

ESTTA Tracking number: **ESTTA1178896**

Filing date: **12/15/2021**

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	Anastasia Beverly Hills, LLC		
Entity	limited liability company	Citizenship	California
Address	10635 SANTA MONICA BLVD. STE 300 LOS ANGELES, CA 90025 UNITED STATES		

Attorney information	JOEL R. FELDMAN GREENBERG TRAUIG, LLP 3333 PIEDMONT ROAD NE, SUITE 2500 ATLANTA, GA 30305 UNITED STATES Primary Email: atltrademark@gtlaw.com Secondary Email(s): joel@gtlaw.com , kramera@gtlaw.com , vandykek@gtlaw.com 6785534778		
Docket Number	141079010500		

Applicant Information

Application No.	90227452	Publication date	11/16/2021
Opposition Filing Date	12/15/2021	Opposition Period Ends	12/16/2021
Applicant	Arreola, Rubi 117 DORCHESTER STREET HOUSTON, TX 77022 UNITED STATES		

Goods/Services Affected by Opposition

Class 044. First Use: 2012/08/00 First Use In Commerce: 2012/08/00 All goods and services in the class are opposed, namely: Beauty treatment services especially for eyebrows; Cosmetic and body procedures, namely, fibroblasting, micropigmentation, cavitation, and microblading; Cosmetic eyebrow care services in the nature of waxing, brow tint, henna, and ombré; Cosmetic skin care services, namely, waxing, facials, brow shaping, brow tints, brow lifts, and brow laminations; Cosmetic tattooing services; Eyelash services, namely, lash extensions, lash lifts, andlash perms; Face and body waxing services; Microblading being eyebrow tattooingservices; Salon services, namely, brow and eyelash tinting, body waxing, facialwaxing, makeup services, and makeup application services; Tattooing services; Tattooing and permanent makeup services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2949230	Application Date	08/04/2003
Registration Date	05/10/2005	Foreign Priority Date	NONE
Word Mark	BROW STUDIO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 044. First use: First Use: 2000/08/21 First Use In Commerce: 2000/08/21 beauty salon services, namely hair removal, dressing and styling		

Attachments	76534637#TMSN.png(bytes) Notice of Opposition DEFINED BROW STUDIO.pdf(610058 bytes)
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Signature	/jrf/
Name	Joel R. Feldman
Date	12/15/2021

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

In the Matter of Application Serial No. 90227452: DEFINED BROW STUDIO
Published in the *Official Gazette* on November 16, 2021

ANASTASIA BEVERLY HILLS, LLC,)	
Opposer,)	
v.)	Opposition No. _____
RUBI ARREOLA,)	
Applicant.)	
)	

NOTICE OF OPPOSITION

Anastasia Beverly Hills, LLC (“ABH”), a limited liability company with its principal place of business at 10635 Santa Monica Blvd. Ste 300, Los Angeles, CA 90025, opposes Rubi Arreola’s Application Serial No. 90227452 (the “Application”) because ABH will be damaged by the registration of the Application.

The grounds for opposition are:

INTRODUCTION

1. Applicant seeks to register DEFINED BROW STUDIO as a service mark for beauty treatment services especially for eyebrows; cosmetic and body procedures, namely, fibroblasting, micropigmentation, cavitation, and microblading; cosmetic eyebrow care services in the nature of waxing, brow tint, henna, and ombré; cosmetic skin care services, namely, waxing, facials, brow shaping, brow tints, brow lifts, and brow laminations; cosmetic tattooing services; eyelash services, namely, lash extensions, lash lifts, and lash perms; face and body waxing services; microblading being eyebrow tattooing services; salon services, namely, brow

and eyelash tinting, body waxing, facial waxing, makeup services, and makeup application services; tattooing services; and tattooing and permanent makeup services (the “Class 44 Services”).

2. Applicant filed the Application on September 30, 2020, based on Applicant’s alleged used of the applied-for mark in commerce since August 2012.

ABH’S USE AND REGISTRATION OF THE BROW STUDIO MARK

3. ABH is a U.S.-based global beauty brand that formulates, manufactures, and markets cosmetics PRODUCTS and provides beauty salon services.

4. For over 20 years, ABH has provided beauty salon services specializing in eyebrow care under the BROW STUDIO mark in the U.S.

5. ABH owns U.S. Reg. No. 2949230 for BROW STUDIO in International Class 44 for beauty salon services, namely hair removal, dressing and styling (TSDR record attached as Exhibit 1).

6. U.S. Reg. No. 2949230 is a valid, subsisting, and incontestable U.S. service mark registration.

PRIORITY AND LIKELIHOOD OF CONFUSION

7. ABH registered and used the BROW STUDIO mark in connection with salon services before Applicant applied to register the applied-for mark for the Class 44 Services.

8. ABH registered and used the BROW STUDIO mark in connection with salon services before Applicant’s alleged first use of the applied-for mark.

9. As a result of ABH’s efforts, before Applicant filed the Application or used the applied-for mark in commerce, ABH’s BROW STUDIO mark was substantially recognized by the public as a strong indicator of ABH’s beauty salon services.

10. Applicant's applied-for mark is confusingly similar in sight, sound, and commercial impression to ABH's BROW STUDIO mark because the applied-for mark incorporates the entirety of ABH's BROW STUDIO mark.

11. The applied-for Class 44 Services are, in part, legally identical to the services recited in ABH's U.S. Reg. No. 2949230.

12. Applicant's DEFINED BROW STUDIO-branded services will be offered to the same types of consumers that purchase ABH's BROW STUDIO-branded services.

13. Based on the high degree of similarity between Applicant's and ABH's marks and the relatedness of Applicant's Class 44 Services and ABH's services, the public is likely to incorrectly believe that Applicant's Class 44 Services are connected to ABH. This confusion will cause irreparable harm to ABH.

14. Any dissatisfaction with Applicant's Class 44 Services would reflect negatively upon and irreparably damage ABH's reputation and the goodwill embodied in its BROW STUDIO mark.

15. Applicant's use and registration of the applied-for mark is likely to cause confusion, mistake, and deception as to the source of Applicant's Class 44 Services within the meaning of 15 U.S.C. §§ 1114 and 1125(a).

16. Applicant's use and registration of the applied-for mark will injure and damage ABH and the goodwill and reputation symbolized by ABH's BROW STUDIO mark within the meaning of 15 U.S.C. § 1063(a).

17. Applicant's applied-for mark is not registrable under 15 U.S.C. § 1052(d), because it resembles a mark previously used in the U.S. by ABH and is likely to cause confusion, mistake, or to deceive.

CONCLUSION

18. ABH respectfully requests that this opposition be sustained and registration of Application Serial No. 90227452 be refused.

Date: December 15, 2021

Respectfully submitted,
GREENBERG TRAURIG, LLP



Joel R. Feldman
Amy L. Kramer
Kristen E. Van Dyke

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Atlanta, GA 30305
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Attorneys for Opposer
Anastasia Beverly Hills, LLC

Exhibit 1

For assistance with TSDR, 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.

Processing Wait Times: Please note that due to an extraordinary surge in applications, processing times are longer than usual. See [current trademark processing wait times](#) for more information.

STATUS		DOCUMENTS	MAINTENANCE	Back to Search	Print
Generated on: This page was generated by TSDR on 2021-12-15 18:46:16 EST					
Mark: BROW STUDIO					
BROW STUDIO					
US Serial Number:	76534637	Application Filing Date:	Aug. 04, 2003		
US Registration Number:	2949230	Registration Date:	May 10, 2005		
Register:	Principal				
Mark Type:	Service Mark				
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:	May 01, 2015				
Publication Date:	Mar. 23, 2004	Notice of Allowance Date:	Jun. 15, 2004		
▼ Mark Information ▲ Collapse All					
Mark Literal Elements:	BROW STUDIO				
Standard Character Claim:	No				
Mark Drawing Type:	1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)				
Disclaimer:	BROW				
▼ Goods and Services					
Note: The following symbols indicate that the registrant/owner has amended the goods/services:					
<ul style="list-style-type: none"> • 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:	beauty salon services, namely hair removal, dressing and styling				
International Class(es):	044 - Primary Class	U.S Class(es):	100, 101		
Class Status:	ACTIVE				
Basis:	1(a)				
First Use:	Aug. 21, 2000	Use in Commerce:	Aug. 21, 2000		
▼ Basis Information (Case Level)					
Filed Use:	No	Currently Use:	Yes		
Filed ITU:	Yes	Currently ITU:	No		
Filed 44D:	No	Currently 44E:	No		
Filed 44E:	No	Currently 66A:	No		
Filed 66A:	No	Currently No Basis:	No		
Filed No Basis:	No				

▼ Current Owner(s) Information

Owner Name:	ANASTASIA BEVERLY HILLS, LLC		
Owner Address:	10635 SANTA MONICA BLVD. STE 300 & 305 LOS ANGELES, CALIFORNIA UNITED STATES 90025		
Legal Entity Type:	LIMITED LIABILITY COMPANY	State or Country Where Organized:	CALIFORNIA

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name:	Joel R. Feldman, Esq., Jamie N. Shipp, Esq., Jeffrey M. Smith, Esq.	Docket Number:	141079.01050
Attorney Primary Email Address:	atltrademark@gtlaw.com	Attorney Email Authorized:	Yes

Correspondent

Correspondent Name/Address:	Joel R. Feldman, Esq., Jamie N. Shipp, Esq., Jeffr Greenberg Traurig, LLP 3333 Piedmont Rd., NE, Suite 2500 Atlanta, GEORGIA UNITED STATES 30305		
Phone:	678-553-2100	Fax:	678-553-2212

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Sep. 19, 2018	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 20, 2017	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 20, 2017	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 30, 2015	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Nov. 30, 2015	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
May 01, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 01, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
May 01, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
May 01, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Apr. 16, 2015	TEAS SECTION 8 & 9 RECEIVED	
Nov. 08, 2012	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Nov. 08, 2012	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Dec. 22, 2011	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 22, 2011	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Apr. 16, 2011	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Apr. 15, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Apr. 05, 2011	TEAS SECTION 8 & 15 RECEIVED	
May 20, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 03, 2008	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Apr. 03, 2008	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
May 10, 2005	REGISTERED-PRINCIPAL REGISTER	
Feb. 16, 2005	LAW OFFICE REGISTRATION REVIEW COMPLETED	69350
Feb. 11, 2005	ASSIGNED TO LIE	69350
Feb. 06, 2005	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Nov. 26, 2004	STATEMENT OF USE PROCESSING COMPLETE	68973
Nov. 26, 2004	USE AMENDMENT FILED	68973

Nov. 26, 2004	PAPER RECEIVED	
Jun. 15, 2004	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 23, 2004	PUBLISHED FOR OPPOSITION	
Mar. 03, 2004	NOTICE OF PUBLICATION	
Jan. 23, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 22, 2004	EXAMINER'S AMENDMENT MAILED	
Jan. 21, 2004	EMAIL RECEIVED	
Jan. 17, 2004	ASSIGNED TO EXAMINER	76936

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: May 01, 2015

▼ Assignment Abstract Of Title Information

Summary

▼ Conveyance Filter

Total Assignments: 2

Registrant: Anastasia Beverly Hills, Inc.

▼ Assignment 1 of 2

▼ Expand All

Conveyance: ENTITY CONVERSION

Reel/Frame: [6437/0738](#)

Pages: 3

Date Recorded: Aug. 28, 2018

Supporting Documents: [assignment-tm-6437-0738.pdf](#)

Assignor

Name: [ANASTASIA BEVERLY HILLS, INC.](#)

Execution Date: Jun. 14, 2018

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [ANASTASIA BEVERLY HILLS, LLC](#)

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Address: 10635 SANTA MONICA BLVD.
STE 300 & 305
LOS ANGELES, CALIFORNIA 90025

Correspondent

Correspondent Name: JOEL R. FELDMAN

Correspondent Address: 3333 PIEDMONT ROAD NE, SUITE 2500
GREENBERG TRAUER LLP
ATLANTA, GA 30305

Domestic Representative - Not Found

▼ Assignment 2 of 2

Conveyance: SECURITY INTEREST

Reel/Frame: [6418/0471](#)

Pages: 13

Date Recorded: Aug. 20, 2018

Supporting Documents: [assignment-tm-6418-0471.pdf](#)

Assignor

Name: [ANASTASIA BEVERLY HILLS, LLC](#)

Execution Date: Aug. 10, 2018

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: CALIFORNIA

Assignee

Name:	ROYAL BANK OF CANADA		
Legal Entity Type:	BANK	State or Country Where Organized:	CANADA
Address:	200 BAY STREET, 12TH FL, SOUTH TOWER TORONTO, CANADA M5J 2J5		

Correspondent

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

Domestic Representative - Not Found

▼ Proceedings

Summary	▼ Party type	▼ Proceeding type
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Number of Proceedings: 3

▼ Type of Proceeding: Opposition **▼ Expand All**

Proceeding Number:	91270470	Filing Date:	Jul 14, 2021
Status:	Terminated	Status Date:	Aug 23, 2021
Interlocutory Attorney:	WENDY COHEN		

Defendant

Name:	Luxe Brow Studio, LLC
Correspondent Address:	JOHN HOLMAN LEGALFORCE RAPC WORLDWIDE, P.C. 446 E SOUTHERN AVE TEMPE AZ UNITED STATES , 85282
Correspondent e-mail:	litigation@trademarkia.com , john@trademarkia.com , vincent@trademarkia.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
LUXE BROW STUDIO	Abandoned - After Inter-Partes Decision	90309383	

Plaintiff(s)

Name:	Anastasia Beverly Hills, LLC
Correspondent Address:	JOEL R. FELDMAN GREENBERG TRAUIG, LLP 3333 PIEDMONT ROAD NE, SUITE 2500 ATLANTA GA UNITED STATES , 30305
Correspondent e-mail:	atltrademark@gtlaw.com , joel@gtlaw.com , kramera@gtlaw.com , holta@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BROW STUDIO	REGISTERED AND RENEWED	76534637	2949230
BROW STUDIO	Registered	85680906	4790916

Prosecution History

Entry Number	History Text	Date	Due Date
7	TERMINATED	Aug 23, 2021	
6	BD DECISION: OPP SUSTAINED	Aug 23, 2021	
5	W/DRAW OF APPLICATION	Aug 23, 2021	
4	D CHANGE OF CORRESP ADDRESS	Aug 23, 2021	
3	INSTITUTED	Jul 14, 2021	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 14, 2021	Aug 23, 2021
1	FILED AND FEE	Jul 14, 2021	

▼ **Type of Proceeding: Opposition**

Proceeding Number: 91270180	Filing Date: Jun 29, 2021
Status: Terminated	Status Date: Nov 10, 2021
Interlocutory Attorney: LAWRENCE (LARRY) T STANLEY	

Defendant

Name: Royal Brows Studio
Correspondent Address: NICOLE SWARTZ SPROUT LAW PLLC 1401 LAVACA STREET, #148 AUSTIN TX UNITED STATES , 78701
Correspondent e-mail: nicole@sproutlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ROYAL BROWS STUDIO	Published For Opposition	90299481	

Plaintiff(s)

Name: Anastasia Beverly Hills, LLC
Correspondent Address: JOEL R FELDMAN GREENBERG TRAUIG LLP TERMINUS 200, 3333 PIEDMONT ROAD NE, SUITE 2500 ATLANTA GA UNITED STATES , 30305
Correspondent e-mail: atltrademark@gtlaw.com . joel@gtlaw.com . kramera@gtlaw.com . holta@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BROW STUDIO	REGISTERED AND RENEWED	76534637	2949230
BROW STUDIO	Registered	85680906	4790916

Prosecution History

Entry Number	History Text	Date	Due Date
13	TERMINATED	Nov 10, 2021	
12	BD DECISION: OPP DISMISSED	Nov 10, 2021	
11	W/DRAW OF OPPOSITION	Nov 08, 2021	
10	RESPONSE DUE 30 DAYS (DUE DATE)	Nov 08, 2021	Dec 08, 2021
9	MOT TO AMEND APPLICATION	Nov 01, 2021	
8	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 18, 2021	Nov 17, 2021
7	MOT TO AMEND APPLICATION	Oct 06, 2021	
6	EXTENSION OF TIME GRANTED	Sep 07, 2021	
5	P MOT FOR EXT W/ CONSENT	Sep 07, 2021	
4	ANSWER	Aug 06, 2021	
3	INSTITUTED	Jun 29, 2021	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 29, 2021	Aug 08, 2021
1	FILED AND FEE	Jun 29, 2021	

▼ **Type of Proceeding: Opposition**

Proceeding Number: 91253148	Filing Date: Dec 27, 2019
Status: Terminated	Status Date: Mar 27, 2020
Interlocutory Attorney: MARY CATHERINE FAINT	

Defendant

Name: Architect Brow Studio

Privacy - Terms

Correspondent Address: KIRKLYN MALONE
 ARCHITECT BROW STUDIO
 11150 HIGHFIELD CHASE DR
 JOHNS CREEK GA UNITED STATES , 30097

Correspondent e-mail: architectbrowstudio@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
ARCHITECT BROW STUDIO	Abandoned - After Inter-Partes Decision	88410768	

Plaintiff(s)

Name: Anastasia Beverly Hills, LLC

Correspondent Address: JOEL R FELDMAN
 GREENBERG TRAUIG LLP
 3333 PIEDMONT ROAD NE, SUITE 2500
 ATLANTA GA UNITED STATES , 30305

Correspondent e-mail: atltrademark@gtlaw.com , holta@gtlaw.com , kramera@gtlaw.com , joel@gtlaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
BROW STUDIO	REGISTERED AND RENEWED	76534637	2949230

Prosecution History

Entry Number	History Text	Date	Due Date
6	TERMINATED	Mar 27, 2020	
5	BD DECISION: OPP SUSTAINED	Mar 27, 2020	
4	NOTICE OF DEFAULT	Feb 15, 2020	
3	INSTITUTED	Dec 27, 2019	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 27, 2019	Feb 05, 2020
1	FILED AND FEE	Dec 27, 2019	