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Filing date: **11/13/2022**

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

**Petition for Cancellation**

Notice is hereby given that the following party has filed a petition to cancel the registration indicated below.

**Petitioner information**

Name	Sephora		
Entity	Soci�t� Par Actions Simplifi�e	Citizenship	France
Address	41 RUE YBRY NEUILLY-SUR-SEINE, 92200 FRANCE		

Attorney information	MAREN C. PERRY KING & SPALDING LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES Primary email: nytrademarks@kslaw.com Secondary email(s): mperry@kslaw.com, kmccarthy@kslaw.com (212) 556-2128		
Docket no.	14296.113001		

**Registration subject to cancellation**

Registration no.	5333067	Registration date	11/14/2017
Register	Principal		
Registrant	DOGPHORA, LLC 87 SMITH STREET, 12D BROOKLYN, NY 11201 UNITED STATES		


**Goods/services subject to cancellation**

Class 003. First Use: Oct 12, 2016 First Use In Commerce: Oct 12, 2016 All goods and services in the class are subject to cancellation, namely: Non-medicated grooming preparations for use on pets' and other domesticated animals' coats and skins, namely, shampoos, conditioners, grooming sprays, skin care body sprays, grooming cleansers, grooming balms, and grooming and cleansing wipes impregnated with a cleaning preparation
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**Grounds for cancellation**

Priority and likelihood of confusion	Trademark Act Sections 14(1) and 2(d)
Dilution by blurring	Trademark Act Sections 14(1) and 43(c)
Dilution by tarnishment	Trademark Act Sections 14(1) and 43(c)

## Marks cited by petitioner as basis for cancellation

U.S. registration no.	2431967	Application date	11/21/1997
Register	Principal		
Registration date	02/27/2001	Foreign priority date	NONE
Word mark	SEPHORA		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 003. First use: First Use: 1973 First Use In Commerce: Jul 16, 1998                      [ perfumes; perfumery products, namely, colognes; toilet waters; ] essential oils for personal use, namely, [ bath oils, ] body oils [, and massage oils ] ; [ soaps, and ] cosmetics, namely, [bath gels, bath powders, ][ non-medicated bath salts, ] beauty masks, body creams, [ body powders, ] cosmetic pencils, cotton for cosmetic purposes, hand creams, [ night creams, skin cleansing creams,] skin creams, [vanishing creams,] eye creams, skin lotions, facial lotions, body lotions, skin moisturizers, [ night creams, shower gels,] skin clarifiers, [ skin soaps, ] suntanning preparations, [ toilet soaps; ] make-up products, namely, eye makeup, eye makeup remover, eye pencils, eye shadow, eyebrow pencils, eye-liner, face powder, lipstick, make-up mascara, nail polish, nail polish remover, rouge; [ hair lotions; ] hair shampoos</p> <p>Class 035. First use: First Use: 1973 First Use In Commerce: Jul 16, 1998                      [ organizing and conducting trade show exhibitions in the field of perfumery and beauty care products; ] retail store services in the field of perfumery, cosmetic products, beauty products, make-up products, hair lotions, preparations and shampoos</p> <p>Class 038. First use: First Use: Dec 21, 1996 First Use In Commerce: Oct 15, 1999                      [ transmission of data for others via aglobal computer network ]</p> <p>Class 042. First use: First Use: 1973 First Use In Commerce: Jul 16, 1998                      consulting services in the field of perfumery and beauty products; [ beauty salons, hairdressing salons, tanning salons]</p>		
U.S. registration no.	2770691	Application date	02/20/2001
Register	Principal		
Registration date	10/07/2003	Foreign priority date	NONE
Word mark	SEPHORA		

Design mark	
Description of mark	NONE
Goods/services	Class 018. First use: First Use: None First Use In Commerce: None Leather and imitations of leather goods, namely, handbags, make up bags sold empty, vanity cases sold empty, [ beach bags, ] travel bags [, shoulder bags, coinpurses; umbrellas; parasols ] Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, [ bandanas, bandeaux,bathing caps, belts, blazers, blouses, bras, boxer shorts, cardigans, coats, rain coats, dresses, gloves, dressing gowns, hats, jackets, jeans, negligees, night gowns, pants, polo shirts, pullovers, scarves, shawls, shirts, shorts, skirts,] socks [, ] [ suits, sweat shirts, sweaters, tee-shirts, ties, tights, trousers, ] [ turbans, ] [ underpants, ] [ headwear, ] [ footwear ]

U.S. registration no.	5808182	Application date	05/31/2018
Register	Principal		
Registration date	07/16/2019	Foreign priority date	NONE
Word mark	SEPHORA		
Design mark			
Description of mark	NONE		
Goods/services	Class 036. First use: First Use: Apr 3, 2019 First Use In Commerce: Apr 3, 2019 Financial services, namely, issuing electronic credit card, debit card, gift card, and pre-paid purchase cards for the purchase of goods and services in-store,and electronically via the internet andmobile phone		

U.S. registration no.	5842309	Application date	05/31/2018
Register	Principal		
Registration date	08/27/2019	Foreign priority date	NONE
Word mark	SEPHORA		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: None First Use In Commerce: None Arranging, conducting and organizing ofcongresses, colloquiums, conferences, symposia, exhibitions for cultural or educational purposes in the field of cosmetics, beauty, skin and hair care productsand beauty services; Education, namely,providing live and online seminars, classes, workshops, tutoring and mentoring,in the field of cosmetics, beauty, skinand hair care products and beauty services; Entertainment services, namely, organizing of beauty contests for entertainment purposes; Organization and conducting of fashion shows, in the field of cosmetics, beauty, skin and hair care products and beauty services; Organizing liveprograms and demonstrations for entertainment and educational purposes in the field of cosmetics, beauty, skin and haircare products that feature expert demonstrations and group discussions about beauty products, beauty tips and techniques; Sporting and cultural activities, namely, organizing community sporting and cultural events; Publication of educational teaching and training materials, namely, brochures, books, manuals, books featuring reviews,		

	booklets, leaflets, posters; Publishing texts, namely, written texts other than publicity texts; Electronic publication of books and periodicals on-line
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U.S. registration no.	4508510	Application date	04/18/2012
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Register	Principal
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Registration date	04/08/2014	Foreign priority date	11/18/2011
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Word mark	SEPHORA
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Design mark	
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Description of mark	NONE
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Goods/services	<p>Class 008. First use: First Use: None First Use In Commerce: None  Hand apparatus for pedicure and manicure, namely, nail files, nail clippers, cuticle pushers, tweezers [ , nail and cuticle scissor ]; razors, [ razor cases, ] eye-lash curling tweezers, [ nail nippers, ] scissors, nail clippers and nail nippers, hair-removing tweezers, manicure sets, [ electric manicure and pedicure sets, ] nail clippers, nail pushers [ , corn scrapers ]; hand apparatus for hair curling, namely, curling iron; [ depilation appliances, clippers for cutting hair,] hair curling tongs, electric hairstyling irons, electric apparatus for straightening, ironing hair</p> <p>Class 010. First use: First Use: None First Use In Commerce: None  [ Artificial limbs, eyes and teeth; surgical corn knives: feeding bottles; ] gloves for massage [ ; microdermoabrasion apparatus; soporific pillows for insomnia; love dolls being sex dolls, condoms, vibromassage apparatus ]</p> <p>Class 018. First use: First Use: None First Use In Commerce: None  Toiletry sets consisting primarily of toiletry bags sold empty, make-up sets consisting primarily of make-up bags sold empty</p> <p>Class 021. First use: First Use: None First Use In Commerce: None  Small utensils and portable containers neither of precious metal nor plated therewith, namely, [ shaving brushes, metalboxes for distributing paper towels, perfume burners, ] untangling combs, [ soap dispensers, ] combs and sponges for toilet purposes, spray atomizers, [ toothpicks, toothbrush cases, soap boxes, glasses for toothbrushes, ] brushes for hairdressing, brushes for eye make-up, facebrushes; [ brush-making materials; toothbrushes, cosmetic utensils being foam applicator sticks for applying cosmetics,flasks, ] powder puffs, toiletry sets consisting primarily of exfoliating face pads, [ reusable wipe for removing make-up, ] sponges, combs and brushes, perfume vaporizers sold empty, [ comb cases, ] powder compacts sold empty</p> <p>Class 028. First use: First Use: None First Use In Commerce: None  Games being, namely, board games [ and card games; play things being, namely, figures in wood or in plastic, and make up games for kids being children's play cosmetics consisting primarily of eye make-up, lipstick, nail polish, and face makeup ]</p>
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Attachments	75394577#TMSN.png( bytes ) 79117664#TMSN.png( bytes ) DOGPHORA Petition to Cancel.pdf(105336 bytes )
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Signature	/mcp/
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Name	Maren C. Perry
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Date	11/13/2022
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SEPHORA,	)	
	)	
Petitioner,	)	CANCELLATION NO.
	)	_____
v.	)	
	)	In the Matter of
Dogphora, LLC,	)	Reg. No. 5333067
	)	
Registrant.	)	Mark: DOGPHORA

NOTICE OF PETITION TO CANCEL

Petitioner Sephora is a société par actions simplifiée (SAS) organized under the law of France, with an address of 41 rue Ybry, Neuilly-Sur-Seine, FRANCE 92200 (“**Petitioner**”). Petitioner, believing it will be damaged by the continued registration, hereby petitions, pursuant to Section 1(a) and Section 43(c) of the Trademark Act, to cancel Registration No. 5333067 for the mark DOGPHORA (“**Registrant’s Alleged Mark**”) issued in the name of Dogphora, LLC (“**Registrant**”) on November 15, 2017, in connection with various goods in International Class 3 (“**Registrant’s Alleged Goods**”).

By and through its undersigned counsel, Petitioner hereby requests that said Registration in Class 3 be cancelled, and that this petition to cancel be sustained in favor of the Petitioner.

The grounds for this petition to cancel are as follows:

1. Petitioner, including predecessors-in-interest and related companies, is now and has for many years been engaged in, inter alia, producing and selling skincare, cosmetics, perfume, beauty supplies and accessories, and retail store and online retail services relating thereto, all using the mark SEPHORA.

2. Petitioner is the owner of all right, title, and interest in and to the SEPHORA mark in the U.S., including the following U.S. trademark registrations (collectively, the “Sephora Registrations”):

<b>Mark / Details</b>	<b>Status / Dates</b>	<b>Class / Goods and Services / First Use</b>
<p>SEPHORA</p> <p>RN: 2431967 SN: 75394577</p>	<p>Renewed</p> <p>Sections 8 &amp; 15 Sept. 12, 2007</p> <p>Registered February 27, 2001</p>	<p>Int’l Class: 03</p> <p>Essential oils for personal use, namely, body oils; cosmetics, namely, bath gels, beauty masks, body creams, cosmetic pencils, cotton for cosmetic purposes, hand creams, skin cleansing creams, skin creams, vanishing creams, eye creams, skin lotions, facial lotions, body lotions, skin moisturizers, shower gels, skin clarifiers, suntanning preparations, make-up products, namely, eye makeup, eye makeup remover, eye pencils, eye shadow, eyebrow pencils, eyeliner, face powder, lipstick, make-up mascara, nail polish, nail polish remover, rouge; hair shampoos</p> <p>First Use: July 16, 1998</p> <p>Int’l Class: 35</p> <p>Retail store services in the field of perfumery, cosmetic products, beauty products, make-up products, hair lotions, preparations and shampoos</p> <p>First Use: July 16, 1998</p> <p>Int’l Class: 42</p> <p>Consulting services in the field of perfumery and beauty products</p> <p>First Use: July 16, 1998</p>
<p>SEPHORA</p> <p>RN: 2770691 SN: 76212530</p>	<p>Renewed</p> <p>July 8, 2013</p> <p>Sections 8 &amp; 15 Oct. 21, 2009</p>	<p>Int’l Class: 18</p> <p>Leather and imitations of leather goods, namely, handbags, make up bags sold empty, vanity cases sold empty, travel bags</p>

Mark / Details	Status / Dates	Class / Goods and Services / First Use
	Registered Oct. 7, 2003	Int'l Class: 25 Clothing, namely, socks
SEPHORA  RN: 5808182 SN: 87942600	Registered July 16, 2019	Int'l Class: 36 Financial services, namely, issuing electronic credit card, debit card, gift card, and pre-paid purchase cards for the purchase of goods and services in-store, and electronically via the internet and mobile phone  First Use: April 3, 2019
SEPHORA  RN: 5842309 SN: 87942606	Registered August 27, 2019	Int'l Class: 41 Arranging, conducting and organizing of congresses, colloquiums, conferences, symposia, exhibitions for cultural or educational purposes in the field of cosmetics, beauty, skin and hair care products and beauty services; Education, namely, providing live and online seminars, classes, workshops, tutoring and mentoring, in the field of cosmetics, beauty, skin and hair care products and beauty services; Entertainment services, namely, organizing of beauty contests for entertainment purposes; Organization and conducting of fashion shows, in the field of cosmetics, beauty, skin and hair care products and beauty services; Organizing live programs and demonstrations for entertainment and educational purposes in the field of cosmetics, beauty, skin and hair care products that feature expert demonstrations and group discussions about beauty products, beauty tips and techniques; Sporting and cultural activities, namely, organizing community sporting and cultural events; Publication of educational teaching and training materials, namely, brochures, books, manuals, books featuring reviews, booklets, leaflets, posters; Publishing texts, namely, written texts other than publicity texts; Electronic publication of books and periodicals online



Mark / Details	Status / Dates	Class / Goods and Services / First Use
<p>SEPHORA</p> <p>RN: 4508510 SN: 79117664</p>	<p>Sections 71 &amp; 15 May 21, 2020</p> <p>Registered April 8, 2014</p>	<p>Int'l Class: 08 Hand apparatus for pedicure and manicure, namely, nail files, nail clippers, cuticle pushers, tweezers; razors, eyelash curling tweezers, scissors, nail clippers and nail nippers, hair-removing tweezers, manicure sets, nail clippers, nail pushers; hand apparatus for hair curling, namely, curling iron; hair curling tongs, electric hairstyling irons, electric apparatus for straightening, ironing hair</p> <p>Int'l Class: 10 Gloves for massage</p> <p>Int'l Class: 18 Toiletry sets consisting primarily of toiletry bags sold empty, make-up sets consisting primarily of make-up bags sold empty</p> <p>Int'l Class: 21 Small utensils and portable containers neither of precious metal nor plated therewith, namely, untangling combs, combs and sponges for toilet purposes, spray atomizers, brushes for hair dressing, brushes for eye make-up, face brushes; powder puffs, toiletry sets consisting primarily of exfoliating face pads, sponges, combs and brushes, perfume vaporizers sold empty, powder compacts sold empty</p> <p>Int'l Class: 28 Games being, namely, board games</p>

3. The Sephora Registrations are valid and in full force and effect. In addition, Reg. Nos. 2431967, 2770691, and 4508510 are incontestable.

4. For more than two decades in the U.S., Petitioner has used and continues to use its SEPHORA mark in connection with a wide variety of goods and services related to the fields of skincare, cosmetics, perfume, beauty supplies and accessories. Petitioner uses the SEPHORA

mark in connection with the goods and services listed in the Petitioner's registrations as well as related goods and services ("**Petitioner's Goods and Services**"). Petitioner operates an online retail store at Sephora.com prominently using the SEPHORA mark and operates a large number of SEPHORA retail stores throughout the United States and throughout the world selling cosmetics, perfume, and beauty products and offering makeup, skincare and fragrance consultations and services. Several collections of products sold in Petitioner's retail stores use the SEPHORA mark.

5. Petitioner's SEPHORA mark is inherently distinctive.

6. Petitioner has continuously used and extensively advertised and promoted its SEPHORA mark in interstate commerce in connection with Petitioner's Goods and Services and Petitioner's SEPHORA mark has been the subject of extensive publicity.

7. Petitioner's SEPHORA mark is used prominently on Petitioner's website, as the brand name for hundreds of SEPHORA products on Petitioner's website, and in Petitioner's advertisements and marketing materials.

8. By virtue of Petitioner's distribution, sale, promotion, and advertising of Petitioner's Goods and Services under its SEPHORA mark, said mark has become identified with high quality goods and services originating with Petitioner.

9. By virtue of Petitioner's extensive distribution, sale, promotion, and advertising of products and services under its SEPHORA mark, Petitioner's SEPHORA mark has become famous and became famous prior to any applicable use or priority date associated with the mark covered by Registrant's Registration.

10. As a result of the long, widespread and extensive use, advertising and promotion by Petitioner of its SEPHORA mark, the SEPHORA mark has tremendous goodwill and is of great value to Petitioner.

11. As a result of Petitioner's extensive use of the SEPHORA mark, the SEPHORA mark has become well-known to consumers generally, enjoys widespread recognition, and is a famous and strong mark entitled to the broadest scope of protection.

12. Upon information and belief, no party other than Petitioner owns or is using any mark that is the same as or is substantially similar to Petitioner's SEPHORA mark.

13. Petitioner did not consent to Registrant's registration of Registrant's Alleged Mark.

14. Petitioner has priority of use. Petitioner registered and extensively used its SEPHORA mark in the U.S. well prior to any priority date or any claimed date of use by Registrant.

15. By virtue of its prior use and registrations, Petitioner has rights in and to the SEPHORA mark that are prior and superior to any rights of the Registrant in Registrant's Alleged Mark.

16. On information and belief, Registrant's Alleged Mark, when used in connection with Registrant's Alleged Goods, so resembles Petitioner's SEPHORA mark as to be likely to cause confusion, or to cause mistake, or to deceive with respect to the source or origin of Registrant's Alleged Goods, with respect to Petitioner's sponsorship thereof or connection or affiliation therewith, and/or in other ways, in violation of Section 2(d) of the Lanham Act.

17. On information and belief, Registrant's Alleged Mark, when used in connection with Registrant's Alleged Goods, so resembles Petitioner's SEPHORA mark as to be likely to cause dilution by blurring and/or dilution by tarnishment, in violation of the Lanham Act.

18. Petitioner would be damaged by the registration of Registrant's Alleged Mark because such registration would constitute prima facie evidence of Registrant's exclusive right to use Registrant's Alleged Mark for and in connection with Registrant's Alleged Goods, which would be inconsistent with and detrimental to Petitioner's prior, established and superior rights in and to the SEPHORA mark.

19. By reason of the foregoing facts, Petitioner believes it will be irreparably damaged by the continued registration of the Registrant's Alleged Mark.

WHEREFORE, Petitioner respectfully requests that the Registration be cancelled, and that this petition to cancel be sustained in favor of the Petitioner.

Date: November 13, 2022

Respectfully submitted,

/Maren C. Perry/

Kathleen E. McCarthy

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SEPHORA