

ESTTA Tracking number: **ESTTA1007120**

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

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	Skinn Cosmetics LLC
Granted to Date of previous extension	10/05/2019
Address	4733 TORRANCE BLVD., SUITE #974 TORRANCE, CA 90503 UNITED STATES

Attorney information	ALLEN C. OSTERGAR III OSTERGAR LAW GROUP PC 9110 IRVINE CENTER DRIVE IRVINE, CA 92618 UNITED STATES aostergar@ostergar.com 9493054590
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Applicant Information

Application No	88042915	Publication date	08/06/2019
Opposition Filing Date	10/07/2019	Opposition Period Ends	10/05/2019
Applicant	American Society for Dermatologic Surgery 5550 Meadowbrook Drive, Suite 120 Rolling Meadows, IL 60008 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2018/03/26 First Use In Commerce: 2018/03/26 All goods and services in the class are opposed, namely: educational services, namely, conducting classes, seminars, workshops, conferences in the field of cosmetic and dermatologic surgery

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.	2796200	Application Date	07/13/2002
Registration Date	12/16/2003	Foreign Priority Date	NONE
Word Mark	SKINN		

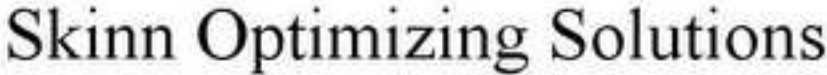
Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2003/01/15 First Use In Commerce: 2003/03/29 Cosmetics and non-medicated skin care preparations - namely, skin creams, skin lotions, toners, eye creams, lip gels, foundations, make-up kits comprised of lipstick, blush, concealers, face powders

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SKINNOVATIONS		
Goods/Services	Cosmetics and skin care products		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SKINN VACUUM		
Goods/Services	Skin care products		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SKINN DIMITRI JAMES		
Goods/Services	Cosmetics and skin care products		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	SKINNSONIC		
Goods/Services	Cosmetics and skin care products		

U.S. Registration No.	3908912	Application Date	09/18/2009
Registration Date	01/18/2011	Foreign Priority Date	NONE
Word Mark	SKINN OPTIMIZING SOLUTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2009/08/18 First Use In Commerce: 2010/04/12		

	<p>Non-medicated acne treatment preparations; Age retardant lotion; Age spot reducing creams; Anti-aging cleanser; Anti-aging cream; Anti-aging creams; Anti-agingmoisturizer; [Anti-aging toner;] Anti-freckle creams; Anti-wrinkle cream; Anti-wrinkle creams; Beauty creams; Beauty lotions; [Beauty masks;] Beauty serums; Cosmetic creams; Cosmetic creams for skin care; [Exfoliant creams;] Face andbody beauty creams; Face and body creams; Face creams for cosmetic use; [Facial beauty masks;] Facial cream; Facial creams; Facial lotion; Moisturizing creams; Night cream; Non-medicated anti-agingserum; Non-medicated skin care preparations, namely, creams, lotions, gels, [toners,] cleaners [and peels] ; Non-medicated skin creams; Skin and body topical lotions, creams and oils for cosmeticuse; Skin care products, namely, non-medicated skin serum; Skin cleansing lotion; Skin cream; Skin creams; Skin lotion;Skin lotions; Skin moisturizer [; Skinmoisturizer masks]</p>
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Attachments	<p>77830315#TMSN.png(bytes) Notice of Opposition SKINNOVATION 10-07-19.pdf(509725 bytes)</p>
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Signature	/Allen C. Ostergar III/
Name	ALLEN C. OSTERGAR III
Date	10/07/2019

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

In the matter of Application for Serial No. 88042915

Published in the Official Gazette on August 6, 2019

SKINN COSMETICS, LLC,)	Opposition No.
)	
Opposer,)	
)	
vs.)	Mark: SKINNOVATION
)	
AMERICAN SOCIETY FOR)	
DERMATOLOGIC SURGERY,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the Matter of Applications for Serial Number 88042915, published in the Official Gazette on August 6, 2019, Skinn Cosmetics, LLC, having its principal address at 4733 Torrance Blvd., #974 Torrance, CA 90503 (hereinafter "Opposer"), believes that it will be damaged by registration of the trademark SKINNOVATION as reflected in the above serial number, and hereby opposes same.

As grounds therefor, it is alleged that:

1. On July 18, 2018, the American Society for Dermatologic Surgery, an Illinois not for profit corporation ("Applicant") filed with the United States Patent and Trademark Office (hereinafter "U.S. PTO") an application to register the trademark SKINNOVATION, serial number 88042915, for the following goods and services:

“educational services, namely, conducting classes, seminars, workshops, conferences in the field of cosmetic and dermatologic surgery” in international class 41.

2. Opposer has provided its goods bearing the trademark SKINN in the cosmetics and skin care industry in a trading area of broad geographical scope in the United States.

3. In addition to Opposer's common law rights, Opposer owns the United States federal trademark registration of the following marks:

- SKINN, Registration No. 2796200, registered December 16, 2003, in International Class 3, for the following goods: “Cosmetics and nonmedicated skin care preparations namely, skin creams, skin lotions, toners, eye creams, lip gels, foundations, makeup kits comprised of lipstick, blush, concealers, face powders.” This SKINN mark has since become incontestable. Attached to this Notice of Opposition as Exhibit A is a print-out from the "TSDR" database, showing the status and ownership of the aforementioned trademark registration.
- SKINN OPTIMIZING SOLUTIONS, Registration No. 3908912, registered January 18, 2011 in International Class 3 for the following goods: “Non-medicated acne treatment preparations; Age retardant lotion; Age spot reducing creams; Anti-aging cleanser; Anti-aging cream; Anti-aging creams; Anti-aging moisturizer; Anti-aging toner; Anti-freckle creams; Anti-wrinkle cream; Anti-wrinkle creams; Beauty creams; Beauty lotions; Beauty masks; Beauty serums; Cosmetic creams; Cosmetic creams for skin care; Exfoliant creams; Face and body beauty creams; Face and body creams; Face creams for cosmetic use; Facial beauty masks; Facial cream; Facial creams; Facial lotion; Moisturizing creams; Night cream; Non-medicated anti-aging serum; Non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleaners and peels;

Non-medicated skin creams; Skin and body topical lotions, creams and oils for cosmetic use; Skin care products, namely, non-medicated skin serum; Skin cleansing lotion; Skin cream; Skin creams; Skin lotion; Skin lotions; Skin moisturizer; Skin moisturizer masks.” Attached to this Notice of Opposition as Exhibit B is a print-out from the "TSDR" database, showing the status and ownership of the aforementioned trademark registration.

4. In addition to the above registered marks, Opposer claims common law rights to the following marks using the SKINN name: SKINNOVATIONS, SKINN DIMITRI JAMES, SKINNSONIC, and SKINN VACUUM, among others.

5. There is no issue of priority as the filing date of the SKINNOVATION trademark application is subsequent to Opposer's registration dates for Opposer's SKINN trademark, and/or to the dates of first use in commerce of Opposer's aforementioned marks.

6. Opposer's SKINN related trademark possesses and has acquired a high degree of inherent distinctiveness and represents an extremely valuable asset and symbol of goodwill of Opposer's business by identifying goods which have their source of origin exclusively with Opposer, and by distinguishing such goods from those of others.

7. Applicant's alleged SKINNOVATION trademark is so similar to Opposer's pleaded SKINN related trademarks in sound, appearance, meaning, and/or commercial impression as to be likely to cause confusion, mistake, or deception as to the source of origin or sponsorship of the goods or services for which the marks are used or are intended to be used.

8. Applicant's alleged SKINNOVATION trademark is confusingly similar to Opposer's SKINN related trademarks and is likely to cause confusion, to cause mistake and to deceive potential purchasers as to the source of Applicant's goods, with consequent injury to Opposer, the public, and the trade, and/or to cause the mistaken

belief that Applicant's goods originate with, are sponsored by, and/or are otherwise affiliated with Opposer.

9. Applicant's alleged SKINNOVATION trademark is calculated or likely to cause irreparable loss, injury and damage to Opposer's business and to the extensive goodwill as symbolized by its aforementioned trademark.

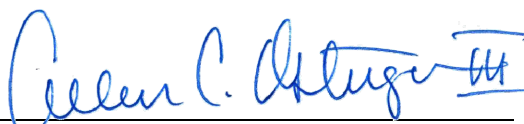
10. Applicant's alleged SKINNOVATION related trademark is a colorable imitation or misappropriation of Opposer's pleaded trademarks, and will enable Applicant to reap where it has not sown by trading on the goodwill of Opposer's business as symbolized by its SKINN related trademarks.

WHEREFORE, Opposer requests that this opposition against the trademark application for SKINNOVATION (Ser. No. 88042915) be sustained and that the Trademark Trial and Appeal Board grant any and all further relief to Opposer that the Board finds to be necessary and just in the circumstances.

Respectfully submitted,

Dated: October 7, 2019

OSTERGAR LAW GROUP P.C.

By: 

Allen C. Ostergar III
Attorneys for Opposer
Skinn Cosmetics LLC
9110 Irvine Center Dr.
Irvine, California 92618
Telephone: (949) 305-4590
Facsimile: (949) 305-4591

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION was served by United States Mail, with sufficient postage prepaid, on this 7th day of October, 2019, upon the Applicant:

KIMBERLY A. PENDO
CHICAGO LAW PARTNERS, LLC
333 W. WACKER DRIVE, SUITE 810
CHICAGO, ILLINOIS UNITED STATES 60606

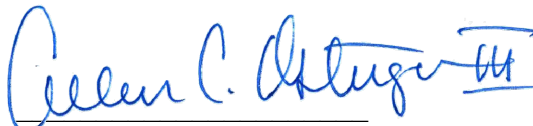
By: 
Allen C. Ostergar III

EXHIBIT A

BULK DATA: Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

INTERMITTENT SYSTEM ISSUES: 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.

STATUS

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Mark: SKINN

No Image exists for this case.

US Serial Number: 78143623

Application Filing Date: Jul. 13, 20

US Registration Number: 2796200

Registration Date: Dec. 16, 2

Register: Principal

Mark Type: Trademark

TM5 Common Status

LIVE/REGISTRATION/Issued and Active

Descriptor:



The trademark application has been registered w

Status: The registration has been renewed.

Status Date: Jun. 06, 2014

Publication Date: Jan. 21, 2003

Notice of Allowance Date: Apr. 15, 20

Mark Information

Mark Literal Elements: SKINN

Standard Character Claim: No

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

Disclaimer: "SKIN"

Related Properties Information

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: Cosmetics and non-medicated skin care preparations - namely, skin creams, skin lotions, toners, make-up kits comprised of lipstick, blush, concealers, face powders

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004,

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 15, 2003

Use in Commerce: Mar. 29, 2

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: SKINN COSMETICS, LLC

Owner Address: 4733 TORRANCE BLVD., SUITE #974
TORRANCE, CALIFORNIA UNITED STATES 90503

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNI

Attorney/Correspondence Information

Prosecution History

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

EXHIBIT B

BULK DATA: Since May 7 at 12 a.m., the TSDR Application Programming Interface (API) has not included all information. Images of trademark registration certificates issued since July 2016 and some office actions are absent in the API. Customers who need to retrieve a copy of a registration certificate or an office action should download it directly from the TSDR documents tab.

INTERMITTENT SYSTEM ISSUES: 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: SKINN OPTIMIZING SOLUTIONS

Skinn Optimizing Solutions

US Serial Number: 77830315

Application Filing Date: Sep. 18, 2016

US Registration Number: 3908912

Registration Date: Jan. 18, 2017

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

**TM5 Common Status
Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the USPTO.

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Mar. 21, 2017

Publication Date: Mar. 23, 2010

Notice of Allowance Date: May 18, 2010

Mark Information

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: Non-medicated acne treatment preparations; Age retardant lotion; Age spot reducing creams; Anti-aging creams; Anti-aging moisturizer; [Anti-aging toner;] Anti-freckle creams; Anti-wrinkle creams; Beauty lotions; [Beauty masks;] Beauty serums; Cosmetic creams; Cosmetic creams and body beauty creams; Face and body creams; Face creams for cosmetic use; [Facial beaut

Facial lotion; Moisturizing creams; Night cream; Non-medicated anti-aging serum; Non-medicated creams, lotions, gels, [toners,] cleaners [and peels] ; Non-medicated skin creams; Skin and b cosmetic use; Skin care products, namely, non-medicated skin serum; Skin cleansing lotion; Sk lotions; Skin moisturizer [; Skin moisturizer masks]

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004,

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 18, 2009

Use in Commerce: Apr. 12, 20

Basis Information (Case Level)

Current Owner(s) Information

Owner Name: Skinn Cosmetics

Owner Address: 4733 Torrance Blvd., #974
Torrance, CALIFORNIA UNITED STATES 90503

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNI

Attorney/Correspondence Information

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