMONT AVENUE, NW #1130  
NATIONAL CORPORATE RESEARCH, LTD.  
WASHINGTON, DC 20005

#### Domestic Representative - Not Found

### Assignment 2 of 3

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [6096/0142](#)

**Pages:** 43

Date Recorded: Jun. 29, 2017

Supporting Documents: [assignment-tm-6096-0142.pdf](#)

**Assignor**

Name: [GRAHAM WEBB INTERNATIONAL, INC.](#) Execution Date: Oct. 01, 2016  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: [THE WELLA CORPORATION](#) Execution Date: Oct. 01, 2016  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: [NOXELL CORPORATION](#) Execution Date: Oct. 01, 2016  
Legal Entity Type: CORPORATION State or Country Where Organized: MARYLAND

**Assignee**

Name: [JPMORGAN CHASE BANK, N.A.](#) State or Country Where Organized: DELAWARE  
Legal Entity Type: BANK

Address: 500 STANTON CHRISTIANA RD.  
NEWARK, DELAWARE 19713

**Correspondent**

Correspondent Name: JOANNA MCCALL

Correspondent Address: 1025 VERMONT AVE NW, SUITE 1130  
COGENCY GLOBAL INC.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

**Assignment 3 of 3**

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: [6346/0836](#)

Pages: 72

Date Recorded: Apr. 16, 2018

Supporting Documents: [assignment-tm-6346-0836.pdf](#)

**Assignor**

Name: [JPMORGAN CHASE BANK, N.A.](#) Execution Date: Apr. 05, 2018  
Legal Entity Type: BANK State or Country Where Organized: OHIO

**Assignee**

Name: [NOXELL CORPORATION](#) State or Country Where Organized: MARYLAND  
Legal Entity Type: CORPORATION

Address: 11050 YORK ROAD  
HUNT VALLEY, MARYLAND 21030

Name: [GRAHAM WEBB INTERNATIONAL, INC.](#) State or Country Where Organized: DELAWARE  
Legal Entity Type: CORPORATION

Address: 4500 PARK GRANADA  
CALABASAS, CALIFORNIA 91302

Name: [THE WELLA CORPORATION](#) State or Country Where Organized: DELAWARE  
Legal Entity Type: CORPORATION

Address: 4500 PARK GRANADA  
CALABASAS, CALIFORNIA 91302

**Correspondent**

Correspondent Name: MELONY SOT

**Correspondent** 1025 VERMONT AVE NW, SUITE 1130  
**Address:** COGENCY GLOBAL INC.  
WASHINGTON, DC 20005

**Domestic Representative - Not Found**

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Opposition

**Proceeding Number:** [91231104](#)

**Filing Date:** Nov 09, 2016

**Status:** Terminated

**Status Date:** Jun 27, 2018

**Interlocutory Attorney:** ELIZABETH A DUNN

### Defendant

**Name:** Next Step Group, Inc.

**Correspondent Address:** MARTIN W SCHIFFMILLER  
KIRSCHSTEIN ISRAEL SCHIFFMILLER & PIERON PC  
425 FIFTH AVE 5TH FL  
NEW YORK NY , 10016-2223  
UNITED STATES

**Correspondent e-mail:** [mws@kirschsteinlaw.com](mailto:mws@kirschsteinlaw.com)

### Associated marks

| Mark       | Application Status                      | Serial Number            | Registration Number |
|------------|---|--------------------------|---------------------|
| COVER GIRL | Abandoned - After Inter-Partes Decision | <a href="#">86916203</a> |                     |
| COVER GIRL | Abandoned - After Inter-Partes Decision | <a href="#">86950260</a> |                     |

### Plaintiff(s)

**Name:** Noxell Corporation

**Correspondent Address:** KAREN K GAUNT  
DINSMORE & SHOHL LLP  
255 E FIFTH ST STE 1900  
CINCINNATI OH , 45202  
UNITED STATES

**Correspondent e-mail:** [karen.gaunt@dinsmore.com](mailto:karen.gaunt@dinsmore.com) , [robin.bissantz@dinsmore.com](mailto:robin.bissantz@dinsmore.com)

### Associated marks

| Mark                               | Application Status                    | Serial Number            | Registration Number     |
|------------------------------------|---------------------------------------|--------------------------|-------------------------|
| COVER GIRL                         | REGISTERED AND RENEWED                | <a href="#">73697616</a> | <a href="#">1498995</a> |
| COVER GIRL                         | REGISTERED AND RENEWED                | <a href="#">74316022</a> | <a href="#">1808733</a> |
| COVER GIRL                         | REGISTERED AND RENEWED                | <a href="#">78083695</a> | <a href="#">2644668</a> |
| COVER GIRL LIP LAVA                | Registered                            | <a href="#">86148550</a> | <a href="#">4717583</a> |
| COVERGIRL                          | Section 8 - Accepted                  | <a href="#">77540586</a> | <a href="#">3716448</a> |
| 50 YEARS OF ROCKING YOUR COVERGIRL | Cancelled - Section 8                 | <a href="#">85085530</a> | <a href="#">4029755</a> |
| FABLAB BY COVERGIRL                | Registered                            | <a href="#">86048103</a> | <a href="#">4571095</a> |
| COVERGIRL READY, SET GORGEOUS      | Registered                            | <a href="#">86305640</a> | <a href="#">4691416</a> |
| COVERGIRL INTENSIFY ME!            | Registered                            | <a href="#">86312794</a> | <a href="#">4778708</a> |
| COVERGIRL INTENSIFY ME!            | Registered                            | <a href="#">86312794</a> | <a href="#">4778708</a> |
| COVERGIRL TRUNAKED                 | Registered                            | <a href="#">86439856</a> | <a href="#">4909714</a> |
| COVERGIRL GIRLS CAN                | Abandoned - No Statement Of Use Filed | <a href="#">86315665</a> |                         |
| COVER GIRL BEAUTYU                 | Abandoned - No Statement Of Use Filed | <a href="#">86792874</a> |                         |

### Prosecution History

| Entry Number | History Text  | Date         | Due Date |
|--------------|---------------|--------------|----------|
| 1            | FILED AND FEE | Nov 09, 2016 |          |

|    |  |              |              |
|----|--|--------------|--------------|
| 2  | NOTICE AND TRIAL DATES SENT; ANSWER DUE:         | Nov 09, 2016 | Dec 19, 2016 |
| 3  | PENDING, INSTITUTED                              | Nov 09, 2016 |              |
| 4  | ANSWER   | Dec 07, 2016 |              |
| 5  | D MOT FOR EXT W/ CONSENT                         | Feb 10, 2017 |              |
| 6  | EXTENSION OF TIME GRANTED                        | Feb 17, 2017 |              |
| 7  | P MOT FOR EXT W/ CONSENT                         | Mar 13, 2017 |              |
| 8  | EXTENSION OF TIME GRANTED                        | Mar 13, 2017 |              |
| 9  | P MOT FOR EXT W/ CONSENT                         | Apr 10, 2017 |              |
| 10 | EXTENSION OF TIME GRANTED                        | Apr 10, 2017 |              |
| 11 | P MOT FOR EXT W/ CONSENT                         | May 17, 2017 |              |
| 12 | EXTENSION OF TIME GRANTED                        | May 17, 2017 |              |
| 13 | P MOT FOR EXT W/ CONSENT                         | Jun 19, 2017 |              |
| 14 | EXTENSION OF TIME GRANTED                        | Jun 19, 2017 |              |
| 15 | P MOT FOR EXT W/ CONSENT                         | Sep 01, 2017 |              |
| 16 | EXTENSION OF TIME GRANTED                        | Sep 07, 2017 |              |
| 17 | P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS | Jan 03, 2018 |              |
| 18 | SUSPENDED  | Jan 03, 2018 |              |
| 19 | P MOT FOR EXT W/ CONSENT                         | Mar 01, 2018 |              |
| 20 | EXTENSION OF TIME GRANTED                        | Mar 01, 2018 |              |
| 21 | P MOT FOR EXT W/ CONSENT                         | May 14, 2018 |              |
| 22 | EXTENSION OF TIME GRANTED                        | May 14, 2018 |              |
| 23 | W/DRAW OF APPLICATION                            | Jun 21, 2018 |              |
| 24 | BD DECISION: SUSTAINED                           | Jun 27, 2018 |              |
| 25 | TERMINATED                                       | Jun 27, 2018 |              |