

ESTTA Tracking number: **ESTTA95881**

Filing date: **08/23/2006**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	BLUNT WRAP U.S.A., INC.		
Entity	Corporation	Citizenship	Louisiana
Address	2180 North Causeway Boulevard Mandeville, LA 70471 UNITED STATES		

Name	FLAVOR GIRLS LINGERIE & MODELING SERVICES, L.L.C.		
Granted to Date of previous extension	08/23/2006		
Address	2180 North Causeway Boulevard Mandeville, LA 70471 UNITED STATES		

Attorney information	Brett A. North Garvey, Smith, Nehrbass & North, L.L.C. 3 Lakeway Center, Suite 3290 3838 North Causeway Boulevard Metairie, LA 70002 UNITED STATES NorthBrett@gsnn.us Phone:(504)835-2000		
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**Applicant Information**

Application No	78690025	Publication date	04/25/2006
Opposition Filing Date	08/23/2006	Opposition Period Ends	08/23/2006
Applicant	ROYAL BLUNTS, INC. 1672 RAIL ROAD CORONA, CA 96882 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. All goods and services in the class are opposed, namely: Advertising particularly services for the promotion of goods; Advertising via electronic media and specifically the internet; Advertising, marketing and promotion services; Arranging and conducting of fairs and exhibitions for business and advertising purposes; Direct mail advertising; Distribution and dissemination of advertising materials; Distribution of advertisements and commercial announcements; Modeling for advertising or sales promotion
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Attachments	99168.1.OPP.FLAVOR.pdf ( 10 pages )(273280 bytes )
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Signature	/BAN/
Name	Brett A. North
Date	08/23/2006

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

In the matter of trademark application Serial No. 78/690,025  
For the mark FLAVOR GIRLS  
Filed: August 10, 2005  
Published in the *Official Gazette* on April 25, 2006

FLAVOR GIRLS LINGERIE  
& MODELING SERVICES, L.L.C.,  
Opposer,  
v.  
ROYAL BLUNTS, INC.,  
Applicant

OPPOSITION No. \_\_\_\_\_

**STATEMENT OF GROUNDS**

1. Opposer, Flavor Girls Lingerie & Modeling Services, L.L.C., is a Louisiana corporation. Opposer's principal place of business is 2180 North Causeway Boulevard, Mandeville, Louisiana 70471.
  
2. Since at least as early as September 2003, Opposer has used, and is currently using, the mark FLAVOR GIRLS in connection with the following services: advertising particularly services for the promotion of goods; advertising via electronic media and specifically the internet; advertising, marketing and promotion services; arranging and conducting of fairs and exhibitions for business and advertising purposes; direct mail advertising; distribution and dissemination of advertising materials; distribution of advertisements and commercial announcements; and, modeling for advertising or sales promotion.

3. Opposer has expended considerable resources to advertise and promote the sale of its services under the mark FLAVOR GIRLS and has used the mark FLAVOR GIRLS in advertisements and promotional materials such as flyers and magazines in connection with the services in ways customary to the trade.
4. Opposer's mark FLAVOR GIRLS has become known through use and advertising from at least as early as September 2003, so that its mark FLAVOR GIRLS has become associated by the public with Opposer's services.
5. As a result of such use, advertisement and promotion by Opposer, the purchasing public has come to know, rely upon, and recognize the services of Opposer by the FLAVOR GIRLS mark.
6. Opposer has created and established valuable goodwill in its FLAVOR GIRLS mark.
7. At no time since Opposer began using the mark FLAVOR GIRLS in connection with its services to the present time did Opposer abandon its mark, and the use by Opposer has been continuous, uninterrupted and extensive.
8. Applicant seeks to register the proposed mark FLAVOR GIRLS based on its intent to use that mark.

9. Applicant's proposed mark is identical in sound, appearance, and connotation to Opposer's FLAVOR GIRLS mark in terms of overall appearance, sound, meaning and commercial impression.
10. The services identified in Applicant's application are closely related to the services Opposer offers under its FLAVOR GIRLS mark, and are of a type which commonly emanate from a single source.
11. Applicant's proposed services could be marketed in the same channels of commerce and directed toward the same classes of purchasers as Opposer's services.
12. Applicant's proposed mark, FLAVOR GIRLS, is in the identical form of Opposer's mark, and as such, when used on or in connection with Applicant's intended services, is likely to cause confusion or to cause mistake or to deceive. Purchasers and prospective purchasers are likely to believe that Applicant's intended services offered under the FLAVOR GIRLS mark are sponsored, endorsed, or approved by Opposer, or are in some way affiliated, connected, or associated with Opposer or its services.
13. The services recited in Application Serial No. 78/690,025 and the services in connection with which Opposer uses and has used its FLAVOR GIRLS mark are so directly associated in use and sale, are of the same class (I.C. 35), and are sold through the same channels of commerce and to the same class of purchasers, that is it likely to cause

confusion or to cause mistake or to deceive consumers into believing that the services, for which Applicant intends to use its proposed mark, emanate from or are sponsored by Opposer.

14. Applicant's proposed mark was published for opposition in the *Official Gazette* on April 25, 2006, and Opposer was granted an extension until August 23, 2006 to file its Notice of Opposition.
15. Registration of the mark FLAVOR GIRLS would be a source of damage to Opposer because purchasers are likely to attribute the source or sponsorship of Applicant's services under that mark to Opposer.
16. Registration of the mark FLAVOR GIRLS would be a source of damage to Opposer, as such registration would confer upon Applicant various statutory presumptions to which it is not entitled in view of Opposer's long-standing prior use of its FLAVOR GIRLS mark.

WHEREFORE, Opposer prays that its Opposition be granted, that Application Serial No. 78/690,025 be rejected, and that the mark therein sought for the goods specified in Application Serial No. 78/690,025 be denied and refused.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brett A. North', with a long horizontal flourish extending to the right.

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Brett A. North, Reg. No. 42,040  
Jacqueline M. Daspit, Reg. No. 36,779  
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BLUNT WRAP U.S.A. INC.,

Opposer,

v.

OPPOSITION No. \_\_\_\_\_

ROYAL BLUNTS, INC.,

Applicant

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