

ESTTA Tracking number: **ESTTA1010015**

Filing date: **10/21/2019**

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	Blinc Inc.
Granted to Date of previous extension	10/23/2019
Address	1141 SOUTH ROGERS CIRCLE BOCA RATON, FL 33487 UNITED STATES

Attorney information	MARY E. GOULET W&C IP 11491 SUNSET HILLS RD. SUITE 340 RESTON, VA 20190 UNITED STATES mary@wcc-ip.com, trademark@wcc-ip.com, trademark@wcc-ip.us, walter@wcc-ip.com 7037879400
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Applicant Information

Application No	88331373	Publication date	06/25/2019
Opposition Filing Date	10/21/2019	Opposition Period Ends	10/23/2019
Applicant	Blink Minx, LLC 9600 Juniper St Los Angeles, CA 90002 UNITED STATES		

Goods/Services Affected by Opposition


Class 003. First Use: 2018/04/01 First Use In Commerce: 2018/04/01 All goods and services in the class are opposed, namely: Artificial eyelashes

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.	3049018	Application Date	06/09/2004
Registration Date	01/24/2006	Foreign Priority Date	NONE
Word Mark	BLINC		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Cosmetics, [shampoos, conditioners, body wash] Class 008. First use: First Use: 2002/06/00 First Use In Commerce: 2002/06/00 Battery-powdered eyelash curlers; hand operated instruments for cosmetic purposes, namely, tweezers

U.S. Registration No.	5263382	Application Date	01/07/2016
Registration Date	08/15/2017	Foreign Priority Date	NONE

Word Mark	BLINC
Design Mark	
Description of Mark	The mark consists of the stylized wording "blinc" against contrasting background.
Goods/Services	Class 003. First use: First Use: 1999/04/00 First Use In Commerce: 1999/04/00 Cosmetics

Attachments	78432484#TMSN.png(bytes)
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Signature	/Walter W. Richardson/
Name	Walter W. Richardson
Date	10/21/2019

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

BLINC, INC.,

Opposer,

Opposition No. _____

v.

Application Serial No. 88/331,373

BLINK MINX, LLC,

Applicant.

Mark: BLINK MINX

NOTICE OF OPPOSITION

Opposer, Blinc, Inc. (“Opposer”), a corporation organized and existing under the laws of the State of Delaware and having an address at 1141 South Rogers Circle, Suite 9, Boca Raton, Florida 33487, through its undersigned attorneys, believes that it will be damaged by the granting of a registration to the mark shown in Application Serial No. 88/331,373, and which according to the records of the PTO’s TSDR system was filed March 8, 2019 by Applicant, Blink Minx, LLC (“Applicant”), a limited liability company organized in California and which has a mailing address of 9600 Juniper St, Los Angeles, California 90002, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is in the business of developing, manufacturing, and selling high-end cosmetics.
2. Since at least as early as April 1999, Opposer has continuously sold cosmetics under the trademark BLINC®. The trademark BLINC® was coined by Opposer as the brand name for its line of cosmetics and is arbitrary, fanciful, and distinctive in the cosmetic and beauty industry.
3. Opposer is the owner of U.S. Trademark Registration No. 3,049,018 for the mark

BLINC® for “cosmetics” in class 3 and “battery-powered eyelash curlers; hand operated instruments for cosmetic purposes, namely tweezers” in class 8. The trademark registration for BLINC® is valid, subsisting and has become incontestable pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058, 1065. Opposer is also the owner of U.S. Trademark Registration No. 5,263,382 for the mark BLINC® for “cosmetics,” in class 3. Both trademark registrations for BLINC® are valid and subsisting. Registration No. 3,049,018 has become incontestable pursuant to Sections 8 and 15 of the Lanham Act, 15 U.S.C. §§ 1058, 1065. A current status copy of Registration No. 3,049,018 and Registration No. 5,263,382 is attached hereto at Exhibit A.

4. Opposer’s cosmetics sold under the BLINC® trademark, such as mascara, eyeliner, eyebrow mousse, eye shadow primer and long lash product are extremely popular with consumers and consistently receive high ratings and awards from the cosmetic and beauty industry. The BLINC® trademark has become well-known throughout the cosmetic and beauty industry and among consumers as a brand of high-end cosmetics.
5. Opposer’s BLINC® cosmetics are sold nationwide through various boutique beauty shops, salons, pharmacies and doctors such as Sephora, Zoe’s Beauty, Hand and Stone Massage and Facial Spa, Ohm Spa, Paul Labrecque Salon & Spa and the spas and salons at the Caesar’s and MGM Hotels, as well as Sephora’s website and Opposer’s own website at www.blincinc.com.
6. Opposer has expended significant time, effort and expense marketing and promoting BLINC® branded products. In addition, BLINC® products have received substantial unsolicited press from such well-known publications as *Harper’s Bazaar*, *InStyle*,

Cosmopolitan, Allure, O The Oprah Magazine, Women's Health and Elle.

7. Opposer's BLINC® cosmetics are also popular with many celebrities who have made it known that they use BLINC® cosmetics and love the products. Jennifer Lopez, Rachel McAdams, Rebecca Romijn, Mary Louise Parker, Eva Mendes, Jessica Alba and Brooke Shields are just a few examples of such celebrities.
8. As a result of Opposer's advertising and promotional efforts and expenditures, the unsolicited press and celebrity endorsements routinely received by BLINC® products, the BLINC® trademark has acquired significant good will and secondary meaning. Consumers and members of the cosmetic and beauty industry have come to recognize the BLINC® trademark as an indicia of source and a guarantee of extremely high quality cosmetics.
9. Upon information and belief, on March 8, 2019, Applicant filed Application Serial No. 88/331,373 for the mark BLINK MINX for "Artificial eyelashes" in class 3 ("Applicant's Goods").
10. Upon information and belief, Application Serial No. 88/331,373 was filed pursuant to Section 1(b) of the Trademark Act, and is based upon Applicant's bona fide intent to use the BLINK MINX mark with Applicant's Goods.
11. Upon information and belief, Applicant has not made any use of the mark BLINK MINX with Applicant's Goods in the United States.
12. Opposer's date of first use of April 1999 for the BLINC® trademark is well before Applicant's filing date of February 14, 2019. Accordingly, Opposer is the senior user of the BLINC® trademark.
13. Upon information and belief, Applicant's Goods under the mark BLINK MINX as


described in Application No. 88/331,373 are closely and commercially related to Opposer's goods bearing the BLINC® trademark.

14. Upon information and belief, the registration of BLINK MINX would bestow upon Applicant the right to use a mark which is likely to confuse consumers and members of the cosmetic and beauty industry into mistakenly believing that Applicant's Goods emanate from Opposer, are approved by Opposer, or are otherwise associated with Opposer when they are not, thereby damaging Opposer.
15. Upon information and belief, the use of the mark BLINK MINX by Applicant in connection with Applicant's Goods is likely to cause confusion with Opposer's BLINC® trademark for such closely and commercially related goods in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d).
16. Accordingly, Applicant is not entitled to a registration for the mark BLINK MIN

WHEREFORE, Opposer respectfully requests that Application No. 88/331,373 for the mark BLINK MINX be rejected in its entirety and that this Opposition be sustained in favor of Opposer.

Date: October 24, 2019

Respectfully submitted,



Walter W. Richardson
Whitham & Cook, P.C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190
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(703) 787-7557 (fax)

Counsel for Opposer
BLINC, INC.

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.

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Mark: BLINC

BLINC

US Serial Number: 78432484

Application Filing Date: Jun. 09, 2005

US Registration Number: 3049018

Registration Date: Jan. 24, 2006

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with

Status: The registration has been renewed.

Status Date: Feb. 24, 2015

Publication Date: Nov. 01, 2005

▲ **Mark Information**

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▲ **Related Properties Information**

▲ **Goods and Services**

▲ **Basis Information (Case Level)**

▲ **Current Owner(s) Information**

- ▲ **Attorney/Correspondence Information**
- ▲ **Prosecution History**
- ▲ **TM Staff and Location Information**
- ▲ **Assignment Abstract Of Title Information - Click to Load**
- ▲ **Proceedings - Click to Load**

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Mark: BLINC

blinc

US Serial Number: 86868716

Application Filing Date: Jan. 07, 2017

US Registration Number: 5263382

Registration Date: Aug. 15, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Aug. 15, 2017

Publication Date: May 30, 2017

▲ Mark Information

▼ Expand All

▲ Related Properties Information

▲ Goods and Services

▲ Basis Information (Case Level)

▲ Current Owner(s) Information

▲ Attorney/Correspondence Information

- ▶ **Prosecution History**
 - ▶ **TM Staff and Location Information**
 - ▶ **Assignment Abstract Of Title Information - Click to Load**
 - ▶ **Proceedings - Click to Load**
-

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BLINC, INC.,

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BLINK MINX, LLC,

Applicant.

Opposition No. _____

Application Serial No. 88/331,373

Mark: BLINK MINX

CERTIFICATE OF SERVICE

I certify that on October 21, 2019, I caused a true and correct copy of the foregoing
NOTICE OF OPPOSITION to be delivered by email and first-class mail to:

Blink Minx, LLC
9600 Juniper St
Los Angeles, California 90002
blinkminxlashes@gmail.com

Date: October 21, 2019

Respectfully submitted,



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