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ESTTA Tracking number: **ESTTA1181079**

Filing date: **12/27/2021**

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	Beauty Concepts LLC		
Entity	Limited Liability Company	Citizenship	District of Columbia
Address	323 I ST NE WASHINGTON, DC 20002 UNITED STATES		

Attorney information	ERIK M. PELTON ERIK M. PELTON & ASSOCIATES, PLLC 111 PARK PLACE, SUITE1A FALLS CHURCH, VA 22210 UNITED STATES Primary email: uspto@tm4smallbiz.com 703-525-8009
Docket no.	

Applicant information

Application no.	90613526	Publication date	12/21/2021
Opposition filing date	12/27/2021	Opposition period ends	01/20/2022
Applicant	Kimsaprincess Inc. 9255 SUNSET BLVD, FL 2 WEST HOLLYWOOD, CA 90069 UNITED STATES		

Goods/services affected by opposition

Class 027. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Bath mats; rugs; floor mats; floor coverings; wallpaper; personal exercise mats

Applicant information

Application no.	90613510	Publication date	12/21/2021
Opposition filing date	12/27/2021	Opposition period ends	01/20/2022
Applicant	Kimsaprincess Inc. 9255 SUNSET BLVD, FL 2 WEST HOLLYWOOD, CA 90069 UNITED STATES		

Goods/services affected by opposition

Class 026. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Hair accessories, namely, Hair barrettes, Hair bands, Hair bows, Hair clips, Hair ties; Hair ornaments in the form of combs, Hair pins, Hair scrunchies, Hair chopsticks, Hair twisters and Hair wraps;Hair extensions; Ornamental novelty pins

Applicant information

Application no.	90613501	Publication date	12/21/2021
Opposition filing date	12/27/2021	Opposition period ends	01/20/2022
Applicant	Kimsaprincess Inc. 9255 SUNSET BLVD, FL 2 WEST HOLLYWOOD, CA 90069 UNITED STATES		

Goods/services affected by opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Shower caps; Belts; Bottoms as clothing; Coats; Dresses; Footwear; Gloves; Headbands; Headwear; Jackets; Loungewear; Scarves; Sleepwear; Socks; Swimwear; Tops as clothing; Undergarments

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)

Mark cited by opposer as basis for opposition

U.S. application no.	90608147	Application date	03/28/2021
Registration date	NONE	Foreign priority date	NONE
Word mark	SKKN +		
Design mark			
Description of mark	The mark consists of capitalized white letters "S" "K" "K" "N" with a plus sign"+" at the end of the letters.		

Goods/services	Class 044. First use: First Use: 2018/08/01 First Use In Commerce: 2018/08/01 Skin care salon servicescare services; Beauty spa services; Skin care services; Beauty salon services

Attachments	90608147#TMSN.png(bytes) 2021-12-27 SKKN BY KIM Notice of Opposition FINAL with Exhibits.pdf(1182326 bytes)

Signature	/ErikMPelton/
Name	Erik M. Pelton
Date	12/27/2021

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

Beauty Concepts LLC Opposer, v. Kimsaprincess Inc. Applicant.	Opposition No. Application Serial Nos. 90/613,526, 90/613,510, and 90/613,501 Mark: SKKN BY KIM

NOTICE OF OPPOSITION

In the matter of Application Serial Nos. 90/613,526, 90/613,510, and 90/613,501 ("the Applications") filed by Applicant, Kimsaprincess Inc. ("Applicant" or "Kimsaprincess"), on March 30, 2021, for registration of the SKKN BY KIM standard character mark depicted in the caption above ("Applicant's Marks") and published for opposition in the Official Gazette on December 21, 2021, Opposer, Beauty Concepts LLC ("Opposer" or "Beauty Concepts") believes it would be damaged by such registration and hereby opposes the registration of Applicant's Marks pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

As grounds for opposition, Opposer alleges that:

1. Opposer, Beauty Concepts LLC, is a limited liability company, organized and existing under the laws of the District of Columbia, and having its principal place of business in Brooklyn, New York.

2. Opposer has a legitimate interest in the outcome of this proceeding and has standing to oppose Applicant's Marks.

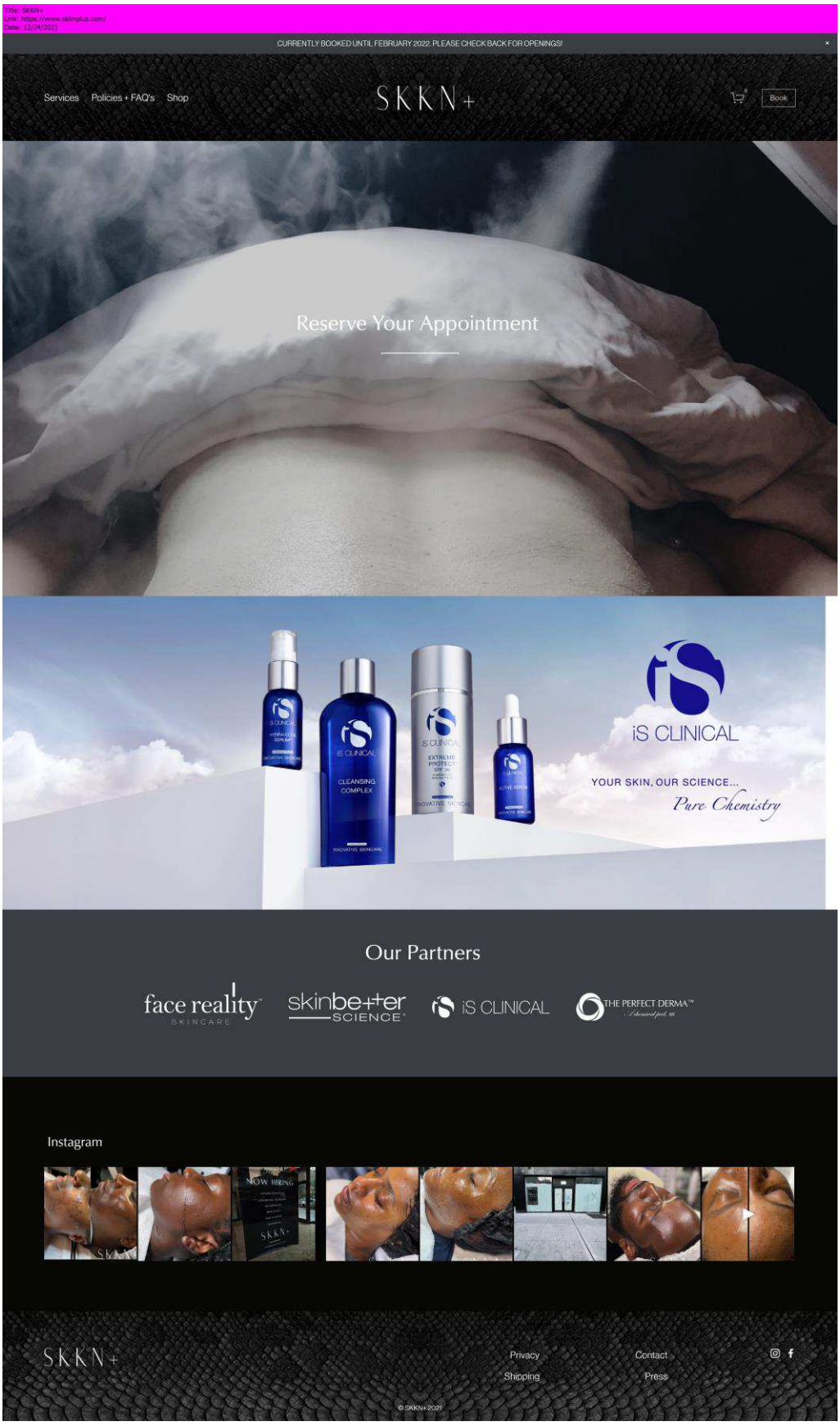
3. Since at least 2018, Opposer has used its SKKN+ mark ("Opposer's mark") in interstate commerce in the United States in connection with salon, skin care, and beauty spa services.

4. Opposer has sold skin care products in connection with its services since 2018.

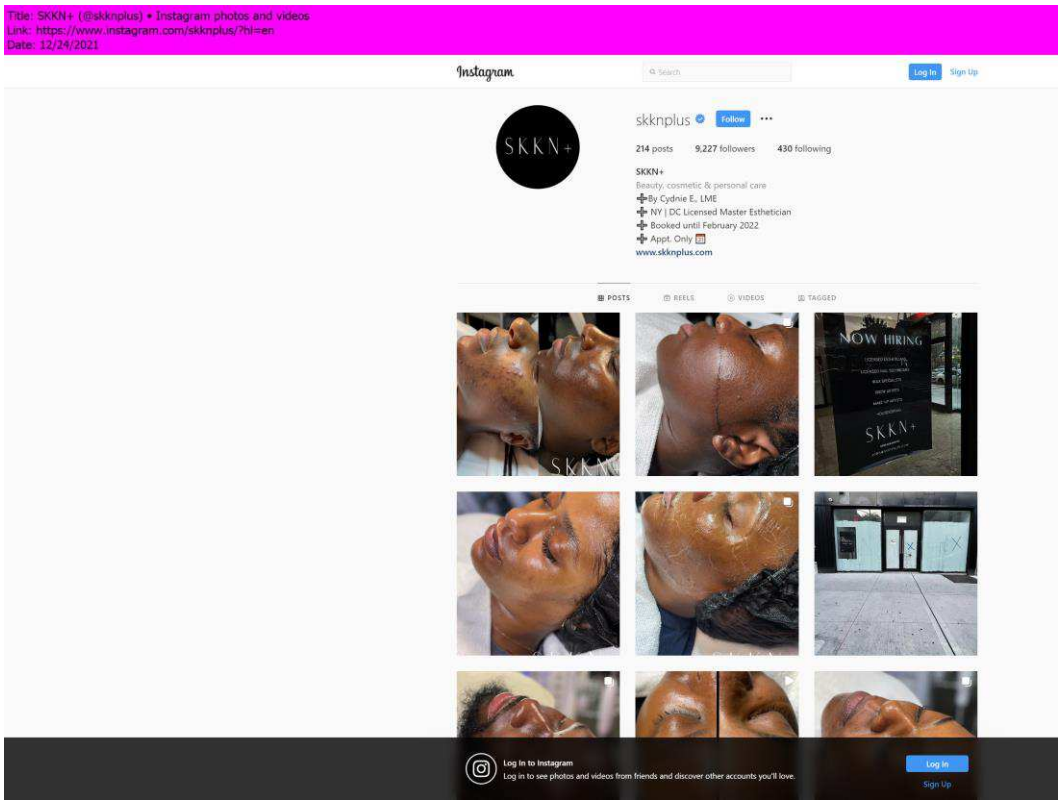
5. Opposer has made plans to launch its own skin care products using the SKKN+ mark since at least 2020.

6. Opposer has used the SKKN+ mark in connection with apparel, namely shirts, aprons, and smocks, since at least 2020.

7. Since at least 2018, Opposer has maintained its skknplus.com website, where it advertises its services and sells beauty and skin care products. See screenshot, below:


Title: SKKN+
Link: https://www.skknplus.com/
Date: 12/3/2021
CURRENTLY BOOKED UNTIL FEBRUARY 2022. PLEASE CHECK BACK FOR OPENINGS!
Services
Policies + FAQ's
Shop
SKKN+
Book
Reserve Your Appointment
iS CLINICAL
YOUR SKIN, OUR SCIENCE...
Pure Chemistry
Our Partners
face reality SKINCARE
skinbe+ter SCIENCE
iS CLINICAL
THE PERFECT DERMA
Instagram
NOW HIRING
SKKN+
Privacy
Shipping
Contact
Press
© SKKN+ 2021

8. Since at least 2018, Opposer has operated social media handles (Facebook (https://www.facebook.com/SKKNPLUS/), Instagram (@skknplus), and Twitter (@SKKNPLUS)) which have consistently promoted the SKKN+ services. See screenshots, below



9. Since late 2020, Opposer has been taking steps to expand into a bigger physical location in Brooklyn, New York. See photo of Opposer's under-construction location, below:

SKKN+
NOW HIRING
SKKN+
SKKN+
COMING SOON
SKKN+
COMING SOON
NOW HIRING
SKKN+

10. Opposer is the owner of pending U.S. Trademark Application Serial No. 90/608,147, filed on March 28, 2021, for the mark SKKN+ design mark (SKKN+) for use in connection with "Skin care salon services care services; Beauty spa services; Skin care services; Beauty salon services" in International Class 44.

A true and correct copy of the TSDR records showing the current status of the application is attached hereto as **Exhibit 1.**

11. Opposer has invested, and continues to invest, substantial resources and a considerable amount of time, effort, and energy in advertising, using, promoting, marketing, and developing public awareness of the SKKN+ mark.

12. As a result of Opposer's substantial time and effort devoted to advertising and promoting its services in connection with Opposer's Mark, Opposer has developed a valuable reputation and exceedingly valuable goodwill with respect to the SKKN+ mark.

13. Opposer's Mark is symbolic of extensive goodwill and consumer recognition.

14. The SKKN+ mark is immediately recognized and relied upon by the relevant consumers as identifying Opposer's salon, spa, and skin care services, distinguishing them from the goods and services of others, and identifying Opposer as the single source of origin for its services.

15. From 2018 to date, Opposer has continuously used Opposer's SKKN+ mark in connection with salon, spa, and skin care services and has not abandoned its SKKN+ mark.

16. Upon information and belief, Applicant is a California corporation with an address at 9255 Sunset Blvd, FL 2, West Hollywood, CA 90069.

17. On March 30, 2021, Applicant filed an intent-to-use application to register the mark SKKN BY KIM (Ser. No. 90/613,526) for "Bath mats; rugs; floor mats; floor coverings; wallpaper; personal exercise mats" in International Class 27.

18. On March 30, 2021, Applicant filed a second intent-to-use application to register the mark SKKN BY KIM (Ser. No. 90/613,510) for "Hair accessories, namely, Hair barrettes, Hair bands, Hair bows, Hair clips, Hair ties; Hair ornaments in the form of combs, Hair pins,

Hair scrunchies, Hair chopsticks, Hair twisters and Hair wraps; Hair extensions; Ornamental novelty pins" in International Class 26.

19. On March 30, 2021, Applicant filed a third intent-to-use application to register the mark SKKN BY KIM (Ser. No. 90/613,501) for "Shower caps; Belts; Bottoms as clothing; Coats; Dresses; Footwear; Gloves; Headbands; Headwear; Jackets; Loungewear; Scarves; Sleepwear; Socks; Swimwear; Tops as clothing; Undergarments" in International Class 25.

20. Opposer's goods and services are similar to, overlapping with, and/or identical to the goods and services in Applicant's application 90/613,526.

21. Opposer's goods and services are similar to, overlapping with, and/or identical to the goods and services in Applicant's application 90/613,510.

22. Opposer's goods and services are similar to, overlapping with, and/or identical to the goods and services in Applicant's application 90/613,501.

23. The goods and services in Applicant's application Nos. 90/613,526, 90/613,510, and 90/613,501 are all part of the natural expansion of Opposer's services and goods.

24. The goods and services in Applicant's application Nos. 90/613,526, 90/613,510, and 90/613,501 are offered and sold by many parties who offer Opposer's skin care salon services.

25. Applicant has filed other marks for its proposed SKKN and/or SKKN BY KIM marks that include skin care and beauty salon services.

26. Applicant filed Application Serial No. 90/613,596 on March 30, 2021, seeking registration of SKKN BY KIM based on an intent to use the mark in connection with "Beauty salon services; skincare services; nail salon services; hair salon services; health and beauty spa services, namely, cosmetic face and body care."

27. Applicant filed Application Serial No. 90/613,548 on March 30, 2021, seeking registration of SKKN BY KIM in connection with "Retail store services featuring skin, cosmetics, hair, nail and beauty products, tools and accessories, fragrances, perfumes, candles, vitamins and supplements, home, bedroom and bathroom furnishings and accessories, and spa, bath and shower products, tools and accessories; arranging and conducting special events for commercial, promotional or advertising purposes; advertising services, namely, promoting the brands, goods and services of others; endorsement services, namely, promoting the goods and services of others; providing information about commercial business and commercial information via the global computer network; advertising, marketing and promotion services."

28. Applicant filed Application Serial No. 90/613,170 on March 30, 2021, seeking registration of SKKN BY KIM in connection with "Fragrances; eau de parfum; eau de toilette; perfumes; hair care preparations; hair styling preparations; non-medicated skin care preparations; skin moisturizers; skin lotions; skin creams; skin cleansers; skin toners; facial scrub; body scrubs; non-medicated skin care preparation, namely, facial mists; non-medicated skin care preparation, namely, skin serums; skin masks; non-medicated skin care preparation, namely, facial balms; facial oils; body oils; skin care preparations, namely, skin peels; body powders; bath and shower gels; bubble bath; deodorant for personal use; lip balm; lip gloss; nail polish; nail polish remover; nail care preparations; cosmetics; cosmetic preparations; room fragrances; air fragrance reed diffusers; scented oils; essential oils; nail art stickers; artificial eyelashes; eyelash adhesive; cleaning preparations; cleaning solutions and spray for cleaning makeup and skincare tools and accessories."

29. Applicant filed Application Serial No. 90/613,297 on March 30, 2021, seeking registration of SKKN BY KIM in connection with "Electrically-powered apparatus for

treating skin by applying sonic vibrations to the skin; cosmetic apparatus using ultrasound for performing aesthetic skin treatment procedures; facial toning machines for cosmetic use; foam massage rollers; facial massagers; body massagers."

30. Applicant filed Application Serial No. 90/819,462 on July 9, 2021, seeking registration of SKKN in connection with "Perfumes; cosmetics; skin care preparations; hair care preparations; non-medicated body care preparations; skin toners; skin moisturizers; skin creams; skin lotions skin cleansers; skin conditioners; skin foundations; skin soaps; skin clarifiers; skin masks; skin hydrators; skincare cosmetics; skin balms; skin make-ups; cosmetic skin enhancers; essences for skin care; oils for the skin; wipes, tissues and cloths impregnated with a skin cleanser; exfoliants for the care or cleaning of the skin; cosmetics for the treatment of dry skin; essential oils for the care of the skin."

31. Applicant filed Application Serial No. 90/613,479 on March 30, 2021, seeking registration of SKKN BY KIM in connection with "Sponges used for applying make-up; makeup sponge blenders, namely, sponges used for blending make-up; hair brushes; electrically heated hair brushes; hair combs; makeup brushes; applicator wands for applying make-up; power-operated brush used to clean and exfoliate the skin; hand-operated brush used to clean and exfoliate the skin; applicator wands for applying toners, serums, lotions and creams to the skin; applicators sold empty for applying toners, serums, lotions and creams to the skin; electric aromatherapy diffusers; bath products, namely, body sponges and loofah sponges; bathroom caddies for household use; bath accessories, namely, cup holders, toothbrush holders, toilet paper holders, soap dishes and soap dispensers; wastebaskets; trays for domestic purposes; household containers for storing and organizing cosmetics, cosmetics accessories, skincare and skincare accessories; baskets for household purposes; bowls; candle holders; containers for household

use; exfoliating mitts; eyelash combs; eyelash brushes; serving ware for serving food and drinks; dishes; beverageware; buckets; coasters, not of paper or textile."

32. Upon information and belief, the wording "BY KIM" in Applicant's Marks is a reference to Applicant's principal, Kim Kardashian.

33. The wording "BY KIM" in Applicant's Marks is descriptive.

34. The wording "BY KIM" in Applicant's Marks is weaker.

35. The wording "SKKN" in Applicant's Marks s the dominant portion of Applicant's Marks.

36. Opposer's use of its SKKN+ mark in commerce predates the application filing date of Applicant's opposed Marks.

37. Upon information and belief, Opposer's use of its SKKN+ mark in commerce predates the first use of each of Applicant's Marks in commerce by Applicant.

38. Upon information and belief, Opposer has priority of use in the SKKN+ mark.

39. Upon information and belief, Opposer has priority in the SKKN+ mark due to its earlier USPTO filing date.

40. On information and belief, Applicant's and Opposer's goods and services are offered in similar channels of trade and/or to identical customers.

41. Opposer is not affiliated or connected with Applicant or its goods, and Opposer has not endorsed or sponsored Applicant or its goods.

42. Opposer has no control over the nature and quality of the goods that are, and/or will be, offered under Applicant's Marks.

43. Due to the likelihood of confusion between the parties' marks, any defects, improprieties, or faults found with Applicant's goods marketed under Applicant's Marks have

and will continue to negatively reflect upon and injure the reputation that Opposer has established for the goods and services it offers in connection with its SKKN+ mark.

44. Applicant's Marks and each of Applicant's applications will likely damage Opposer and Opposer's Mark because Applicant's Marks are likely, when used on or in connection with the applied-for goods and services, to cause confusion or mistake with respect to the origin of the goods and services.

45. Opposer will likely be damaged by Applicant's Marks and each of Applicant's applications because the prima facie effect of Applicant's Marks is likely to impair Opposer's prior, exclusive right to use Opposer's SKKN+ mark in connection with Opposer's goods and services.

46. Opposer has been and is likely to continue to be damaged by Applicant's Marks and each of Applicant's applications because the prima facie effect of Applicant's Marks may be to impair Opposer's ability to use and/or license Opposer's SKKN+ Mark.

47. By reason of Opposer's use and application for SKKN+ prior to Applicant's first use and application for Applicant's confusingly similar SKKN BY KIM marks, Opposer has rights superior to those of Applicant and standing to oppose each of Applicant's Marks.

48. On or about July 21, 2021, Opposer sent a letter to Applicant detailing the potential for likelihood of confusion, and requesting Applicant cease its use of the SKKN BY KIM and SKKN marks as well as abandon its applications for the SKKN BY KIM and SKKN marks. A true and correct copy of this letter is attached hereto as **Exhibit 2.**

COUNT I: LIKELIHOOD OF CONFUSION

49. Opposer realleges and incorporates herein the allegations contained in Paragraphs 1 through 48.

50. On March 30, 2021, Applicant filed three applications for its SKKN BY KIM marks based on intent-to-use in commerce under Section 1(b) of the Lanham Act.

51. Applicant has yet to file evidence of use or allege a date of first use in commerce of Applicant's SKKN BY KIM marks with the USPTO.

52. Opposer's date of first use in commerce of its SKKN+ mark predates the application filing date of Applicant's Marks.

53. Applicant's use of the mark SKKN BY KIM will suggest an affiliation or connection between Applicant and Opposer, where none exists.

54. Applicant's applications to register SKKN BY KIM suggest an affiliation or connection between Applicant and Opposer, where none exists.

55. Opposer's Mark and each of Applicant's Marks are nearly identical in appearance, sound, meaning, and commercial impression.

56. Applicant's identified goods and services for each of the SKKN BY KIM marks in each of Applicant's applications are very similar to and/or overlapping with Opposer's goods and services.

57. Opposer has not consented to Applicant's use or registration of SKKN BY KIM in connection with Applicant's goods and services.

58. Applicant's Marks are confusingly similar to Opposer's Mark.

59. Opposer has priority rights in the SKKN+ mark for use with Opposer's goods and services bason on Opposer's use of the SKKN+ mark in interstate commerce.

60. As a result of the confusing similarity between Applicant's Marks and Opposer's Mark, the similar nature of the relevant goods and services, and the similar or identical channels of trade, use of the SKKN BY KIM mark in connection with Applicant's goods is likely to deceive purchasers, cause confusion, and/or cause mistake as to the source or sponsorship of such goods and services.

61. If and when Applicant uses Applicant's Marks in commerce, it may cause reverse confusion with Opposer's Mark.

62. For the foregoing reasons, Applicant's Marks so resembles Opposer's Mark, when used in connection with the goods and services set forth in the applications for the SKKN BY KIM marks, as to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

Opposer hereby appoints Erik M. Pelton, member of the Bars of the State of New Jersey and the District of Columbia, Thomas J. Caulfield, member of the District of Columbia Bar, and Olivia M. Muller, member of the Bar of the State of Colorado, of Erik M. Pelton & Associates, PLLC, 111 Park Place, Suite 1A, Falls Church, Virginia 22046, to act as attorneys in the matter of the Opposition identified above, to prosecute said opposition, to transact all business in the United States Patent and Trademark Office, and in the United States courts connected with the Opposition, to sign its names to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

The fees required by § 2.6(a)(17) are submitted herewith.

WHEREFORE, Opposer respectfully requests that its Notice of Opposition be sustained and that the Trademark Trial and Appeal Board refuse registration of Applicant's Marks in Application Serial Nos. 90/613,526, 90/613,510, and 90/613,501in International Classes 27, 26, and 25.

Dated this 27th day of December, 2021.

Respectfully Submitted,

Erik M. Pelton
ERIK M. PELTON & ASSOCIATES, PLLC®
uspto@tm4smallbiz.com
703-525-8009
Attorney for Opposer

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

Beauty Concepts LLC Opposer, v. Kimsaprincess Inc. Applicant.	Opposition No. Application Serial Nos. 90/613,526, 90/613,510, and 90/613,501 Mark: SKKN BY KIM

NOTICE OF OPPOSITION

EXHIBIT 1

Generated on: This page was generated by TSDR on 2021-12-27 10:38:01 EST

Mark: SKKN +

US Serial Number: 90608147

Application Filing Date: Mar. 28, 2021

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:

LIVE/APPLICATION/Under Examination

The trademark application has been accepted by the Office (has met the minimum filing requirements) and that this application has been assigned to an examiner.

Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Status Date: Nov. 12, 2021

Mark Information

Mark Literal Elements: SKKN +

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of capitalized white letters "S" "K" "K" "N" with a plus sign "+" at the end of the letters.

Goods and Services

Note:
The following symbols indicate that theÂ registrant/owner has amended the goods/services:

- 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: Skin care salon services care services; Beauty spa services; Skin care services; Beauty salon services

International Class(es): 044 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 01, 2018

Use in Commerce: Aug. 01, 2018

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

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: Beauty Concepts LLC

DBA, AKA, Formerly: TA SKKN PLUS

Owner Address: 323 I ST NE
Washington, DISTRICT OF COLUMBIA UNITED STATES 20002

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DISTRICT OF COLUMBIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Erik M. Pelton

Attorney Primary Email Address: uspto@tm4smallbiz.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Erik M. Pelton
Erik M. Pelton & Associates, PLLC
PO Box 100637
Arlington, VIRGINIA UNITED STATES 22210

Phone: 703-525-8009

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 12, 2021	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 12, 2021	NON-FINAL ACTION E-MAILED	6325
Nov. 12, 2021	NON-FINAL ACTION WRITTEN	92449
Nov. 12, 2021	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 12, 2021	NON-FINAL ACTION E-MAILED	6325
Nov. 12, 2021	NON-FINAL ACTION WRITTEN	92449
Nov. 05, 2021	ASSIGNED TO EXAMINER	92449
Jul. 27, 2021	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 27, 2021	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Jul. 27, 2021	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Jul. 03, 2021	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 12, 2021	TEAS AMENDMENT ENTERED BEFORE ATTORNEY ASSIGNED	88889
Apr. 12, 2021	TEAS VOLUNTARY AMENDMENT RECEIVED	
Mar. 31, 2021	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information

TM Attorney: CHADAB, SETH WILLIG

Law Office Assigned: LAW OFFICE 104

File Location

Current Location: TMEG LAW OFFICE 104 - EXAMINING ATTORNEY ASSIGNED

Date in Location: Nov. 12, 2021

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

Beauty Concepts LLC Opposer, v. Kimsaprincess Inc. Applicant.	Opposition No. Application Serial Nos. 90/613,526, 90/613,510, and 90/613,501 Mark: SKKN BY KIM

NOTICE OF OPPOSITION

EXHIBIT 2

EMP&A®
Erik M Pelton & Associates, PLLC

MAKING TRADEMARKS bloom SINCE 1999®

July 21, 2021

SENT VIA FEDEX TO

Jennifer Ko Craft
Dickinson Wright PLLC
3883 Howard Hughes Parkway, Suite 800
Las Vegas, NV 89169

With a copy via email to jcraft@dickinsonwright.com and trademarkslv@dickinsonwright.com

FOR SETTLEMENT PURPOSES ONLY – F.R.E. 408

RE: Trademark Filings for SKKN and SKKN BY KIM

Dear Ms. Craft,

This firm represents Beauty Concepts LLC ("Beauty Concepts") of Washington, DC, and Brooklyn, New York, in trademark and intellectual property matters. We write concerning the pending trademark applications of Kimsaprincess Inc. ("Kimsaprincess") for SKKN and SKKN BY KIM along with the pending use of such marks.

Since at least July of 2017, Beauty Concepts has provided salon, skin care, and beauty spa services under its SKKN+SM brand name. Over the course of four years, Beauty Concepts has built a successful woman- and black-owned small business and brand, established a strong social media presence, and served thousands of customers from its Brooklyn location. Beauty Concepts also operates a website at skknplus.com, where it advertises its services and sells beauty and skin care products. Beauty Concepts' website and social media handles (Facebook, Instagram, and Twitter) have consistently promoted the SKKN+ SM services since the summer of 2017. See, for example, and Instagram screenshot below. Since late 2020, Beauty Concepts has been taking steps to expand into a bigger location in Brooklyn.

For more on the history of Beauty Concepts' use the SKKN+ [SM] brand since 2018, see

- www.skknplus.com,
- https://www.facebook.com/SKKNPLUS,
- https://www.twitter.com/skknplus, and
- https://www.instagram.com/skknplus.

On March 28, 2021, Beauty Concepts applied with the U.S. Patent and Trademark Office ("USPTO") to register the SKKN+[SM] word logo for use in connection with "Skin care salon services care services; Beauty spa services; Skin care services; Beauty salon services" in International Class 44. *See* Application Serial No. 90/608,147. At the time of the filing, there were no pending applications or registrations by any other party featuring any variation of "SKKN." For three years, Beauty Concepts has invested considerable time, effort, and money developing and marketing its SKKN+[SM] services and brand, and in March it took steps to further protect its brand name.

It has recently come to Beauty Concepts' attention that Kimsaprincess has filed multiple trademark applications for SKKN and SKKN BY KIM covering skincare products, beauty products, lifestyle products, retail store services, online and video entertainment services, and "Beauty salon services; skincare services; nail salon services; hair salon services; health and beauty spa services, namely, cosmetic face and body care" in International Class 44. The Kimsaprincess applications were all filed based on intent to use just days after the Beauty Concepts filing - except for the July 9, 2021, filing for SKKN in Class 3 that also asserted a January 25, 2021, priority date based on a trademark application filing in Jamaica, in Serial No. 90/819,462.

Beauty Concepts has clear priority of use of its SKKN+SM mark as it was in use for more than three years prior to any trademark filing or priority date from Kimsaprincess. The respective marks are almost indistinguishable as the Kimsaprincess SKKN and SKKN BY KIM marks mimic the innovative "SKKN" spelling first adopted by Beauty Concepts. The marks are nearly identical in appearance, sound, and meaning, and the addition of "BY KIM" to some of the Kimsaprincess marks and filing does little to differentiate the brands. Additionally, the products and services of Beauty Concepts and Kimsaprincess, as asserted in the USPTO filings, are overlapping or identical as to Class 44 and related as to the other Classes in the fields of skin and beauty.

Given the foregoing, Beauty Concepts has clear grounds to oppose any of the applications for SKKN or SKKN BY KIM should they be approved by the USPTO. Furthermore, Beauty Concepts is very concerned about potential infringement of its mark, as well as the possibility of reverse confusion, in the event that Kimsaprincess begins use of the SKKN or SKKN BY KIM marks in commerce for any skin or beauty products or services.

Given Beauty Concepts clear priority in the SKKN+SM name, Beauty Concepts demands that Kimsaprincess *immediately withdraw* its pending trademark applications featuring SKKN and SKKN BY KIM and agree in writing never to use SKKN as part of any brand name for skin care or beauty services or products.

Beauty Concepts takes this matter extremely seriously. We have written expeditiously upon learning about the Kimsaprincess trademark filings and intended use of the SKKN and SKKN BY KIM marks. Beauty Concepts also must note that any use of the SKKN and/or SKKN BY KIM marks in commerce could constitute infringement of Beauty Concepts SKKN+ SM mark, unfair competition, and other Lanham Act and/or state intellectual property law violations..

We are aware that Kimsaprincess is in the process of rebranding its KKW brand and that it was previously announced that KKW would be closing August 1, 2021. As a result, time is of the essence in addressing this matter.

If Kimsaprincess promptly responds, expressing a genuine intent to comply with these demands, Beauty Concepts may be willing to agree upon reasonable conditions to help minimize any resulting disruptions. However, given the urgency of this matter, if we do not receive a favorable response from Kimsaprincess by the close of business on **July 27, 2021**, Beauty Concepts will have to consider taking any necessary legal steps to protect its consumers from confusion, including litigation and seeking an injunction. If this matter is not resolved quickly, Beauty Concepts may also no choice but to go to the media to share the business and brand story of SKKN+ SM and the resulting trademark situation. If this matter is litigated, Beauty Concepts will be entitled to discovery about what Kimsaprincess knew about the SKKN+SM brand and when, prior to its decision to adopt the SKKN and SKKN BY KIM names.

We note that Beauty Concepts does not wish to stop Kimsaprincess from operating a successful skin care and beauty product line and/or related services, but only to protect its investment of time and money building in the SKKN+ SM brand over the last three years and to guard against any confusion

and/or reverse confusion that could ensue. Co-existence of the brands is not tenable given the similarities and given the social media and online presence of Kimsaprincess principal, Ms. Kardashian.

If you wish to discuss this matter, I can be reached by email at erik@erikpelton.com or by phone at (703) 525-8009.

Nothing contained in or omitted from this letter shall be used to prejudice the rights and remedies of Beauty Concepts LLC, all such rights hereby expressly reserved.

Sincerely,

Erik M. Pelton,
ERIK M. PELTON & ASSOCIATES, PLLC®

cc: Beauty Concepts LLC