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

Proceeding no.	91273482
Party	Defendant Rubi Arreola
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Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's name	Dileep P. Rao
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Signature	/Dileep Rao/
Date	02/23/2022
Attachments	AMENDEDANSWER_02.23.2022.pdf(34241 bytes)

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

ANASTASIA BEVERLY HILLS, LLC,	§	Opposition No. 91273482
Opposer,	§	
	§	
	§	
v.	§	
	§	
RUBI ARREOLA,	§	
Applicant.	§	Ser. No. 90227452
	§	Mark: DEFINED BROW STUDIO
	§	Pub. for Opp. Date: November 16, 2021

AMENDED ANSWER

Applicant Rubi Arreola (“Applicant”), through its undersigned attorney, timely files this Answer to the Notice of Opposition (“Notice”) to register its trademark, DEFINED BROW STUDIO, filed by Opposer Anastasia Beverly Hills, LLC (“Opposer”).

1. As to numbered paragraphs 1 and 2 of the Notice, it is admitted.
2. As to numbered paragraphs 3 and 4 of the Notice, these are alleged factual representations requiring neither denial nor admission. To the extent that a denial or admission is required, these paragraphs are denied.
3. As to numbered paragraph 5 of the Notice, Applicant is without knowledge as to whether or not “Opposer is the owner of U.S. Registration No. 2949230 for the mark BROW STUDIO” and its alleged services.
4. As to numbered paragraph 6 of the Notice, Applicant is without knowledge as to whether or not “Opposer’s Mark” is valid, subsisting, and incontestable.” To the extent that a denial or admission is required, this paragraph is denied.

5. As to numbered paragraphs 7-9 of the Notice, these are alleged factual representations requiring neither denial nor admission. To the extent that a denial or admission is required, these paragraphs are denied.
6. As to numbered paragraphs 10-18 of the Notice, Applicant does not have sufficient knowledge or information, and has not had an adequate opportunity to investigate these averments, and, therefore, is without knowledge or information sufficient to form a belief as to the truth of these averments, and, accordingly, denies these paragraphs.

DEFENSES

1. No Likelihood of Confusion – Applicant’s mark under this opposition is not likely to be confused with the existing or purported mark. Applicant has no knowledge or evidence of any actual confusion.
2. Morehouse Doctrine - *Morehouse Manufacturing Corp. v. J. Strickland and Co.*, 407 F.2d 881, 160 USPQ 715, 717 (CCPA 1969). Applicant own’s Registration No. 4,829,024 for DEFINED BROW STUDIO, in Class 035 for On-line retail store services featuring cosmetics and makeup; Retail store services featuring cosmetics and makeup, which registered on October 06, 2015. Opposer previously held an intent to use mark “Brow Studio” in class 35 (currently canceled). As such, Opposer should have known of the mark in Class 35 held by Applicant. Applicant’s previous registration is an identical registered mark for substantially similar goods and/or services such that the second registration sought causes no added injury to the Opposer.
3. Inherently Distinctive and/or Acquired Distinctiveness – Applicant’s mark under this opposition is registrable and valid because it is inherently distinctive and/or has acquired distinctiveness. Regarding acquired distinctiveness, Applicant has continuously used

DEFINED BROW STUDIO as a mark on at least some of its services, which include: 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; Tattooing and permanent makeup services. Further, Applicant's DEFINED BROW STUDIO mark has been used verbally, on its website (<https://www.definedbrowstudio.com>), social media, advertisements, and more since at least August 2012.

4. Applicant alleges that the Opposer is not damaged nor will Opposer be damaged by the registration of Applicant's mark.
5. Applicant alleges that the Opposer cannot demonstrate that it will be damaged as a result of the registration of Applicant's mark.
6. As Applicant's discovery and investigation continues, Applicant reserves the right to assert additional defenses as they become known to all the claims asserted against them, whether submitted and/or tendered.

PRAYER

WHEREFORE, because Opposer will not be damaged by registration of Applicant's mark under this opposition, Applicant respectfully requests that the Board dismiss the instant opposition and allow Applicant's mark to register.

Respectfully submitted,

Dated: February 23, 2022

By: /Dileep P. Rao/
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CERTIFICATE OF TRANSMISSION

This is to certify that a true and correct copy of the foregoing **ANSWER** was transmitted, via ESTTA, to the Trademark Trial and Appeal Board, on the date of signing below:

Dated: February 23, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER** was served via email on Opposer at:

Joel R. Feldman: joel@gtlaw.com
Amy L. Kramer: kramera@gtlaw.com
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Primary Email: atltrademark@gtlaw.com

Dated: February 23, 2022

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