

ESTTA Tracking number: **ESTTA1241281**

Filing date: **10/12/2022**

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	ICON S.R.L.
Granted to date of previous extension	10/26/2022
Address	VIA G. DI VITTORIO, 11 CADRIANO DI GRANAROLO DELL'EMILIA BOLOGNA, I-40057 ITALY
Attorney information	DENNIS H. CAVANAUGH D H CAVANAUGH ASSOCIATES 260 MADISON AVENUE, FL 16 NEW YORK, NY 10016 UNITED STATES Primary email: dhc@dhcavanaugh.net 212-856-7210
Docket no.	

Applicant information

Application no.	97151326	Publication date	06/28/2022
Opposition filing date	10/12/2022	Opposition period ends	10/26/2022
Applicant	Sleepme Inc. 144 TALBERT POINTE DRIVE, SUITE 103 MOORESVILLE, NC 28117 UNITED STATES		

Goods/services affected by opposition

<p>Class 035. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Providing recommendations of goods to consumers in the fields of sleep, health, and wellness; providing recommendations of services to consumers in the fields of sleep, health, and wellness; providing recommendations of service providers to consumers in the fields of sleep, health, and wellness; providing consumer product setting recommendations in the fields of sleep, health, and wellness; providing recommendations in the fields of sleep, health, and wellness; providing recommendations for activities, behaviors, and habits to facilitate sleep, health, and wellness; providing recommendations in the fields of sleep, health, and wellness, namely, recommendations involving activities, behaviors, tips, habits, product settings, goal setting, longevity, personal motivation, meditation, stress management, reflection, hydration, fitness, diet, and nutrition</p>

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.	5258090	Application date	10/10/2014
Register	Principal		
Registration date	08/08/2017	Foreign priority date	08/07/2014
Word mark	INSIGHT		
Design mark			
Description of mark	The mark consists of the word "INSIGHT" in fanciful capital letters, of which the prefix "IN" is highlighted in bold characters.		
Goods/services	<p>Class 035. First use: First Use: None First Use In Commerce: None</p> <p>Business consultancy, advertising services, advertising services on the Internet, advertising and publicity services provided via television, radio or mail, all related to hair care and hair care products and services; presentation of goods and services of others on the Internet of hair preparations, hair care preparations, oil baths for hair care, hair conditioners, hair wax, hair dyes, cosmetics for hair, hair creams, bleaches for use on the hair, bleaching preparations for the hair, hair emollients, gels for use on the hair, hair moisturisers, hair lacquer, hair permanent wave kit, hair lotions, hair glosses, hair mascara, oils and hair pomades, hair treatment preparations, preparations for styling, colouring and waving the hair, preparations for care and styling of the hair, hair conditioners, hair care cosmetics, hair neutralisers, preparations for colouring the hair, preparations for decolouring and removing dye from the hair, hair cleaning preparations, hair glossers, relaxers and lightening preparations for the hair, hair mousses, shampoos for the hair, hair thickeners, sprays for the hair, hair styling spray, colour for the hair, cosmetic dyes, shampoos, hair-dyeing preparations, hair tonic, hair conditioning treatments, wax treatments for the hair, disciplining treatments for the hair, medicated hair care preparations, medicated lotions hair preparations, pharmaceutical hair care preparations, sanitary preparations for medical purposes, hair growth stimulants for medical purposes, medicinal hair growth preparations, lice treatment preparations and medical tints for the hair; business management related to hair care and hair care products and services; marketing services related to hair care and hair care products and services; wholesale distributorship services and retail store services and online retail store services featuring hair preparations, hair care preparations, oil baths for hair care, hair conditioner, hair wax, hair dyes, cosmetics for hair, hair creams, bleaches for use on the hair, bleaching preparations for the hair, hair emollients, gels for use on the hair, hair moisturisers, hair lacquer, hair permanent wave kit, hair lotions, hair glosses, hair mascara, oils and hair pomades, hair treatment preparations, preparations for styling, colouring and waving the hair, preparations for care and styling of the hair, hair conditioners, hair care cosmetics, hair neutralisers, preparations for colouring the hair, preparations for decolouring and removing dye from the hair, hair cleaning preparations, hair glossers, relaxers and lightening preparations for the hair, hair mousses, shampoos for the hair, hair thickeners, sprays for the hair, hair styling spray, colour for the hair, cosmetic dyes, shampoos, hair-dyeing preparations, hair tonic, hair conditioning treatments, wax treatments for the hair, disciplining treatments for the hair, medicated hair care preparations, medicated lotions hair preparations, pharmaceutical hair care preparations, sanitary preparations for medical purposes, hair growth stimulants for medical purposes, medicinal hair growth preparations, lice treatment preparations and medical tints for the hair; Internet marketing services related to hair care and hair care products and services; auctioneering provided on the Internet related to hair care and hair care products and services; business administration services related to hair care and hair care products and services; business ad-</p>		

	vice relating to franchising related to hair care and hair care products and services; commercial management assistance in relation to franchises related to hair care and hair care products and services; business advice relating to merchandising related to hair care and hair care products and services; providing office functions related to hair care and hair care products and services, providing office functions for others related to hair care and hair care products and services
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U.S. registration no.	5298921	Application date	10/10/2014
Register	Principal		
Registration date	10/03/2017	Foreign priority date	08/07/2014
Word mark	INSIGHT		
Design mark			
Description of mark	The mark consists of the word "INSIGHT" in fanciful capital letters, of which the prefix "IN" is highlighted in bold characters.		
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None Hair care preparations; oil baths for hair care; hair conditioner; hair wax; hair dyes; cosmetics preparations for hair; hair creams; bleaches for use on the hair; bleaching preparations for the hair; hair emollients; gels for use on the hair; hair moisturisers; hair lacquer; hair permanent wave kit; hair lotions; hair glosses; hair mascara; oils and hair pomades; non-medicated hair treatment preparations; preparations for styling, colouring and waving the hair; preparations for care and styling of the hair; hair conditioners; hair care cosmetics; hair neutralisers; preparations for colouring the hair; preparations for decolouring and removing dye from the hair; hair cleaning preparations; hair glossers; relaxers and lightening preparations for the hair; hair mousses; shampoos for the hair; hair thickeners; sprays for the hair; hair styling spray; colour for the hair; cosmetic dyes; shampoos and hair-dyeing preparations; hair tonic; non-medicated hair conditioning treatments; non-medicated wax treatments for the hair; disciplining treatments for the hair, namely, permanent wave treatments and straighteners</p> <p>Class 005. First use: First Use: None First Use In Commerce: None Medicated hair care preparations; medicated lotions for the hair; pharmaceutical hair care preparations for the treatment of dandruff, parasites and damaged hair; sanitary preparations for medical purposes; hair growth stimulants for medical purposes; medicinal hair growth preparations; lice treatment preparations; medical tints for the hair</p>		

U.S. application no.	79249626	Application date	06/14/2018
Registration date	NONE	Foreign priority date	04/20/2018
Word mark	INSIGHT		
Design mark			
Description of mark	The mark consists of the stylized wording "INSIGHT" above a thick line. The gray rectangle in the mark represents background.		
Goods/services	<p>Class 003. First use: First Use: None First Use In Commerce: None Cosmetic preparations for use on hair; adhesives for false eyelashes, hair and nails; Bath soaps for use as hair and body wash; Cosmetic cleansing creams; perfumed creams; exfoliant creams; depilatory creams; aftershave creams; creams for tanning the skin; sun creams; skin washing creams; make-up removing creams; after sun creams; polishing creams; shaving cream; leather dressings; shower creams; boot cream; skin cream; creams for leather; baby sun</p>		

creams; non-medicated bathcreams; cream soaps for use in washing; massage creams, not medicated; moisturizing creams, body lotions and skin gels; shoe polish and creams; tooth whitening creams; non-medicated creams for the body; creams for cellulite reduction; non-medicated creams for the eyes; pre-shave creams; age spot reducing creams; cosmetic creams for firming skin around eyes; non-medicated diaper rash cream; face and body creams; cosmetic tonics in the nature of astringents; skin toners; cleansing milk for toilet purposes; cosmetic skin moisturizers; cosmetics and cosmetic preparations; cosmetic soaps; cosmetic moisturizing concentrates, namely, sun oils, rose oil, coconut oil, argan oil, baby oil; cosmetics for animals; cosmetic nail tips; tissues impregnated with cosmetics; cleaner for cosmetic brushes; skin conditioners; non-medicated cosmetics and toiletry preparations; exfoliating scrubs for the face; non-medicated facial soaps; face oils; Non-medicated face gels; cleaning masks for the face; non-medicated liquid soaps for hands and face; Non-medicated face care preparations, namely, facial cleansers, facial moisturizers, scrubs, oils; body and facial oils; lotions for face and body care; body emulsions; body milks; body shampoos being skin cleansers; pumice stones for use on the body; body cleansing foams for personal use; Body deodorants; non-medicated body sprays; Non-medicated body powder; body art stickers; non-medicated body soaks; Non-medicated soaps for body care; Non-medicated skin care preparation, namely, body mist; soap free washing emulsions for the body; Non-medicated body care preparations, namely, body scrubs, body oils, body mask lotion; body mask powder; Non-medicated shower soap; shower and bath foam; shower and bath gel; Non-medicated shower oils for cleaning and cosmetic purposes; shower salts not for medical purposes; Non-medicated bath oils; Nail cuticle conditioners; hand cleansers; hand lotions; non-medicated hand gels; Hand soap powders; Cleansing hand milks; moisturizing hand milks; Non-medicated hand oils; hand washes; hand masks for skin care; wipes impregnated with cleaning agents; wipes impregnated with cosmetic lotions; essential oils; Aromatic potpourris and oils; Aromatic preparations, namely, creams, lotions; aromatic extracts of flowers being perfumes; cosmetic masks; Skin cleaning masks; skin moisturizer masks; Hydrating cosmetic masks; perfume; air fragrancing preparations; oils for perfumes and scents; room perfumes in spray form

Class 016. First use: First Use: None First Use In Commerce: None

Paper price tags; Adhesive labels; Labels made of paper; Customized cardboard hang and paper gift tags

Class 035. First use: First Use: None First Use In Commerce: None

Commercial information and advice for consumers in the choice of hair care, skin care and cosmetics products and services; Commercial management in the fields of hair care, skin care and cosmetics; Business administration in the fields of hair care, skin care and cosmetics; Organization of events for commercial and advertising purposes in the fields of hair care, skin care and cosmetics; Business management of wholesale and retail outlets in the fields of hair care, skin care and cosmetics; Commercial administration of the licensing of the hair care, skin care and cosmetics goods and services of others; Advertising and marketing in the fields of hair care, skin care and cosmetics; Publicity and sales promotion services in the fields of hair care, skin care and cosmetics; Organization and conducting of product presentations in the fields of hair care, skin care and cosmetics; Demonstration of hair care, skin care and cosmetics products; Distribution of hair care, skin care and cosmetics products for advertising purposes; Online retail store services featuring the hair care, skin care and cosmetics consumer goods of others; Providing television home shopping services in the field of hair care, skin care and cosmetics consumer merchandise; Business management in the fields of hair care, skin care and cosmetics; Online retail store services featuring cosmetics; Providing consumer product information relating to cosmetics; Mail order retail services featuring cosmetics; Providing consumer product advice relating to cosmetics; Providing of business information and advice to consumers in the field of cosmetics; Marketing research in the fields of

	<p>cosmetics, perfumery and beauty products; Retail store services featuring hair products; Advertising services relating to perfumery; Retail store services featuring fashion accessories; Online wholesale store services featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Wholesale store services featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Wholesale distributorships featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Wholesale ordering services in the field of hygienic implements for humans, namely, hair care, skin care and shaving implements; Retail store services featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Online wholesale store services featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale store services featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale distributorships featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale ordering services in the field of beauty implements for humans, namely, hair care, skin care and shaving implements; Retail store services featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale store services featuring bags; Retail store services featuring bags; Online retail store services featuring handbags; Assistance in franchised commercial business management; Franchising, namely, consultation and assistance in business management, organization and promotion of franchises; Business advice and consultancy relating to franchising; Franchising, namely, offering business management assistance in the establishment and/or operation of franchises, beauty salons, skin care salons and hair care salons and barber shops; Assistance in business management within the framework of a franchise contract; Assistance in product commercialization within the framework of a franchise contract; Product merchandising for others in the fields of hair care, skin care and cosmetics; Business merchandising display services in the fields of hair care, skin care and cosmetics; Providing office functions for businesses operating in the fields of hair care, skin care and cosmetics</p>
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Attachments	INSIGHTS Notice of Opposition.pdf(90466 bytes)
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Signature	/Dennis H. Cavanaugh/
Name	DENNIS H. CAVANAUGH
Date	10/12/2022

NOTICE OF OPPOSITION

Pursuant to Trademark Rule 2.102, ICON S.R.L., an Italian limited liability company having an office and place of business at Via G. Di Vittorio, 11, Cadriano di Granarolo dell'Emilia, I-40057 Bologna, Italy (“Opposer” or “Icon”), believes that it is and will be damaged by registration of the mark shown in Application Serial No. 97/151,326 in International Class 35, and therefore opposes the same. As grounds for its opposition it alleges that:

1. The Applicant, Sleepme Inc. (“Applicant”), is upon information and belief, a Delaware corporation with a principal address at 144 Talbert Pointe Drive, Suite 103, Mooresville, North Carolina 28117.

2. On or about December 1, 2021, Applicant filed the above-referenced trademark application under Section 1B to register the mark INSIGHTS for “Providing recommendations of goods to consumers in the fields of sleep, health, and wellness; providing recommendations of services to consumers in the fields of sleep, health, and wellness; providing recommendations of service providers to consumers in the fields of sleep, health, and wellness; providing consumer product setting recommendations in the fields of sleep, health, and wellness; providing recommendations in the fields of sleep, health, and wellness; providing recommendations for activities, behaviors, and habits to facilitate sleep, health, and wellness; providing recommendations in the fields of sleep, health, and wellness, namely, recommendations involving activities, behaviors, tips, habits, product settings, goal setting, longevity, personal motivation, meditation, stress management, reflection, hydration, fitness, diet, and nutrition” in International Class 35.

3. Icon was founded in 2000 in Bologna, Italy. It has a presence in over 70 countries worldwide. Icon markets a wide range of hair care and treatment products for men and women.

Based on the biodynamic, zero-mile, organic, and fair-trade ingredients, Icon creates agricosmetic treatments and rituals combining extraordinary performance with healthful formulations which have a high concentration of botanical ingredients. Icon has a profound belief in respect for the environment and for promoting waste reduction. Each and every formulation, packaging, material, individual article or tool is designed to have a minimal environmental impact and to be long-lasting or reusable and composted or transformed into a new resource. Its products' high concentration of botanical active ingredients and their incredible effectiveness when applied in the right amount make them perfect for a wide variety of uses. Icon packages its formulations in glass bottles and jars and aluminum tubes which are reusable and recyclable. Icon avoids using unnecessary packaging and wrapping materials. All of its tools, items and articles are made of wood, glass, aluminum, organic regenerated cotton, recycled paper and many other natural ecological materials.

4. Opposer is the owner of the following registrations for the mark INSIGHT on the Principal Register, which registrations are valid and subsisting and have never been abandoned:

a. Registration No. 5,258,090, issued August 8, 2017, for "Business consultancy, advertising services, advertising services on the Internet, advertising and publicity services provided via television, radio or mail, all related to hair care and hair care products and services; presentation of goods and services of others on the Internet of hair preparations, hair care preparations, oil baths for hair care, hair conditioners, hair wax, hair dyes, cosmetics for hair, hair creams, bleaches for use on the hair, bleaching preparations for the hair, hair emollients, gels for use on the hair, hair moisturisers, hair lacquer, hair permanent wave kit, hair lotions, hair glosses, hair mascara, oils and hair pomades, hair treatment preparations, preparations for styling, colouring and waving the hair, preparations for care and styling of the hair, hair conditioners, hair care cosmetics, hair neutralisers,

preparations for colouring the hair, preparations for decolouring and removing dye from the hair, hair cleaning preparations, hair glossers, relaxers and lightening preparations for the hair, hair mousses, shampoos for the hair, hair thickeners, sprays for the hair, hair styling spray, colour for the hair, cosmetic dyes, shampoos, hair-dyeing preparations, hair tonic, hair conditioning treatments, wax treatments for the hair, disciplining treatments for the hair, medicated hair care preparations, medicated lotions hair preparations, pharmaceutical hair care preparations, sanitary preparations for medical purposes, hair growth stimulants for medical purposes, medicinal hair growth preparations, lice treatment preparations and medical tints for the hair; business management related to hair care and hair care products and services; marketing services related to hair care and hair care products and services; wholesale distributorship services and retail store services and online retail store services featuring hair preparations, hair care preparations, oil baths for hair care, hair conditioner, hair wax, hair dyes, cosmetics for hair, hair creams, bleaches for use on the hair, bleaching preparations for the hair, hair emollients, gels for use on the hair, hair moisturisers, hair lacquer, hair permanent wave kit, hair lotions, hair glosses, hair mascara, oils and hair pomades, hair treatment preparations, preparations for styling, colouring and waving the hair, preparations for care and styling of the hair, hair conditioners, hair care cosmetics, hair neutralisers, preparations for colouring the hair, preparations for decolouring and removing dye from the hair, hair cleaning preparations, hair glossers, relaxers and lightening preparations for the hair, hair mousses, shampoos for the hair, hair thickeners, sprays for the hair, hair styling spray, colour for the hair, cosmetic dyes, shampoos, hair-dyeing preparations, hair tonic, hair conditioning treatments, wax treatments for the hair, disciplining treatments for the hair, medicated hair care preparations, medicated lotions hair

preparations, pharmaceutical hair care preparations, sanitary preparations for medical purposes, hair growth stimulants for medical purposes, medicinal hair growth preparations, lice treatment preparations and medical tints for the hair; Internet marketing services related to hair care and hair care products and services; auctioneering provided on the Internet related to hair care and hair care products and services; business administration services related to hair care and hair care products and services; business advice relating to franchising related to hair care and hair care products and services; commercial management assistance in relation to franchises related to hair care and hair care products and services; business advice relating to merchandising related to hair care and hair care products and services; providing office functions related to hair care and hair care products and services, providing office functions for others related to hair care and hair care products and services” in International Class 35; and,

b. Registration No. 5,298,921, issued October 3, 2017, for “Hair care preparations; oil baths for hair care; hair conditioner; hair wax; hair dyes; cosmetics preparations for hair; hair creams; bleaches for use on the hair; bleaching preparations for the hair; hair emollients; gels for use on the hair; hair moisturisers; hair lacquer; hair permanent wave kit; hair lotions; hair glosses; hair mascara; oils and hair pomades; non-medicated hair treatment preparations; preparations for styling, colouring and waving the hair; preparations for care and styling of the hair; hair conditioners; hair care cosmetics; hair neutralisers; preparations for colouring the hair; preparations for decolouring and removing dye from the hair; hair cleaning preparations; hair glossers; relaxers and lightening preparations for the hair; hair mousses; shampoos for the hair; hair thickeners; sprays for the hair; hair styling spray; colour for the hair; cosmetic dyes; shampoos and hair-dyeing preparations; hair tonic;

non-medicated hair conditioning treatments; non-medicated wax treatments for the hair; disciplining treatments for the hair, namely, permanent wave treatments and straighteners” in International Class 3; and “Medicated hair care preparations; medicated lotions for the hair; pharmaceutical hair care preparations for the treatment of dandruff, parasites and damaged hair; sanitary preparations for medical purposes; hair growth stimulants for medical purposes; medicinal hair growth preparations; lice treatment preparations; medical tints for the hair” in International Class 5.

5. Opposer is also the owner of the following application for the mark INSIGHT on the Principal Register: Application Serial No. 79/249,626, filed on June 14, 2018, claiming a priority date of April 20, 2018, for “Cosmetic preparations for use on hair; adhesives for false eyelashes, hair and nails; Bath soaps for use as hair and body wash; Cosmetic cleansing creams; perfumed creams; exfoliant creams; depilatory creams; aftershave creams; creams for tanning the skin; sun creams; skin washing creams; make-up removing creams; after sun creams; polishing creams; shaving cream; leather dressings; shower creams; boot cream; skin cream; creams for leather; baby sun creams; non-medicated bath creams; cream soaps for use in washing; massage creams, not medicated; moisturizing creams, body lotions and skin gels; shoe polish and creams; tooth whitening creams; non-medicated creams for the body; creams for cellulite reduction; non-medicated creams for the eyes; pre-shave creams; age spot reducing creams; cosmetic creams for firming skin around eyes; non-medicated diaper rash cream; face and body creams; cosmetic tonics in the nature of astringents; skin toners; cleansing milk for toilet purposes; cosmetic skin moisturizers; cosmetics and cosmetic preparations; cosmetic soaps; cosmetic moisturizing concentrates, namely, sun oils, rose oil, coconut oil, argan oil, baby oil; cosmetics for animals; cosmetic nail tips; tissues impregnated with cosmetics; cleaner for cosmetic brushes; skin conditioners; non-medicated cosmetics and

toiletry preparations; exfoliating scrubs for the face; non-medicated facial soaps; face oils; Non-medicated face gels; cleaning masks for the face; non-medicated liquid soaps for hands and face; Non-medicated face care preparations, namely, facial cleansers, facial moisturizers, scrubs, oils; body and facial oils; lotions for face and body care; body emulsions; body milks; body shampoos being skin cleansers; pumice stones for use on the body; body cleansing foams for personal use; Body deodorants; non-medicated body sprays; Non-medicated body powder; body art stickers; non-medicated body soaks; Non-medicated soaps for body care; Non-medicated skin care preparation, namely, body mist; soap free washing emulsions for the body; Non-medicated body care preparations, namely, body scrubs, body oils, body mask lotion; body mask powder; Non-medicated shower soap; shower and bath foam; shower and bath gel; Non-medicated shower oils for cleaning and cosmetic purposes; shower salts not for medical purposes; Non-medicated bath oils; Nail cuticle conditioners; hand cleansers; hand lotions; non-medicated hand gels; Hand soap powders; Cleansing hand milks; moisturizing hand milks; Non-medicated hand oils; hand washes; hand masks for skin care; wipes impregnated with cleaning agents; wipes impregnated with cosmetic lotions; essential oils; Aromatic potpourris and oils; Aromatic preparations, namely, creams, lotions; aromatic extracts of flowers being perfumes; cosmetic masks; Skin cleaning masks; skin moisturizer masks; Hydrating cosmetic masks; perfume; air fragrancing preparations; oils for perfumes and scents; room perfumes in spray form” in International Class 3; “Paper price tags; Adhesive labels; Labels made of paper; Customized cardboard hang and paper gift tags” in International Class 16; and, “Commercial information and advice for consumers in the choice of hair care, skin care and cosmetics products and services; Commercial management in the fields of hair care, skin care and cosmetics; Business administration in the fields of hair care, skin care and cosmetics; Organization of events for commercial and advertising purposes in the fields of hair care, skin care and cosmetics; Business

management of wholesale and retail outlets in the fields of hair care, skin care and cosmetics; Commercial administration of the licensing of the hair care, skin care and cosmetics goods and services of others; Advertising and marketing in the fields of hair care, skin care and cosmetics; Publicity and sales promotion services in the fields of hair care, skin care and cosmetics; Organization and conducting of product presentations in the fields of hair care, skin care and cosmetics; Demonstration of hair care, skin care and cosmetics products; Distribution of hair care, skin care and cosmetics products for advertising purposes; Online retail store services featuring the hair care, skin care and cosmetics consumer goods of others; Providing television home shopping services in the field of hair care, skin care and cosmetics consumer merchandise; Business management in the fields of hair care, skin care and cosmetics; Online retail store services featuring cosmetics; Providing consumer product information relating to cosmetics; Mail order retail services featuring cosmetics; Providing consumer product advice relating to cosmetics; Providing of business information and advice to consumers in the field of cosmetics; Marketing research in the fields of cosmetics, perfumery and beauty products; Retail store services featuring hair products; Advertising services relating to perfumery; Retail store services featuring fashion accessories; Online wholesale store services featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Wholesale store services featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Wholesale distributorships featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Wholesale ordering services in the field of hygienic implements for humans, namely, hair care, skin care and shaving implements; Retail store services featuring hygienic implements for humans, namely, hair care, skin care and shaving implements; Online wholesale store services featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale store services featuring beauty

implements for humans, namely, hair care, skin care and shaving implements; Wholesale distributorships featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale ordering services in the field of beauty implements for humans, namely, hair care, skin care and shaving implements; Retail store services featuring beauty implements for humans, namely, hair care, skin care and shaving implements; Wholesale store services featuring bags; Retail store services featuring bags; Online retail store services featuring handbags; Assistance in franchised commercial business management; Franchising, namely, consultation and assistance in business management, organization and promotion of franchises; Business advice and consultancy relating to franchising; Franchising, namely, offering business management assistance in the establishment and/or operation of franchises, beauty salons, skin care salons and hair care salons and barber shops; Assistance in business management within the framework of a franchise contract; Assistance in product commercialization within the framework of a franchise contract; Product merchandising for others in the fields of hair care, skin care and cosmetics; Business merchandising display services in the fields of hair care, skin care and cosmetics; Providing office functions for businesses operating in the fields of hair care, skin care and cosmetics” in International Class 35. Opposer has a bona fide intent to use the mark INSIGHT in interstate commerce as a trademark to identify above-listed products.

6. Applicant’s filing date of December 1, 2021 is subsequent to Opposer’s respective filing dates of October 10, 2014, October 14, 2014, and June 14, 2018; and its respective priority dates of August 7, 2014 and April 20, 2018. Thus, priority is not at issue.

7. Applicant’s mark INSIGHTS is confusingly similar in sight, sound and meaning to Opposer’s INSIGHT mark. Applicant’s mark is virtually identical to Opposer’s mark. Consequently, Applicant’s mark so closely resembles Opposer’s mark as to be likely to be confused

with and mistaken for Opposer's mark. As a result, there is a significant likelihood of confusion between Applicant's mark and Opposer's mark.

8. Applicant's services are closely related to and/or encompass one or more of the products and/or services of Opposer, thus increasing the likelihood of confusion that may result from registration and use of Applicant's mark. Indeed, products and services of the type covered by both Applicant's application and Opposer's application often emanate from and are likely to be perceived by consumers as emanating from and/or being offered under the same trademark.

9. Opposer has invested substantial time, effort and money in developing and protecting its INSIGHT mark and the goods bearing it and services rendered in connection with it.

10. Registration of Applicant's mark is likely to cause the relevant purchasing public to be confused, misled or deceived, and to falsely believe that Applicant's services and/or goods are affiliated, associated, approved, sponsored, licensed or authorized by Opposer or others authorized or licensed by Opposer to use the INSIGHT mark. Persons familiar with Opposer's mark are likely to purchase Applicant's services and/or products believing they are marketed by, affiliated with or endorsed by Opposer, when in fact they are not.

11. Registration of Applicant's mark is likely to cause harm and damage to Opposer and its mark by causing confusion, mistake and/or deception as to the respective rights of the parties and as to the source of the services and/or products marketed and sold bearing or sold in connection with Applicant's mark, and by constituting a cloud on Opposer's prior established rights in its INSIGHT mark. Such registration would give Applicant at least a *prima facie* right to use Applicant's mark, thereby causing continuing serious and irreparable harm to Opposer's rights in its mark, its business and to the goodwill of such business symbolized by Opposer's mark. Registration of Applicant's

mark will also tend to reduce the distinctiveness, value and goodwill of Opposer's mark.

WHEREFORE, Opposer believes that it will be damaged by registration of the Applicant's mark in International Class 35, Application Serial No. 97/151,326, and opposes registration thereof on the grounds set forth above. Opposer further prays that Application Serial No. 97/151,326 be rejected, and that registration of Applicant's mark therein sought for the goods specified therein in International Class 35 be denied and refused.

Dated: New York, New York
October 12, 2022

Respectfully submitted,

ICON S.R.L.

/Dennis H. Cavanaugh/

By: _____

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