

ESTTA Tracking number: **ESTTA241168**Filing date: **10/07/2008**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	Bennett Productions, Inc.		
Entity	Corporation	Citizenship	California
Address	2032 Armacost Avenue Los Angeles, CA 90025 UNITED STATES		

Attorney information	Melvin N.A. Avanzado The Avanzado Law Firm 1880 Century Park East Twelfth Floor Los Angeles, CA 90067 UNITED STATES mel@avanzadolaw.com Phone:310.552.9300
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Applicant Information

Application No	77454044	Publication date	09/09/2008
Opposition Filing Date	10/07/2008	Opposition Period Ends	10/09/2008
Applicant	V.V. Sterling Corporation 28241 Crown Valley Parkway, Suite F-446 Laguna Niguel, CA 92677 UNITED STATES		

Goods/Services Affected by Opposition

Class 041.

All goods and services in the class are opposed, namely: Entertainment, namely, production of reality television programs focused on fantasy travel adventures in exotic beach locales with bikini clad models and celebrities


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	78908547	Application Date	06/14/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PLAYING IN PARADISE		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 009. First use:</p> <p>International Class 9: Motion picture films, video tapes, video discs, and downloadable video recordings featuring entertainment and educational programs, namely television programming in the fields of comedy, drama, talk shows, and musical and theatrical performances; International Class 14: Key chains of precious metal; International Class 16: Informational brochures about television programming and film; printed paper and cardboard signs; instructional materials, namely booklets in the fields of comedy, drama, talk shows, and musical and theatrical performances; printed items, namely posters, decals, paper labels, stickers, and folders; International Class 18: Luggage; leather key chains; International Class 20: Non-metal and non-leather key chains; International Class 25: MEN'S AND WOMEN'S CLOTHING, NAMELY, SHIRTS, SHORTS, JEANS, JACKETS, SKIRTS, SLACKS, BLOUSES, DRESSES, VESTS, COATS, SWEATERS, SCARVES, SWIMSUITS, UNDERWEAR, UNDERPANTS, SLIPS, CAMISOLES, BRAS, NIGHTGOWNS, ROBES, SOCKS, HOSIERY; INFANTS' AND CHILDREN'S CLOTHING, NAMELY T-SHIRTS, SWEATERS, LONG SLEEVED SHIRTS, SHORTS, PANTS, JUMPERS, JUMPSUITS, OVERALLS, ONE-PIECE garment for infants and toddlers, PAJAMAS, SOCKS, DRESSES, SKIRTS; MEN'S, WOMEN'S, CHILDREN'S AND INFANT'S FOOTWEAR; MEN'S, WOMEN'S, CHILDREN'S AND INFANT'S HEADGEAR, NAMELY, HATS, CAPS AND VISORS; BELTS; International Class 41: Entertainment services in the nature of on-going television programs in the fields of comedy, drama, talk shows, and musical and theatrical performances</p>

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Design Mark			

Goods/Services	Goods and Services:Class 009, . Goods and Services: International Class 9: Motion picture films, video tapes, video discs, and downloadable video recordings featuring entertainment and educational programs, namely television programming in the fields of comedy, drama, talk shows, and musical and theatrical performances; International Class 41: Entertainment services in the nature of on-going television programs in the fields of comedy, drama, talk shows, and musical and theatrical performances
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Related Proceedings	78908549, 91186790
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Attachments	78908547#TMSN.jpeg (1 page)(bytes) 08-1007_PIP_LOGO 4.jpg Short & Plain Statement.pdf (1 page)(37478 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	/Melvin N.A. Avanzado/
Name	Melvin N.A. Avanzado
Date	10/07/2008

SHORT & PLAIN STATEMENT IN OPPOSITION

Bennett Productions Inc. (“BPI”) is the sole publisher and rights holder to the high definition television program “Playing In Paradise” and has been using that mark in commerce. Applicant VV Sterling (“Sterling”) is the company of Victoria Vogel (“Vogel”), the former girlfriend of one of BPI’s principals. Vogel has been engaged in litigation with BPI and its affiliates over the television program “Bikini Destinations” since May 2006.

In December 2007, BPI and other defendants defeated Vogel’s claims in the Superior Court of the State of California for the County of Los Angeles. After losing her claims in the California state court, Vogel, Sterling and one of Vogel’s other companies filed suit in the United States District Court for the Central District of California. Vogel and Sterling have since filed registrations for copyright and trademark to “compete” with the copyright and trademark registrations of BPI and other affiliated companies. This filing for “Playing In Paradise” is just another example of Vogel’s vindictiveness and frivolous filings.

Vogel and Sterling have never used the mark “Playing In Paradise” in commerce (or anywhere). They have filed this registration solely because they are aware that BPI has distributed a television program entitled “Playing In Paradise” and used that mark in commerce. The following is the mark used by BPI in its program “Playing In Paradise.”



In sum, BPI opposes this application on the grounds of prior use, likelihood of confusion and Vogel/Sterling’s fraudulent representations in connection with this application.