

ESTTA Tracking number: **ESTTA178560**

Filing date: **12/04/2007**

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	Platypus Wear, Inc. dba Bad Boy Brands		
Entity	Corporation	Citizenship	Nevada
Address	701 North Green Valley Parkway, Ste. 200 Henderson, NV 89074 UNITED STATES		

Attorney information	Stephen A. Zemanick Dorsey & Whitney LLP 370 Seventeenth Street, Suite 4700 Denver, CO 80202-5647 UNITED STATES zemanick.stephen@dorsey.com Phone:303-629-3400		
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**Applicant Information**

Application No	77187357	Publication date	11/06/2007
Opposition Filing Date	12/04/2007	Opposition Period Ends	12/06/2007
Applicant	Lococo, Steve 12601 Collins Street Valley Village, CA 91607 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 003. All goods and services in the class are opposed, namely: hair care preparations; hair conditioners; hair shampoos; hair coloring preparations; hair gels
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	1564707	Application Date	03/21/1989
Registration Date	11/07/1989	Foreign Priority Date	NONE
Word Mark	BAD GIRLS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1988/10/17 First Use In Commerce: 1988/10/17 WOMEN'S WEARING APPAREL, NAMELY, [ SKIRTS, ] TOPS, AND [ PANTS ]

U.S. Registration No.	2095747	Application Date	09/18/1995
Registration Date	09/09/1997	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1995/11/27 First Use In Commerce: 1995/11/27 women's and children's clothing, namely shirts, blouses, knit tops, woven tops, jackets, sweatshirts, sweatpants, T-shirts, shorts, pants, dresses, skirts, swimsuits and hats		

U.S. Registration No.	2662346	Application Date	08/27/2001
Registration Date	12/17/2002	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/10/17 First Use In Commerce: 1988/10/17 Clothing, namely, shirts, blouses, tops, jackets, jerseys, sweatshirts, coveralls, wraps, vests, sweatpants, T-shirts, tank tops, shorts, pants, dresses, skirts, swimsuits, belts, hats and shoes		

U.S. Registration No.	2998553	Application Date	08/23/2001
Registration Date	09/20/2005	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2001/08/23 First Use In Commerce: 2005/06/04 Entertainment in the nature of live performances by a musical group		

U.S. Registration No.	3248884	Application Date	09/02/2001
Registration Date	06/05/2007	Foreign Priority Date	NONE
Word Mark	BAD GIRL & COMPANY		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 035. First use: First Use: 2001/08/20 First Use In Commerce: 2001/08/20 PROVIDING ONLINE RETAIL STORE SERVICES FOR THE CONSUMER GOODS FOR OTHERS FEATURING BEAUTY PRODUCTS, BEAUTY TRAVEL KITS, BOOKS, WORD MAGNETS, PHONES, PURSES, AND COSMETIC BAGS; PROVIDING AN ON-LINE YARD SALE		
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U.S. Application No.	78853494	Application Date	04/04/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: All-purpose carrying bags; Backpacks; Carry-all bags; Clutch bags; Clutches ; Duffle bags; Purses; Tote bags		

U.S. Application No.	78853477	Application Date	04/04/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: Frames for spectacles and sunglasses; Spectacles; Sunglasses		

U.S. Application No.	78853455	Application Date	04/04/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Beauty gels; Body and beauty care cosmetics; Cosmetics; Deodorants and antiperspirants; Face and body lotions; Skin moisturizer		

U.S. Application No.	78920956	Application Date	06/30/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use:		

	Bath linen; Bath towels; Beach towels; Bed blankets; Bed linen; Bed sheets; Pillow cases; Pillow covers; Pillow shams; Table linen
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U.S. Application No.	78920927	Application Date	06/30/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: Address books; Adhesive note pads; Albums for stickers; Appointment books; Blank cards; Bumper stickers; Calendars; Daily planners; Decals; Diaries; Envelopes; Gift cards; Gift wrap paper; Greeting cards; Note books; Note pads; Occasion cards; Organizers for stationery use; Paper napkins; Pencil boxes; Pencils; Penholders; Pens; Personal organizers; Photograph albums; Postcards; Posters; Rubber stamps; School writing books; Scrapbooks; Stamp albums; Stamp pads; Stationery; Stickers; Wrapping paper; Writing pads		

U.S. Application No.	77149619	Application Date	04/05/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BAD GIRL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: Fruit-flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages, namely, carbonated beverages; Energy drinks; Fruit-flavored drinks; Guarana drinks; Isotonic drinks; Soft drinks; Sports drinks		

Attachments	73788152#TMSN.gif ( 1 page )( bytes ) 74730805#TMSN.gif ( 1 page )( bytes ) 76305353#TMSN.gif ( 1 page )( bytes ) 76304102#TMSN.gif ( 1 page )( bytes ) 78853494#TMSN.jpeg ( 1 page )( bytes ) 78853477#TMSN.jpeg ( 1 page )( bytes ) 78853455#TMSN.jpeg ( 1 page )( bytes ) 78920956#TMSN.jpeg ( 1 page )( bytes ) 78920927#TMSN.jpeg ( 1 page )( bytes ) 77149619#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition (M10957US).pdf ( 12 pages )(338747 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/SAZ 2222/
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Name	Stephen A. Zemanick
Date	12/04/2007

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

*In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo*

Platypus Wear, Inc.,	)	
Opposer	)	
	)	Opposition No. _____
v.	)	
	)	
Steve Lococo	)	
Applicant.	)	

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**NOTICE OF OPPOSITION**

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Platypus Wear, Inc. dba Bad Boy Brands, a corporation duly organized and existing under the laws of the state of Nevada and having a principal place of business at 701 North Green Valley Parkway, Suite 200, Henderson, Nevada 89074 ("Opposer"), believes it will be damaged by the registration of the mark GOOD HAIR FOR BAD GIRLS shown in Application Serial No. 77/187,357, filed by Steve Lococo on May 22, 2007 ("Applicant's Mark"), and hereby opposes the same.

The grounds for this opposition are as follows:

1. By the application herein opposed, Applicant Steve Lococo ("Applicant"), with an address at 12601 Collins Street, Valley Village, California 91607, seeks to register the mark GOOD HAIR FOR BAD GIRLS on the Principal Register based on an intent to use the mark in connection with the following goods in International Class 3: *Hair care preparations; hair conditioners; hair shampoos; hair coloring preparations; hair gels.*

2. Applicant's application was published for opposition on page TM 434 of the *Official Gazette* (Trademarks) dated November 6, 2007. Accordingly, this Notice of Opposition is timely filed.

***In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo***

3. Opposer is the owner of the trademark BAD GIRL® and is the owner of the following United States Trademark Registrations:

<b>Trademark</b>	<b>Reg. No.</b>	<b>Goods/Services</b>	<b>Reg. Date</b>
	1,564,707	Women's wearing apparel, namely, tops	Nov. 7, 1989
	2,095,747	Women's and children's clothing, namely shirts, blouses, knit tops, woven tops, jackets, sweatshirts, sweatpants, T-shirts, shorts, pants, dresses, skirts, swimsuits and hats.	Sept. 9, 1997
<b>BAD GIRL</b>	2,662,346	Clothing, namely shirts, blouses, tops, jackets, jerseys, sweatshirts, coveralls, wraps, vests, sweatpants, T-shirts, tank tops, shorts, pants, dresses, skirts, swimsuits, belts, hats and shoes	Dec. 17, 2002
<b>BAD GIRL</b>	2,998,553	Entertainment in the nature of live performances by a musical group	Sept. 20, 2005
<b>BAD GIRL &amp; COMPANY</b>	3,248,884	Providing online retail store services for the consumer goods for others featuring beauty products, beauty travel kits, books, word magnets, phones, purses, and cosmetic bags; providing an on-line yard sale.	June 5, 2007

True and correct copies of the registration certificates for the foregoing registrations are attached hereto as Exhibit A.

4. Opposer's registrations are valid and subsisting and in full force and effect. Registration Nos. 1,564,707 and 2,095,747 have become incontestable pursuant to 15 U.S.C. § 1065.

***In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo***

5. In addition, Opposer owns U.S. Trademark Applications to register the following marks:

<b>Trademark</b>	<b>Ser. No.</b>	<b>Goods</b>	<b>App. Date</b>
<b>BAD GIRL</b>	78/853,494	All-purpose carrying bags; backpacks; carry-all bags; clutch bags; clutches; duffel bags; purses; tote bags	Apr. 4, 2006
<b>BAD GIRL</b>	78/853,477	Frames for spectacles and sunglasses; spectacles; sunglasses	Apr. 4, 2006
<b>BAD GIRL</b>	78/853,455	Beauty gels; body and beauty care cosmetics; cosmetics; deodorants and antiperspirants; face and body lotions; skin moisturizer	Apr. 4, 2006
<b>BAD GIRL</b>	78/920,956	Bath linen; bath towels; beach towels; bed blankets; bed linen; bed sheets; pillow cases; pillow covers; pillow shams; table linen	June 30, 2006
<b>BAD GIRL</b>	78/920,927	Address books; adhesive note pads; albums for stickers; appointment books; blank cards; bumper stickers; calendars; daily planners; decals; diaries; envelopes; gift cards; gift wrap paper; greeting cards; note books; note pads; occasion cards; organizers for stationery use; paper napkins; pencil boxes; pencils; penholders; signs; personal organizers; photograph albums; postcards; posters; rubber stamps; school writing books; scrapbooks; stamp albums; stamp pads; stationery stickers; wrapping paper; writing pads	June 30, 2006
<b>BAD GIRL</b>	77/149,619	Fruit-flavored beverages; Non-alcoholic beverages containing fruit juices; Non-alcoholic beverages, namely, carbonated beverages; Energy drinks; Fruit-flavored drinks; Guarana drinks; Isotonic drinks; Soft drinks; Sports drinks.	Apr. 5, 2007

Opposer's registrations and rights in and to the family of marks containing the words "bad girl" are collectively referred to as the "BAD GIRL Marks."

***In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo***

6. Applicant filed the application opposed herein on May 22, 2007, based on Applicant's intention to use the mark GOOD HAIR FOR BAD GIRLS in commerce on or in connection with the goods specified in the application, specifically, "*hair care preparations; hair conditioners; hair shampoos; hair coloring preparations; hair gels.*"

7. Opposer, its predecessors-in-interest, related companies and/or their licensees (collectively "Bad Boy Brands") have been using the BAD GIRL mark continually since at least 1988 on a variety of products, and in other manners customary in the trade.

8. There is no question as to priority. Since 1988, long before the Applicant's alleged intention to use as stated in the opposed application, Bad Boy Brands has engaged and is now engaged in the business of developing, manufacturing, marketing, and selling a variety of products under various of the BAD GIRL Marks throughout the United States and in other countries.

9. For many years preceding Applicant's alleged intention to use, Bad Boy Brands has extensively advertised and promoted its products and services making clear and prominent use of the BAD GIRL Marks to identify and distinguish Bad Boy Brands' products and services from those of others. As a result of such advertising and promotion, Bad Boy Brands has enjoyed widespread sales of its products offered and sold under its BAD GIRL Marks, such that the mark BAD GIRL is widely recognized as an indicator of source for Bad Boy Brands' products and services, and represents assets of enormous goodwill and inestimable value to Bad Boy Brands.

10. Bad Boy Brands has expended substantial amounts of money, time and effort in advertising, promoting and popularizing its BAD GIRL Marks, so that the trade in general, and

***In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo***

the purchasing public in particular, have come to know and recognize the BAD GIRL Marks and products and services, and to know that the same originate with and belong to Bad Boy Brands.

11. Applicant's Mark so resembles the BAD GIRL Marks and the goods identified in Applicant's application are both identical and related to the goods and services that Bad Boy Brands provides under its BAD GIRL Marks as to be likely, when used in connection with Applicant's goods, to confuse, to deceive, or to cause consumers to mistake Applicant's goods for goods authorized, sponsored by or otherwise associated with Bad Boy Brands.

12. Bad Boy Brands' BAD GIRL Marks and Applicant's Mark are similar and are so close to one another as to be likely to confuse or mislead persons familiar with Bad Boy Brands and its goods and services. Thus, Applicant's Mark is a confusingly and deceptively similar mark to Bad Boy Brands' BAD GIRL Marks.

13. The goods with which Applicant intends to use Applicant's Mark are closely related to the goods and services for which Bad Boy Brands already has obtained senior rights. The products involved are identical or highly-related, and appeal to the same class of purchasers. Also, these products are likely to be advertised and sold in the same markets and through the same channels of trade.

14. Bad Boy Brands has built exclusive goodwill and an excellent reputation in connection with its BAD GIRL Marks. Bad Boy Brands' goodwill and reputation will be damaged and jeopardized by Applicant's use and registration of the GOOD HAIR FOR BAD GIRLS mark.

15. The registration and use by the Applicant of the mark GOOD HAIR FOR BAD GIRLS will impair Bad Boy Brands' trademark rights and will eventually result in a lack of designation or indication of origin and loss of distinctiveness or exclusivity of Bad Boy Brands' BAD GIRL Marks.

***In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo***

16. Bad Boy Brands clearly has superior and paramount rights as compared to Applicant, and Bad Boy Brands has used the BAD GIRL Marks in commerce continuously and for a time long prior to any date claimed by Applicant. Consequently, Opposer avers that confusion, mistake and deception in the trade and in the minds of purchasers both as between Bad Boy Brands' BAD GIRL Marks and Applicant's Mark and as to the source, origin, affiliation, sponsorship or connection of the respective products and services will be likely and bound to occur, with resulting damage to Opposer. Accordingly, Applicant's mark is not entitled to registration under 15 U.S.C. § 1052(d).

17. Opposer will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. § 1063, because such registration would support and assist Applicant in the confusing, misleading and dilutive use of Applicant's GOOD HAIR FOR BAD GIRLS mark, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

WHEREFORE, Opposer, Platypus Wear, Inc., prays that trademark Serial No. 77/187,357 be rejected and that the mark therein sought be refused and denied registration.

The United States Patent and Trademark Office is authorized to charge the fee required by 37 C.F.R. § 2.6(a)(17) to Deposit Account No. 04-1415.

***In the matter of Trademark Serial No. 77/187,357 for the trademark GOOD HAIR FOR BAD GIRLS filed May 22, 2007, by Steve Lococo***

**ATTORNEYS FOR OPPOSER**

Please recognize as attorneys for Opposer in this proceeding Lisa A. Osman and Stephen A. Zemanick, members of the Bar of the State of Colorado, whose address is Dorsey & Whitney LLP, Republic Plaza Building, Suite 4700, 370 Seventeenth Street, Denver, Colorado 80202-5647, telephone number (303) 629-3400.

Dated: December 4, 2007

Respectfully submitted,

DORSEY & WHITNEY LLP

By:  \_\_\_\_\_

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ATTORNEYS FOR OPPOSER  
PLATYPUS WEAR, INC.

Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office**

**Reg. No. 1,564,707**

Registered Nov. 7, 1989

**TRADEMARK  
PRINCIPAL REGISTER**



LIFES A BEACH, INC. (ILLINOIS CORPORATION)  
1979 PALOMAR OAKS WAY  
CARLSBAD, CA 92009

FIRST USE 10-17-1988; IN COMMERCE  
10-17-1988.

SER. NO. 788,152, FILED 3-21-1989.

FOR: WOMEN'S WEARING APPAREL,  
NAMELY SKIRTS, TOPS, AND PANTS, IN  
CLASS 25 (U.S. CL. 39).

ROBERT C. CLARK JR., EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,095,747

**United States Patent and Trademark Office**

Registered Sep. 9, 1997

**TRADEMARK  
PRINCIPAL REGISTER**

*Bad Girl*

PLATYPUS WEAR, INC. (CALIFORNIA CORPORATION)  
6100 AVENIDA ENCINAS, SUITE "A"  
CARLSBAD, CA 92009

FOR: WOMEN'S AND CHILDREN'S CLOTHING, NAMELY SHIRTS, BLOUSES, KNIT TOPS, WOVEN TOPS, JACKETS, SWEATSHIRTS, SWEATPANTS, T-SHIRTS, SHORTS, PANTS,

DRESSES, SKIRTS, SWIMSUITS AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-27-1995; IN COMMERCE 11-27-1995.

OWNER OF U.S. REG. NO. 1,564,707.

SN 74-730,805, FILED 9-18-1995.

GEORGE LORENZO, EXAMINING ATTORNEY

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,662,346**

**Registered Dec. 17, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**BAD GIRL**

PLATYPUS WEAR, INC. (CALIFORNIA CORPORATION)  
11988 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 921302592

FOR: CLOTHING, NAMELY, SHIRTS, BLOUSES, TOPS, JACKETS, JERSEYS, SWEATSHIRTS, COVERALLS, WRAPS, VESTS, SWEATPANTS, T-SHIRTS, TANK TOPS, SHORTS, PANTS, DRESSES, SKIRTS, SWIMSUITS, BELTS, HATS AND SHOES, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-17-1988; IN COMMERCE 10-17-1988.

OWNER OF U.S. REG. NOS. 1,564,707 AND 2,095,747.

SER. NO. 76-305,353, FILED 8-27-2001.

LA TONIA FISHER, EXAMINING ATTORNEY

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 2,998,553**

**Registered Sep. 20, 2005**

**SERVICE MARK  
PRINCIPAL REGISTER**

**BAD GIRL**

PLATYPUS WEAR, INC. (CALIFORNIA CORPORATION)  
501 WEST BROADWAY, SUITE 2020  
SAN DIEGO, CA 92101

OWNER OF U.S. REG. NOS. 1,564,707 AND  
2,095,747.

FOR: ENTERTAINMENT IN THE NATURE OF  
LIVE PERFORMANCES BY A MUSICAL GROUP, IN  
CLASS 41 (U.S. CLS. 100, 101 AND 107).

SN 76-304,102, FILED 8-23-2001.

FIRST USE 8-23-2001; IN COMMERCE 6-4-2005.

REBECCA GILBERT, EXAMINING ATTORNEY

**Int. Cl.: 35**

**Prior U.S. Cls.: 100, 101 and 102**

**United States Patent and Trademark Office**

**Reg. No. 3,248,884**

**Registered June 5, 2007**

**SERVICE MARK  
PRINCIPAL REGISTER**

**BAD GIRL & COMPANY**

BAD GIRL & COMPANY LLC (INDIANA LIMITED LIABILITY CORPORATION)  
6028 ROSSLYN AVENUE  
INDIANAPOLIS, IN 46220

FOR: PROVIDING ONLINE RETAIL STORE SERVICES FOR THE CONSUMER GOODS FOR OTHERS FEATURING BEAUTY PRODUCTS, BEAUTY TRAVEL KITS, BOOKS, WORD MAGNETS, PHONES, PURSES, AND COSMETIC BAGS; PRO-

VIDING AN ON-LINE YARD SALE, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 8-20-2001; IN COMMERCE 8-20-2001.

SER. NO. 78-082,333, FILED 9-2-2001.

JENNIFER KRISP, EXAMINING ATTORNEY