

ESTTA Tracking number: **ESTTA135797**

Filing date: **04/17/2007**

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	LFP IP LLC
Granted to Date of previous extension	04/21/2007
Address	8484 Wilshire Boulevard Suite 900 Beverly Hills, CA 90211 UNITED STATES

Attorney information	John P. Hains Lipsitz Green Scime Cambria LLP 42 Delaware Ave. Suite 120 Buffalo, NY 14202 UNITED STATES ip@lglaw.com Phone: 716-849-1333x410
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**Applicant Information**

Application No	78922622	Publication date	02/20/2007
Opposition Filing Date	04/17/2007	Opposition Period Ends	04/21/2007
Applicant	Ederer, James III 8650 Miramar Rd Ste A San Diego, CA 92126 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: clothing, namely, t-shirts, hats, undergarments, pants, shorts, tank-tops, sweatshirts, socks and beanies
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Attachments	Opposition to 78922622.pdf ( 2 pages )(14649 bytes )
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Signature	/j p hains/
Name	John P. Hains
Date	04/17/2007

Opposer LFP IP, LLC (“Opposer”) believes that it will be damaged by registration of the mark shown in the application identified above (“the Mark”), and opposes registration of the Mark.

As grounds for opposition, Opposer alleges as follows:

1. Opposer is a limited liability company duly formed under the laws of Delaware with a principal place of business in Los Angeles County, California.
2. Opposer is owner of the famous HUSTLER trademark, which has been used throughout the U.S. and elsewhere in the world since the early 1970’s.
3. Since 1998, Opposer has been using the HUSTLER mark on a variety of items of clothing sold in Opposer’s retail stores and through Opposer’s website. On October 16, 2000, Opposer filed Application No. 76-146601 for registration of HUSTLER for “clothing, namely beach wear, blouses, coats, coveralls, dresses, head wear, jackets, jeans, jogging suits, jumpers, leg warmers, leggings, lingerie, lounge wear, neckwear, pants, scarves, shirts, ski wear, slacks, sleep wear, tank tops, socks and vests”. That application matured into Registration No. 2689852 on February 25, 2003.
4. Since extending the famous HUSTLER mark to clothing in 1998, Opposer has used it continuously to identify its goods and distinguish them from goods made and sold by others. The HUSTLER mark is displayed prominently on goods sold under the mark, and in advertising.
5. HUSTLER is a very strong and valuable trademark, and its value has increased significantly since it was extended to clothing.
6. Despite Opposer’s prior rights in HUSTLER, Applicant filed application No. 78-922622 for HUSTLERS ON A ROLL for essentially the identical goods covered by Opposer’s registered mark.
7. Opposer’s use of the HUSTLER mark in connection with clothing was prior to the filing date of Applicant’s intend-to-use application.
8. The mark which is the subject of Application 78-922622 has as its major element the word HUSTLER. Accordingly, the Mark is confusingly similar to Opposer’s mark.

9. Applicant's use of the term HUSTLER on or in connection with Applicant's goods is likely to cause confusion, mistake or deception in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052(d), in that persons buying Applicant's goods would be likely to believe that such goods were made, sold, or otherwise associated with, Opposer. Any defects, objections, or fault found with goods sold by Applicant would negatively reflect upon Opposer, and seriously injure Opposer's reputation and goodwill.
10. For the foregoing reasons, Opposer requests that Application No. 78-922622 be denied.