

ESTTA Tracking number: **ESTTA96932**

Filing date: **08/30/2006**

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	FLAVOR GIRLS LINGERIE & MODELING SERVICES, L.L.C.
Granted to Date of previous extension	08/30/2006
Address	2180 North Causeway Boulevard Mandeville, LA 70471 UNITED STATES

Name	BLUNT WRAP U.S.A., INC.
Granted to Date of previous extension	08/30/2006
Address	2180 North Causeway Boulevard Mandeville, LA 70471 UNITED STATES

Attorney information	Brett A. North, Patent Attorney GARVEY, SMITH, NEHRBASS & NORTH, L.L.C. 3838 N. Causeway Blvd., Suite 3290 Metairie, LA 70002-1767 UNITED STATES NorthBrett@gsnn.us Phone:504-835-2000
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Applicant Information

Application No	78690077	Publication date	05/02/2006
Opposition Filing Date	08/30/2006	Opposition Period Ends	08/30/2006
Applicant	ROYAL BLUNTS, INC. 1672 RAIL ROAD CORONA, CA 92882 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

Related	Opposition No. 91172501 for FLAVOR GIRLS (Serial No. 78/690025)
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Proceedings	
Attachments	99168.1.OPP.FLAVA.pdf (10 pages)(272086 bytes)
Signature	/ban/
Name	Brett A. North, Patent Attorney
Date	08/30/2006

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

In the matter of trademark application Serial No. 78/690,077
For the mark FLAVA GIRLS
Filed: August 10, 2005
Published in the *Official Gazette* on May 2, 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 FLAVOR GIRLS mark 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 FLAVA GIRLS based on its intent to use that mark.

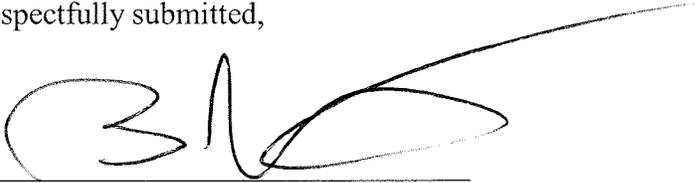
9. Applicant's proposed mark is in such near resemblance in sound, appearance, and connotation to Opposer's FLAVOR GIRLS mark in terms of overall appearance, sound, meaning and commercial impression.
10. The services identified in Applicant's application are closely related to the services Opposer offers 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, FLAVA GIRLS, is in such near resemblance to 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 FLAVA 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. 78/690,077 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 May 2, 2006, and Opposer was granted an extension until August 30, 2006 to file its Notice of Opposition.
15. Registration of the mark FLAVA 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 FLAVA 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. 78/690,077 be rejected, and that the mark therein sought for the goods specified in Application Serial No. 78/690,077 be denied and refused.

Respectfully submitted,



Brett A. North, Reg. No. 42,040
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In the matter of trademark application Serial No. 78/690,077
For the mark FLAVA GIRLS
Filed: August 10, 2005
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BLUNT WRAP U.S.A. INC.,

Opposer,

v.

ROYAL BLUNTS, INC.,

Applicant

OPPOSITION No. _____

STATEMENT OF GROUNDS

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services under the mark FLAVOR GIRLS and has used the mark FLAVOR GIRLS in advertisements and promotional materials such as flyers and magazine advertisements 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 FLAVA GIRLS based on its intent to use that mark.

9. Applicant's proposed mark is in such near resemblance in sound, appearance, and

connotation to Opposer's FLAVOR GIRLS mark in terms of overall appearance, sound, meaning and commercial impression.

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which Applicant intends to use its proposed mark, emanate from or are sponsored by Opposer.

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Respectfully submitted,

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

Brett A. North, Reg. No. 42,040
Jacqueline M. Daspit, Reg. No. 36,779
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