

ESTTA Tracking number: **ESTTA247805**

Filing date: **11/10/2008**

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	Mr. Lyvon Davis		
Entity	Individual	Citizenship	UNITED STATES
Address	716 E. 32nd Street Houston, TX 77002 UNITED STATES		

Attorney information	Gordon G. Waggett, Esq. GORDON G. WAGGETT, P.C. 550 Westcott Street, Suite No. 350 Houston, TX 77007-5099 UNITED STATES gordon@waggettlaw.com Phone:(713) 961-4641		
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**Applicant Information**

Application No	76690508	Publication date	11/04/2008
Opposition Filing Date	11/10/2008	Opposition Period Ends	12/04/2008
Applicant	Bell, Lee 11526 Heathermill Drive Houston, TX 77066 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2008/05/01 First Use In Commerce: 2008/05/01 All goods and services in the class are opposed, namely: Clothing, namely, hats, t-shirts and pants
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**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)
Other	misappropriation; copyright infringement

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

U.S. Application No.	77507987	Application Date	06/25/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLAB CULTURE		

Design Mark	<h1>SLAB CULTURE</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/01/00 First Use In Commerce: 2008/01/00 Wearable garments and clothing, namely, shirts

Attachments	<p>77507987#TMSN.jpeg ( 1 page )( bytes )  NoticeOfOppositionSLABCULTURE8Nov08.pdf ( 23 pages )(1895763 bytes )  ExhibitANoticeOfOpposition.pdf ( 18 pages )(2050026 bytes )  ExhibitBNoticeOfOpposition.pdf ( 20 pages )(393811 bytes )  ExhibitCNoticeOfOpposition.pdf ( 2 pages )(181088 bytes )  ExhibitDNoticeOfOpposition.pdf ( 13 pages )(4634928 bytes )  ExhibitENoticeOfOpposition.pdf ( 2 pages )(336547 bytes )  ExhibitFNoticeOfOpposition.pdf ( 2 pages )(408824 bytes )  ExhibitG1NoticeOfOpposition.pdf ( 16 pages )(8562009 bytes )  ExhibitG2NoticeOfOpposition.pdf ( 4 pages )(404756 bytes )  ExhibitH1NoticeOfOpposition.pdf ( 2 pages )(98200 bytes )  ExhibitH2NoticeOfOpposition.pdf ( 2 pages )(102690 bytes )  ExhibitH3NoticeOfOpposition.pdf ( 2 pages )(133137 bytes )  ExhibitH4NoticeOfOpposition.pdf ( 2 pages )(128255 bytes )  ExhibitH5NoticeOfOpposition.pdf ( 2 pages )(115684 bytes )  ExhibitH6NoticeOfOpposition.pdf ( 2 pages )(108375 bytes )  ExhibitH7NoticeOfOpposition.pdf ( 2 pages )(99608 bytes )  ExhibitH8NoticeOfOpposition.pdf ( 2 pages )(96107 bytes )  ExhibitH9NoticeOfOpposition.pdf ( 2 pages )(99936 bytes )  ExhibitH10NoticeOfOpposition.pdf ( 2 pages )(122507 bytes )  ExhibitH11NoticeOfOpposition.pdf ( 2 pages )(114282 bytes )  ExhibitH12NoticeOfOpposition.pdf ( 4 pages )(482253 bytes )  ExhibitH13NoticeOfOpposition.pdf ( 2 pages )(151521 bytes )  ExhibitH14NoticeOfOpposition.pdf ( 5 pages )(413066 bytes )  ExhibitINoticeOfOpposition.pdf ( 26 pages )(1042063 bytes )  ExhibitJ1NoticeOfOpposition.pdf ( 3 pages )(70680 bytes )  ExhibitJ2NoticeOfOpposition.pdf ( 2 pages )(178832 bytes )</p>
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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	/Gordon G. Waggett/
Name	Gordon G. Waggett, Esq.
Date	11/10/2008

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,	§	
	§	
v.	§	Opposer,
	§	
Lee Bell,	§	Opposition No. _____
	§	
Applicant.	§	

**NOTICE OF OPPOSITION**

Sir:

Opposer, Lyvon Davis (d/b/a SLAB CULTURE), a U.S. citizen residing at 716 E. 32nd Street, Houston, Texas 77022 (hereinafter “Opposer”) believes that he will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

The grounds for Opposition are as follows:

1. Opposer is presently seeking registration of his distinctive standard character mark “SLAB CULTURE” with the USPTO (Application Serial No. 77507987, filed on June 25, 2008, filing basis Section 1A) for the following Class 25 goods: “Wearable garments and clothing, namely, shirts.” Opposer has used in commerce the trademark SLAB CULTURE for, e.g., wearable garments and clothing, namely, shirts since at least as early as January 2008. A

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true and correct copy of Opposer's SLAB CULTURE application and application status page, as downloaded from the USPTO website, is attached hereto as Opposer's Exhibit A.

2. Applicant, Lee Bell, is an individual U.S. Citizen having a place of residence indicated of record in the opposed application as being 11526 Heathermill Drive Houston, Texas 77066 ("Applicant"). Applicant can be served with this Notice of Opposition through his trademark application counsel of record at the correspondence address of record in the Office: Cheryl Irvin, Irvin Law Firm, 917 Franklin Street, Suite No. 400, Houston, Texas 77002-1741.

3. Applicant filed the above-referenced opposed application on a Section 1A use basis for the standard character mark "SLABCULTURE" (Serial No. 76690508, filed June 12, 2008) for "clothing, namely hats, t-shirts and pants" claiming an alleged date of first use anywhere and in commerce of May 1, 2008 for this virtually identical mark "SLABCULTURE" with respect to virtually identical goods. A true and correct copy of Applicant's SLABCULTURE application and status page, as downloaded from the USPTO website, is attached hereto as Opposer's Exhibit B.

4. Opposer's first use in commerce of the SLAB CULTURE mark for shirts pre-dates Applicant's application filing date and alleged dates of first use. Thus, Opposer is the senior user of the mark SLAB CULTURE for clothing and is entitled to priority over the above-opposed application.

5. Applicant's mark "SLABCULTURE" is virtually identical in sound, appearance, spelling and connotation to Opposer's senior mark "SLAB CULTURE". Applicant's goods (clothing) sought to be registered are virtually identical to Opposer's goods (clothing) sought to be registered.

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6. As more fully set forth below, Applicant's application for registration of the mark "SLABCULTURE" for clothing should be refused under application of 15 U.S.C. §1052(d) on the grounds of Opposer's prior senior use because the mark sought to be registered by Applicant so resembles Opposer's existing "SLAB CULTURE" mark for clothing as to be likely to cause confusion, to cause mistake, or to deceive.

7. As more fully set forth below, Applicant intentionally and wrongfully misappropriated Opposer's mark (and copyrighted material related thereto).

8. As more fully set forth below, Applicant submitted as the specimen of use in the above-opposed application a clothing label misappropriated from Opposer. The clothing label contains a copyrighted design belonging exclusively to Opposer.

9. As more fully set forth below, Applicant fraudulently filed the above-opposed application and signed the required declaration knowing that material representations of facts recited therein were false. These misrepresentations of material fact constitute willful false statements. When these representations were made, Applicant knew the representations were false or were made recklessly without any knowledge of the truth and as a positive assertion. When signing the declaration in the above-opposed application, Applicant intended that the USPTO rely and act on such fact representations contained therein. The USPTO relied on the Applicant's sworn declaration in awarding a filing date to the above-opposed application and in permitting the above-opposed application to proceed to the publication phase. As such, Applicant's application for registration of the mark "SLABCULTURE" for clothing should also be refused on the grounds of fraud, willful false representations of fact and other unlawful conduct of Applicant.

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10. By way of background, Opposer has managed and operated since about May 2006 a company called Texan Wire Wheels, LLC (“TWW”) selling nationwide a line of high end wire wheels for automobiles. TWW specializes in selling the 30 spoke variety of wire wheels. A true and correct copy of the TWW website home page (texanwirewheels.com) is attached as Opposer’s Exhibit C.

11. In connection with TWW’s wire wheel business, Opposer has been working for years with a graphics designer named Tiwan Meggett, d/b/a Steady Grindin and Slimm Images (“Meggett”). In 2007, Meggett created for Opposer a large number of distinctive graphic works (“the Works”) relating to the mark SLAB CULTURE, and assigned all rights in the Works to Opposer. Among these Works is the following logo owned exclusively by Opposer:



(“Work No. 1”). This Work No. 1 features the SLAB CULTURE mark displayed stylistically with a 30 spoke wire wheel of the type sold by TWW. This is a logo design used in connection with Opposer’s use of the SLAB CULTURE mark in commerce for, e.g., shirts (See Ex. A). As noted below, this is the logo design used by Opposer on the clothing labels unlawfully taken from Opposer by Applicant. Applicant unlawfully used this clothing label as a specimen of use in the above-opposed application (See Ex. B).

12. Other related logos among the many Works owned by Opposer include:

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("Work No. 2");



("Work No. 3");



("Work No. 4A");

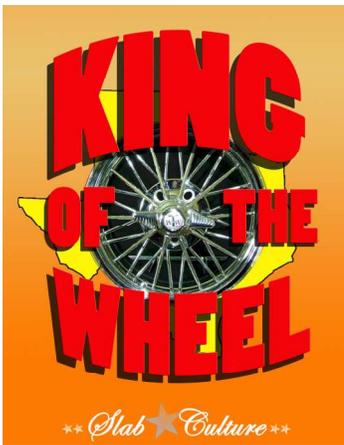


("Work No. 5");

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("Work No. 6");



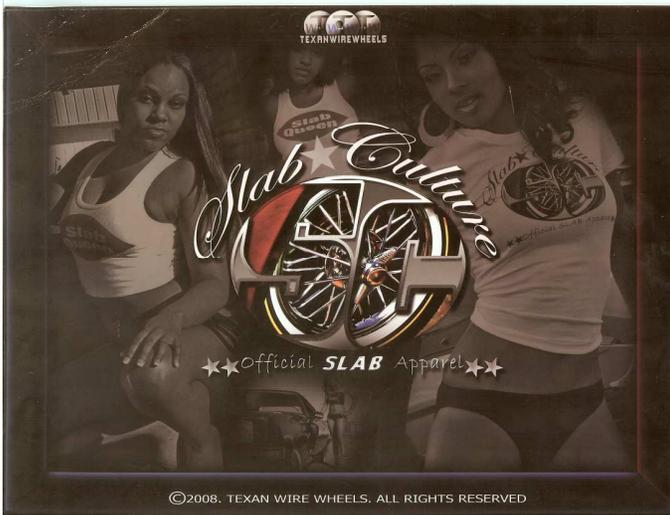
("Work No. 7"); and



("Work No. 8").

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13. Additionally, in late 2007, Meggett assisted Opposer in creating the TWW 2008 Calendar for Texan Wire Wheels. This calendar also made reference to and advertised Opposer's SLAB CULTURE mark and logo, and included models wearing SLAB CULTURE-branded shirts, *e.g.*, as displayed on the back cover of the calendar shown below (Work No. 2 is displayed on the right-most model's shirt):



14. Prior to the creation of this 2008 TWW calendar, Opposer ordered and purchased from Pressing Promotions, t-shirts and tank tops branded with the SLAB CULTURE, SLAB QUEEN and KING OF THE WHEEL trademarks and logos, and some of these clothing items were worn by some of the models appearing in the TWW 2008 Calendar, such as shown above. Applicant Bell, who is Opposer's first cousin, provided Opposer with some assistance with the coordinating of the photo shoots for this calendar, such as, helping line up models and coordinating arrival of vehicles, and was paid by Opposer for his time, and provided with a note of "thanks" in the calendar credits page. Opposer also provided Applicant with a digital camera for the purpose of photographing cars that were using TWW wheel products. Opposer and/or TWW, owns all rights in the content of this 2008 TWW calendar. Applicant does not own or

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otherwise have any rights in any of the content (including trademarks and copyrighted material) in this 2008 TWW calendar.

15. Opposer owns all rights in the Works and TWW owns all rights in the TWW calendar. Meggett assigned all rights in the Works to Opposer as evidenced by the written assignment from Meggett, a true and correct copy of which is attached as Opposer's Exhibit D. Opposer has pending with the U.S. Copyright Office eight copyright applications (electronically filed August 4, 2008) directed to Work Nos. 1-3, 4A and 5-8. TWW has pending with the U.S. Copyright Office one copyright application directed to the 2008 TWW calendar. Applicant does not own or otherwise have any rights in any of these Works or TWW calendar (including trademarks and copyrighted material).

16. Also in late 2007, Opposer created and published (with Meggett's assistance) a MySpace page ([www.myspace.com/slabculture](http://www.myspace.com/slabculture)) for the SLAB CULTURE concept, including the SLAB CULTURE branded apparel line. The content of this MySpace page included, *e.g.*, Work No. 1, Work No. 3 and Work No. 6 above. At that time, Meggett also created an email address for Opposer to be used in connection with Opposer's MySpace site: [slabculture@yahoo.com](mailto:slabculture@yahoo.com). Opposer controlled this MySpace site and email address, including their passwords.

17. In mid-January 2008, Opposer began involving and paying Applicant for assistance in setting up and marketing Opposer's SLAB CULTURE branded apparel line. In connection with this work, Opposer provided Applicant with access (passwords) to the SLAB CULTURE MySpace site and the [slabculture@yahoo.com](mailto:slabculture@yahoo.com) email account. Applicant also had access from Opposer to all of the digital images (the Works) created by Meggett for Opposer,

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and on information and belief, still maintains unauthorized electronic copies of all of these images.

18. Opposer began using the SLAB CULTURE mark on shirts sold in interstate commerce at least as early as January 2008 (See Ex. A).

19. Based on Meggett's designs assigned to Opposer, Opposer decided to have clothing labels created bearing the SLAB CULTURE marks and logos. The narrow woven loop labels (to be sewn into, *e.g.*, the back of the neck region of the shirts, or on other clothing locations) were designed to look like Work No. 4A above; the main clothing label was designed to look like Work No. 1 above (collectively, "the SLAB CULTURE clothing labels").

20. On January 30, 2008, Opposer created the domain name [www.slabculture.com](http://www.slabculture.com), and has, since that date, prominently displayed Work No. 5 on that site advertising his SLAB CULTURE apparel line. A true and correct copy of the InterNIC Whois Search Results page for the domain name [slabculture.com](http://slabculture.com) evidencing its creation date of 30-jan-2008 is attached as Opposer's Exhibit J1. A true and correct copy of a screen shot printed July 1, 2008 showing the content (Work No. 5) that has been on Opposer's [slabculture.com](http://slabculture.com) webpage since its creation in early 2008 is attached as Opposer's Exhibit J2. Opposer owns all rights in the [slabculture.com](http://slabculture.com) domain name and content.

21. Having just set up his [slabculture.com](http://slabculture.com) apparel website, on January 31, 2008, Opposer, doing business as Slab Culture, placed a verbal order (via telephone) for the SLAB CULTURE clothing labels mentioned above with Scarborough Company (Addison, Texas). The subsequent invoice (dated March 5, 2008) from Scarborough indicated on its face that the work was authorized by Opposer ("Lyvon – Verbal 01/31/08") and was billed to Opposer ("SLAB

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CULTURE, Lyvon Davis”), with a Ship to Address to Opposer’s business address (“SLAB CULTURE, c/o Lyvon Davis, 8330 Sweet Water Street, Houston, Texas 77037”). This invoice reflected that Opposer’s order pertained to:

1,800 SLAB CULTURE end fold Woven;  
2,450 SLAB CULTURE Woven Loop Labels; and  
2,000 Nylon printed size/care labels.

A true and correct copy of the Scarborough invoice is attached as Opposer’s Exhibit E.

22. Opposer also interfaced with Scarborough by email via Opposer’s slabculture@yahoo.com address.

23. Opposer paid \$959.94 to Scarborough for these SLAB CULTURE clothing labels. The Scarborough clothing label invoice (Ex. E) indicated on its face that the \$959.94 (including UPS Ground Shipping) was paid in full by Opposer. The invoice also reflected that the ship date was March 5, 2008.

24. On about February 12, 2008, Opposer paid for Applicant to travel to Las Vegas to investigate with him potential clothing manufacturers attending the 2008 Magic Clothing Convention in Las Vegas for purposes of Opposer’s SLAB CULTURE apparel line and Opposer’s Slab Culture business. Opposer travelled to the same show on February 14, 2008 and met with Applicant at the show.

25. After returning from the Vegas show, Opposer presented Applicant with a non-compete agreement in connection with a business proposal by Opposer regarding Opposer’s SLAB CULTURE apparel line and Slab Culture business. Applicant refused to sign it.

26. On February 29, 2008, Opposer received an invoice from Pressing Promotions indicating on its face that Opposer had paid in full for his Slab Culture screen printing contract

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directed to SLAB CULTURE shirts. A true and correct copy of the Pressing Promotions invoice is attached as Opposer's Exhibit F.

27. In early March 2008, Opposer was expecting receipt of the SLAB CULTURE clothing labels he ordered and purchased from Scarborough as evidenced above. When these labels did not arrive, Opposer contacted Scarborough and was advised that Applicant (Bell) had communicated with Scarborough, in part by using the slabculture@yahoo email account, and also by telephone, and had directed Scarborough (under the purported authority of Slab Culture) to ship the SLAB CULTURE clothing labels directly to Applicant's home address instead of to Opposer. Opposer then confronted Applicant about this issue and Applicant denied this fact. As noted herein, Applicant did in fact receive these SLAB CULTURE clothing labels from Scarborough and has in fact been using these labels on clothing and as the "specimen" of record in the above-opposed application. Applicant had no authorization from Opposer to redirect and take Opposer's shipment of SLAB CULTURE clothing labels, nor did Applicant have any authorization from Opposer to gain possession or use of any of Opposer's property, including the SLAB CULTURE clothing labels and related intellectual property noted herein.

28. Around this same time, in early March 2008, Applicant, without authorization from Opposer, logged into Opposer's SLAB CULTURE MySpace page and SLAB CULTURE email account and changed the passwords. By doing so, Applicant locked out Opposer and prevented Opposer from going directly back to MySpace.com and using the password retrieval tool. Opposer can no longer access his SLAB CULTURE MySpace page or his SLAB CULTURE email account. On information and belief, Applicant has been receiving, reviewing

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and using email communications intended for Opposer without Opposer's authorization relating to, e.g., the offering and sale of SLAB CULTURE branded apparel.

29. On about May 1, 2008, Applicant allegedly started using the mark SLABCULTURE for hats, t-shirts and pants (See Ex. B). The clothing labels Applicant uses are identical to the Scarborough SLAB CULTURE clothing labels ordered and paid for by Opposer – and illegally redirected by Applicant for delivery to Applicant's own home address. Applicant's use of Opposer's trademarks and copyrighted logos is without authorization from Opposer.

30. On about June 10, 2008, Applicant signed the above-referenced opposed application and it was filed by mail on a Section 1A use basis for the standard character mark "SLABCULTURE" (Serial No. 76/690,508) for "clothing, namely hats, t-shirts and pants" claiming a date of first use anywhere and in commerce of May 1, 2008. The USPTO received this above-referenced opposed application on June 12, 2008 and accorded it with an official filing date of June 12, 2008 (Applicant's counsel's transmittal letter was dated May 30, 2008)(See Ex. B). In addition to unlawfully taking Opposer's SLAB CULTURE trademark and holding it out and representing it to be his own, and unlawfully using Opposer's SLAB CULTURE trademark on clothing, the specimen of use submitted by Applicant to the USPTO uses Opposer's copyrighted design and appears to be one of the very SLAB CULTURE clothing labels designed by Opposer, paid for by Opposer, and made by Scarborough for Opposer, namely:

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. (See specimen of use in Ex. B).

31. This SLAB CULTURE clothing label submitted by Applicant as a specimen of use is identical to Work No. 1 above and is identical to one of the types of clothing labels ordered by Opposer from Scarborough and misappropriated by Applicant from Opposer. This clothing label specimen constitutes an unauthorized use of Opposer's copyrighted design and an unlawful taking of Opposer's property by Applicant.

32. In this opposed application, Applicant signed a declaration on June 10, 2008, declaring under penalty of perjury, that: "The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he ... believes the applicant to be the owner of the trademark/service mark sought to be registered; ... that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that the specimens or facsimiles accompanying this application show said mark as actually used in commerce in connection with the goods/services;

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and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.” (See Ex. B).

33. Applicant knew when he filed the above-referenced opposed trademark application and signed the required declaration that the SLAB CULTURE trademark, logo and clothing labels belonged to and were owned by Opposer.

34. Applicant also knew when he filed the above-referenced opposed trademark application and signed the required declaration that Opposer had the exclusive rights to use the SLAB CULTURE trademark, logo and clothing labels in commerce.

35. Applicant also knew when he filed the above-referenced opposed trademark application and signed the required declaration that the specimen of use submitted to the USPTO was actually one of the SLAB CULTURE clothing labels that belonged to Opposer.

36. Applicant knew when he filed the above-referenced opposed trademark application and signed the required declaration that Applicant had no right to seek trademark protection for these infringing trademarks and copyrighted logos.

37. In mid-June 2008, Opposer reviewed a MySpace message on Opposer’s Texan Wire Wheels’ MySpace page addressed from Applicant announcing what Applicant held out to be Applicant’s new SLAB CULTURE clothing line on the myspace.com/slabculture site. As of this time, Applicant had already unlawfully seized control of Opposer’s MySpace site and had changed passwords to prevent Opposer from accessing this (Opposer’s) MySpace site. Applicant’s unlawful MySpace page displays Opposer’s MySpace page content as if it was his own, and Applicant continues to use this SLAB CULTURE MySpace page to misrepresent to the public that he is the “C.E.O., Designer, Marketer and Distributor” of SlabCulture when he is not.

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On this MySpace page, Applicant also refers to the mark in a two word form “SLAB CULTURE”. Applicant is further using this unauthorized MySpace site to offer and sell, without any authorization from Opposer, clothing items bearing Opposer’s SLAB CULTURE and SLAB QUEEN trademarks and copyrighted logos. Applicant is falsely designating the origin of these trademarks as being owned and sourced by Applicant when this is knowingly and willfully false. These unlawful acts constitute unfair competition, passing off, trademark infringement and copyright infringement. True and correct copies of 15 screen shots saved on July 31, 2008 from Applicant’s unauthorized MySpace page are attached as Opposer’s Exhibit G1. True and correct copies of additional screen prints, also dated July 31, 2008 showing this unauthorized MySpace page are attached as Opposer’s Exhibit G2.

38. The SLAB CULTURE MySpace site illegally operated and seized by Applicant (Bell) contained, as of July 2008, digital images, displayed in Flash format, of various men’s and women’s shirts, tank tops, and shorts bearing Opposer’s SLAB CULTURE clothing labels as follows:

a. “Soft Pink All-Purpose summer short set”. In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant’s MySpace site is attached as Opposer’s Exhibit H1.

b. “SlabCulture All-Purpose Fuscia short set”. In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck

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area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H2.

c. "SlabCulture All-Around Black/Grey Buttondown Coming Soon Pre-Order". In this image, the front of a black shirt is shown bearing a monogrammed Slab Culture logo identical to Work 4A in the breast pocket area and also bearing the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. Also depicted in this image is a grey shirt bearing a logo identical with Work No. 8, and also including the Slab Culture logo identical to Work 4A. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H3.

d. "SC All-Around Navy Blue Buttondown/SC Light Blue Casual Buttondown Coming Soon Pre-Order". In this image, the front of a light blue shirt is shown bearing the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. Also shown in this image is a navy blue shirt bearing the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area, and a monogrammed Slab Culture logo identical to Work 4A in the breast pocket area. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H4.

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e. “SC labeled regular Heavy Tall T-shirt Pre-Order”. Depicted in this image are a grey and a black t-shirt bearing the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant’s MySpace site is attached as Opposer’s Exhibit H5.

f. “White SC T-shirt & SC Trademark T-shirt.” In this image, both t-shirts contain the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. One of the t-shirts also has screen printed on its face a copy of the SLAB CULTURE logo (Work No. 1.) showing use of the SLAB CULTURE mark. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant’s MySpace site is attached as Opposer’s Exhibit H6.

g. “Soft Pink SlabCulture Women T-shirt w/Fuscia shorts”. In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant’s MySpace site is attached as Opposer’s Exhibit H7.

h. “SlabCulture All-Purpose Orgasm White Sexy Summer Short Set”. In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright

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infringement. Applicant Bell's use of immoral or scandalous terminology in connection with Opposer's mark serves to improperly tarnish the reputation and distinctiveness of Opposer's mark and its associated goodwill. A true and correct copy of this image taken on July 31, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H8.

i. "Black SC All Purpose Short Set w/Keyhole Neck Tee \$20 email:slabculture@yahoo.com". In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 31, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H9.

j. "Soft Pink Slab Queen All-Purpose Summer Sexy Short set". In this image, both tank tops contain the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. Both tank tops also contain the SLAB QUEEN logo. This constitutes trademark and copyright infringement. A true and correct copy of this image taken on July 1, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H10.

k. "Orgasm White Slab Queen All-Purpose Summer Sexy Short Set". In this image, three tank tops contain the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. All three tank tops also contain the SLAB QUEEN logo. This constitutes trademark and copyright infringement. Applicant Bell's use of immoral or

Mark: SLABCULTURE  
Serial No.: 76/690,508  
Notice of Opposition

scandalous terminology in connection with Opposer's mark serves to improperly tarnish the reputation and distinctiveness of Opposer's mark and its associated goodwill. A true and correct copy of this image taken on July 1, 2008 from Applicant's MySpace site is attached as Opposer's Exhibit H11.

39. Over 18 different shirt garments displayed on Applicant's unlawfully created MySpace site unlawfully contained both of the SLAB CULTURE clothing labels that belong to Opposer (Work No. 1 and Work No. 4A). Numerous other garments illegally used Opposer's SLAB CULTURE and/or SLAB QUEEN trademarks and copyrighted logos, including, Work No. 1, Work No. 4A, and Work No. 8. These articles of clothing constitute multiple acts of infringement of Opposer's copyrights and trademarks.

40. Above these "Flash" displayed clothing images on Applicant's unauthorized MySpace site is the message "2 purchase or pre-order leave a message for FiFwheel [Fifthwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com." (See Ex. G1 & Ex. G2). Applicant Bell's nickname is known to be "FiFwheel".

41. Additionally, Applicant Bell's unauthorized MySpace site contains illegal, copyright infringing digital reproductions of Work No. 1, Work No. 3, Work No. 4A, and Work No. 6 that are also used in a trademark infringing manner to drive customers to his unlawful MySpace site to purchase merchandise that Applicant Bell improperly holds out to be genuine, branded product when he knows this is not the case. (See Ex. G1 & Ex. G2).

42. In the "Flash" image display on Applicant's unauthorized MySpace site, Applicant Bell displayed Work No. 4A and called it the "SlabCulture Trademarked neck label

Mark: SLABCULTURE  
Serial No.: 76/690,508  
Notice of Opposition

Founded in H-Town”. This is in fact the neck label ordered from Scarborough and paid for by Opposer. True and correct copies of these Flash images taken on July 31, 2008 from Applicant’s MySpace site are attached as Opposer’s Exhibit H12.

43. Additionally, in the same unauthorized MySpace “Flash” display, Applicant displayed Work No. 1 and called it “SlabCulture Official Trademark & Label”. This is the other clothing label ordered and paid for by Opposer and is the label improperly used by Applicant as the specimen of record in the above-opposed application. A true and correct copy of this Flash image taken on July 31, 2008 from Applicant’s MySpace site is attached as Opposer’s Exhibit H13.

44. Applicant’s own MySpace language referencing “labels” further evidences that Applicant was referring directly to the very SLAB CULTURE clothing labels that Applicant illegally diverted from Opposer.

45. It has also come to Opposer’s attention that Applicant Bell has been appearing at various public functions selling, without authorization, t-shirts bearing Opposer’s SLAB CULTURE, SLAB QUEEN, and KING OF THE WHEEL trademarks and copyrighted logos.

46. Opposer has promoted and advertised his distinctive trademarks and logo designs in connection with various goods and services, including the SLAB CULTURE apparel line, in the State of Texas and throughout the world, including by means of the Internet and through the TWW 2008 Calendar. As a result of Opposer’s use of these marks in commerce, and the favorable response of the relevant public to the marks and the related goods and services, Opposer’s trademarks, such as, SLAB CULTURE, SLAB QUEEN and KING OF THE WHEEL, have become valuable trademark assets to Opposer and are entitled to protection under state and

Mark: SLABCULTURE  
Serial No.: 76/690,508  
Notice of Opposition

federal trademark laws. Opposer's logos have also become valuable copyrighted assets to Opposer and are likewise afforded protection under U.S. Copyright law.

47. By certified letter dated August 2, 2008, the undersigned counsel for Opposer advised Applicant's counsel of record, Cheryl Irvin, of Opposer's superior rights in the mark SLAB CULTURE and of the facts outlined above. The letter was sent to the address for Applicant's counsel of record listed in the above-opposed application. Counsel for Opposer received the certified mail Return Receipt indicating that the letter had in fact been received by Applicant's counsel. True and correct copies of this letter, the postmarked and addressed envelope, and the U.S. Postal Service Certified Mail Return Receipt are attached as Opposer's Exhibit I. Subsequently, counsel for Opposer had three telephone conversations with counsel for Applicant, but the above-identified issues have not been resolved. Inasmuch as Applicant has been unwilling to voluntarily expressly abandon the pending Application, Opposer is required to file this Notice of Opposition.

48. Subsequent to the sending of the August 2, 2008 certified letter (Ex. I), Applicant removed the above-referenced unauthorized Flash images from the above-referenced unauthorized MySpace site, but Applicant still maintains unauthorized non-Flash images of Opposer's SLAB CULTURE copyrighted designs and trademarks on this MySpace site and otherwise continues the unauthorized use of Opposer's SLAB CULTURE trademarks. A true and correct copy of the Applicant's unauthorized MySpace page printed November 5, 2008, is attached as Opposer's Exhibit H14.

49. Based on the forgoing, Applicant's application for registration of the mark "SLABCULTURE" for clothing should be refused under application of 15 U.S.C. §1052(d) on

Mark: SLABCULTURE  
Serial No.: 76/690,508  
Notice of Opposition

the grounds of Opposer's prior use because the mark sought to be registered by Applicant so resembles Opposer's existing "SLAB CULTURE" mark for clothing as to be likely to cause confusion, to cause mistake, or to deceive.

50. Based on the forgoing, Applicant's application for registration of the mark "SLABCULTURE" for clothing should also be refused on the grounds of Applicant's fraud and willful false representations of fact, and other unlawful conduct complained of herein.

WHEREFORE, Opposer Lyvon Davis, prays for an Order sustaining this Opposition and refusing registration of the mark that is the subject of the above-captioned opposed application, and for such other relief as may be proper.

Dated: November 10, 2008

Respectfully submitted,

*/Gordon G. Waggett/*

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

Gordon G. Waggett, Esq.  
GORDON G. WAGGETT, P.C.  
550 Westcott Street, Suite No. 350  
Houston, Texas 77007-5099  
Tel: (713) 961-4641  
Fax: (713) 223-1476  
Email: gordon@waggettlaw.com

**ATTORNEY FOR OPPOSER  
LYVON DAVIS**

Mark: SLABCULTURE  
Serial No.: 76/690,508  
Notice of Opposition

**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** (with attached Exhibits) was filed electronically through the ESTTA system on November 10, 2008.

Dated (signature and service): November 10, 2008

/Gordon G. Waggett/  
Gordon G. Waggett, Esq.  
**ATTORNEY FOR OPPOSER  
LYVON DAVIS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** (with attached Exhibits) has been served on Applicant, Mr. Lee Bell, by mailing said copy on November 10, 2008, via First Class Mail, postage prepaid to Applicant's counsel of record at the correspondence address of record in the Office:

Cheryl Irvin  
Irvin Law Firm  
917 Franklin Street, Suite No. 400  
Houston, Texas 77002-1741

Dated (signature and service): November 10, 2008

/Gordon G. Waggett/  
Gordon G. Waggett, Esq.  
**ATTORNEY FOR OPPOSER  
LYVON DAVIS**

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT A**

Thank you for your request. Here are the latest results from the [TARR web server](#).

This page was generated by the TARR system on 2008-11-05 01:01:12 ET

**Serial Number:** [77507987 Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** (NOT AVAILABLE)

**Mark**

**SLAB CULTURE**

**(words only):** [SLAB CULTURE](#)

**Standard Character claim:** [Yes](#)

**Current Status:** [An office action suspending further action on the application has been mailed.](#)

**Date of Status:** [2008-09-22](#)

**Filing Date:** [2008-06-25](#)

**Filed as TEAS Plus Application:** [Yes](#)

**Currently TEAS Plus Application:** [Yes](#)

**Transformed into a National Application:** [No](#)

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** [Principal](#)

**Law Office Assigned:** [LAW OFFICE 105](#)

**Attorney Assigned:**  
[JENKINS JR CHARLES L](#)

**Current Location:** [L5X -TMEG Law Office 105 - Examining Attorney Assigned](#)

**Date In Location:** [2008-09-22](#)

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [Lyvon Davis](#)

**Address:**

[Lyvon Davis](#)  
[P.O. Box 16145](#)  
[Houston, TX 77222](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

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**GOODS AND/OR SERVICES**

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**International Class:** [025](#)

**Class Status:** [Active](#)

[Wearable garments and clothing, namely, shirts](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [2008-01-00](#)

**First Use in Commerce Date:** [2008-01-00](#)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

[2008-09-22 - Notification Of Letter Of Suspension E-Mailed](#)

2008-09-22 - Letter of suspension e-mailed

2008-09-22 - Suspension Letter Written

2008-09-22 - Assigned To Examiner

2008-06-30 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Kenneth A. Keeling

**Correspondent**

MELISSA M. MARTINEZ

KEELING PATENTS & TRADEMARKS, LLC

3310 KATY FWY

HOUSTON, TX 77007-3620

Phone Number: 713.579.3001

Fax Number: 713.579.3002

---

**To:** Lyvon Davis ([patents@iplaw-tx.com](mailto:patents@iplaw-tx.com))  
**Subject:** TRADEMARK APPLICATION NO. 77507987 - SLAB CULTURE - 1620.010  
**Sent:** 9/22/2008 10:04:30 AM  
**Sent As:** ECOM105@USPTO.GOV  
**Attachments:** Attachment - 1  
Attachment - 2

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/507987

**MARK:** SLAB CULTURE

**\*77507987\***

**CORRESPONDENT ADDRESS:**  
MELISSA M. MARTINEZ  
KEELING PATENTS & TRADEMARKS, LLC  
3310 KATY FWY  
HOUSTON, TX 77007-3620

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** Lyvon Davis

**CORRESPONDENT'S REFERENCE/DOCKET NO:**  
1620.010

**CORRESPONDENT E-MAIL ADDRESS:**  
[patents@iplaw-tx.com](mailto:patents@iplaw-tx.com)

**NOTICE OF SUSPENSION**

**ISSUE/MAILING DATE:** 9/22/2008

**SUSPENSION PROCEDURE:** This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

The examining attorney has searched the Office records and has found no similar registered mark that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **76-690508**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **is attached**.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

/Charles L. Jenkins, Jr./  
Trademark Examining Attorney  
Law Office 105  
571-272-9305

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.



**Print: Sep 22, 2008**

**76690508**

**DESIGN MARK**

**Serial Number**

76690508

**Status**

APPROVED FOR PUBLICATION

**Word Mark**

SLABCULTURE

**Standard Character Mark**

Yes

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(4) STANDARD CHARACTER MARK

**Owner**

Bell, Lee INDIVIDUAL UNITED STATES 11526 Heathermill Drive Houston  
TEXAS 77066

**Goods/Services**

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,  
namely hats, t-shirts and pants. First Use: 2008/05/01. First Use In  
Commerce: 2008/05/01.

**Filing Date**

2008/06/12

**Examining Attorney**

JENKINS, CHARLES L.

**Attorney of Record**

Cheryl Irvin

# SLABCULTURE

**To:** Lyvon Davis ([patents@iplaw-tx.com](mailto:patents@iplaw-tx.com))  
**Subject:** TRADEMARK APPLICATION NO. 77507987 - SLAB CULTURE - 1620.010  
**Sent:** 9/22/2008 10:04:33 AM  
**Sent As:** ECOM105@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE**  
**USPTO OFFICE ACTION HAS ISSUED ON 9/22/2008 FOR**  
**APPLICATION SERIAL NO. 77507987**

Please follow the instructions below to continue the prosecution of your application:

**VIEW OFFICE ACTION:** Click on this link [http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial\\_number=77507987&doc\\_type=SUL&mail\\_date=20080922](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77507987&doc_type=SUL&mail_date=20080922) (or copy and paste this URL into the address field of your browser), or visit <http://tmportal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this notification.

**RESPONSE MAY BE REQUIRED:** You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable [response time period](#). Your response deadline will be calculated from **9/22/2008**.

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the [ABANDONMENT](#) of your application.**

\*\*\* User:cjenkins \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/Search Duration	Search
01	0	0	0	0	0:01	"76690508"[on]
02	1	0	1	1	0:01	"76690508"[sn]
03	475	N/A	0	0	0:03	*{"sxz"}l{v}b*[bi,ti]
04	5395	N/A	0	0	0:03	*{"ckqx"}{v}IT*[bi,ti]
05	2	0	2	2	0:01	3 and 4
06	126	56	70	52	0:03	3 and "025"[cc]
07	1922	N/A	0	0	0:03	4 and "025"[cc]
08	655	N/A	0	0	0:02	4 and ("025" a b "200")[ic]
09	319	0	319	246	0:03	8 not dead[lid]

Session started 9/22/2008 9:16:47 AM

Session finished 9/22/2008 9:46:48 AM

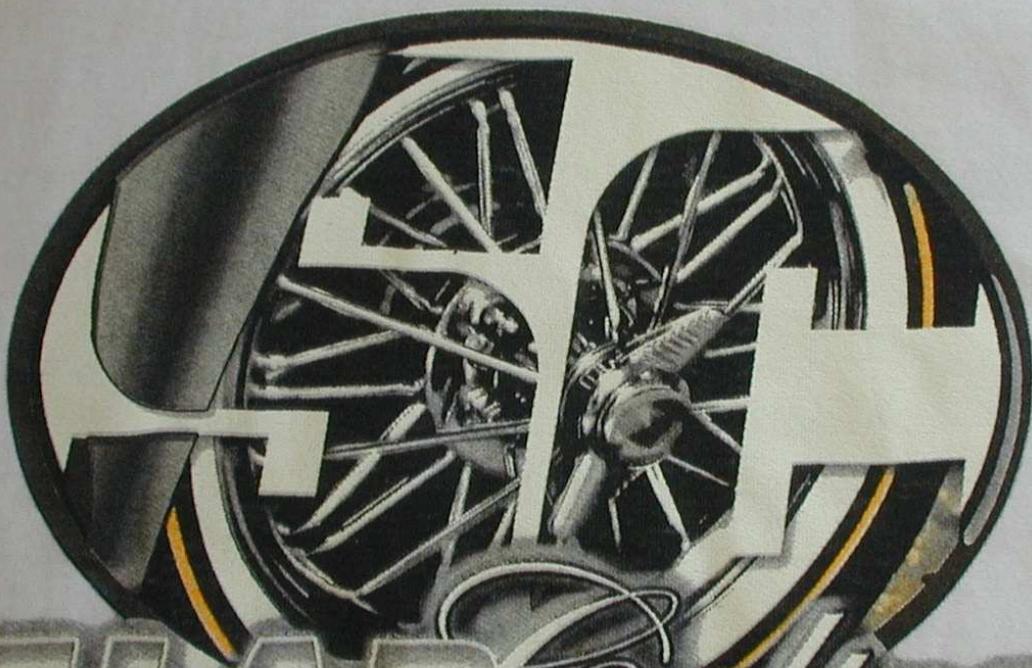
Total search duration 0 minutes 20 seconds

Session duration 30 minutes 1 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77507987

# SLAB CULTURE



**SLAB** *Culture*™  
OFFICIAL SLAB APPAREL

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

Serial Number: 77507987

Filing Date: 06/25/2008

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
<b>TEAS Plus</b>	<b>YES</b>
<b>MARK INFORMATION</b>	
* MARK	SLAB CULTURE
* STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SLAB CULTURE
* MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>APPLICANT INFORMATION</b>	
* OWNER OF MARK	Lyvon Davis
* STREET	P.O. Box 16145
* CITY	Houston
* STATE (Required for U.S. applicants)	Texas
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	77222
<b>LEGAL ENTITY INFORMATION</b>	
* TYPE	INDIVIDUAL
* COUNTRY OF CITIZENSHIP	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
* INTERNATIONAL CLASS	025
FIRST USE ANYWHERE DATE	At least as early as 01/00/2008
FIRST USE IN COMMERCE DATE	At least as early as 01/00/2008
* IDENTIFICATION	Wearable garments and clothing, namely, shirts
* FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 01/00/2008
FIRST USE IN COMMERCE DATE	At least as early as 01/00/2008
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2\775\079\77507987\xml1\FT K0003.JPG
SPECIMEN DESCRIPTION	digital photo of the mark on a covered good
<b>ATTORNEY INFORMATION</b>	
NAME	Kenneth A. Keeling
ATTORNEY DOCKET NUMBER	1620.010

ATTORNEY DOCKET NUMBER	1620.010
FIRM NAME	Keeling Patents & Trademarks, LLC
STREET	3310 Katy Freeway
CITY	Houston
STATE	Texas
COUNTRY	United States
ZIP/POSTAL CODE	77007-3620
PHONE	713.579.3001
FAX	713.579.3002
EMAIL ADDRESS	patents@iplaw-tx.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Melissa M. Martinez and Kenneth Beyers
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	Melissa M. Martinez
FIRM NAME	Keeling Patents & Trademarks, LLC
*STREET	3310 Katy Freeway
*CITY	Houston
*STATE (Required for U.S. applicants)	Texas
*COUNTRY	United States
*ZIP/POSTAL CODE	77007-3620
PHONE	713.579.3001
FAX	713.579.3002
*EMAIL ADDRESS	patents@iplaw-tx.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
*TOTAL FEE PAID	275
<b>SIGNATURE INFORMATION</b>	
ORIGINAL PDF FILE	hw_6619492132-162910795_._Executed_Declaration.pdf
CONVERTED PDF FILE(S) (1 page)	\\TICRS\EXPORT2\IMAGEOUT2\775\079\77507987\xml1\FTK0004.JPG
*SIGNATORY'S NAME	Lyvon Davis
*SIGNATORY'S POSITION	Individual

**Trademark/Service Mark Application, Principal Register**

**TEAS Plus Application**

**Serial Number: 77507987**

**To the Commissioner for Trademarks:**

**MARK:** SLAB CULTURE (Standard Characters, see mark)

The literal element of the mark consists of SLAB CULTURE.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Lyvon Davis, a citizen of United States, having an address of P.O. Box 16145, Houston, Texas, United States, 77222, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 025: Wearable garments and clothing, namely, shirts

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 025, the mark was first used at least as early as 01/00/2008, and first used in commerce at least as early as 01/00/2008, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) digital photo of the mark on a covered good.  
Specimen File1

The applicant hereby appoints Kenneth A. Keeling and Melissa M. Martinez and Kenneth Beyers of Keeling Patents & Trademarks, LLC, 3310 Katy Freeway, Houston, Texas, United States, 77007-3620 to submit this application on behalf of the applicant. The attorney docket/reference number is 1620.010.

Correspondence Information: Melissa M. Martinez

3310 Katy Freeway  
Houston, Texas 77007-3620  
713.579.3001(phone)  
713.579.3002(fax)  
patents@iplaw-tx.com (authorized)

A fee payment in the amount of \$275 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

**Original PDF file:**

hw\_6619492132-162910795\_Executed\_Declaration.pdf

**Converted PDF file(s)** (1 page)

Signature File1

Signatory's Name: Lyvon Davis

Signatory's Position: Individual

RAM Sale Number: 2332

RAM Accounting Date: 06/26/2008

Serial Number: 77507987

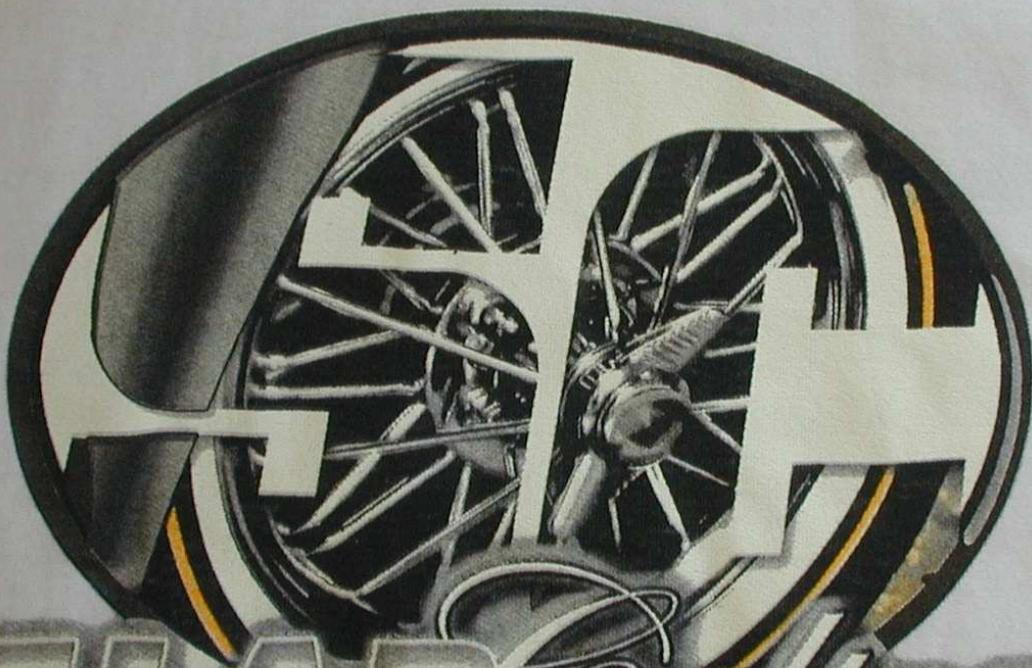
Internet Transmission Date: Wed Jun 25 16:59:52 EDT 2008

TEAS Stamp: USPTO/FTK-66.194.92.132-2008062516595244

0546-77507987-400ec56da552826543ade49c98

1ee854ca-DA-2332-20080625162910795505

# SLAB CULTURE



**SLAB** *Culture*™  
OFFICIAL SLAB APPAREL

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051 (b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

**Signature Section:**

Signature: Lyvon Davis  
Signatory's Name: Lyvon Davis  
Signatory's Position: Individual

Date Signed: 6/25/08

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT B**

**Thank you for your request. Here are the latest results from the [TARR web server](#).**

**This page was generated by the TARR system on 2008-11-05 01:07:20 ET**

**Serial Number:** [76690508 Assignment Information](#)      [Trademark Document Retrieval](#)

**Registration Number:** (NOT AVAILABLE)

**Mark**

**SLABCULTURE**

**(words only):** [SLABCULTURE](#)

**Standard Character claim:** [Yes](#)

**Current Status:** [Application has been published for opposition.](#)

**Date of Status:** [2008-11-04](#)

**Filing Date:** [2008-06-12](#)

**The Information will be/was published in the Official Gazette on** [2008-11-04](#)

**Transformed into a National Application:** [No](#)

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** [Principal](#)

**Law Office Assigned:** [LAW OFFICE 105](#)

**Attorney Assigned:**  
[JENKINS JR CHARLES L](#)

**Current Location:** [650 -Publication And Issue Section](#)

**Date In Location:** [2008-09-30](#)

---

**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. [Bell, Lee](#)

**Address:**

[Bell, Lee](#)  
[11526 Heathermill Drive](#)  
[Houston, TX 77066](#)  
[United States](#)

**Legal Entity Type:** [Individual](#)

**Country of Citizenship:** [United States](#)

**Phone Number:** [713-222-7200](#)

---

**GOODS AND/OR SERVICES**

**International Class:** [025](#)

**Class Status:** [Active](#)

[Clothing, namely, hats, t-shirts and pants](#)

**Basis:** [1\(a\)](#)

**First Use Date:** [2008-05-01](#)

**First Use in Commerce Date:** [2008-05-01](#)

---

**ADDITIONAL INFORMATION**

(NOT AVAILABLE)

---

**MADRID PROTOCOL INFORMATION**

(NOT AVAILABLE)

---

**PROSECUTION HISTORY**

**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

[2008-11-04 - Published for opposition](#)

[2008-10-15 - Notice of publication](#)

[2008-09-30 - Law Office Publication Review Completed](#)

[2008-09-30 - Assigned To LIE](#)

2008-09-22 - Approved for Pub - Principal Register (Initial exam)

2008-09-20 - Assigned To Examiner

2008-06-24 - Application Filing Receipt Mailed

2008-06-19 - New Application Entered In Tram

---

**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Cheryl Irvin

**Correspondent**

CHERYL IRVIN

Irvin Law Firm

917 FRANKLIN ST STE 400

HOUSTON, TX 77002-1741

Phone Number: (713) 222-7200

---



**NOTICE OF PUBLICATION UNDER §12(a)**  
**MAILING DATE: Oct 15, 2008**  
**PUBLICATION DATE: Nov 4, 2008**

The mark identified below will be published in the Official Gazette on Nov 4, 2008. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 76690508**  
**MARK: SLABCULTURE**  
**OWNER: Bell, Lee**

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID

CHERYL IRVIN  
Irvin Law Firm  
917 FRANKLIN ST STE 400  
HOUSTON, TX 77002-1741

**Trademark Snap Shot Publication & Issue Review Stylesheet**  
(Table presents the data on Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	76690508	FILING DATE	06/12/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	JENKINS JR, CHARLES L	L.O. ASSIGNED	105

**PUB INFORMATION**

RUN DATE	10/01/2008		
PUB DATE	11/04/2008		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	09/30/2008		
LITERAL MARK ELEMENT	SLABCULTURE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	SLABCULTURE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Bell, Lee
ADDRESS	11526 Heathermill Drive Houston, TX 77066
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

**GOODS AND SERVICES**

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Clothing, namely, hats, t-shirts and pants

**GOODS AND SERVICES CLASSIFICATION**

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INTERNATIONAL CLASS	025	FIRST USE DATE	05/01/2008	FIRST USE IN COMMERCE DATE	05/01/2008	CLASS STATUS	6-ACTIVE
<b>MISCELLANEOUS INFORMATION/STATEMENTS</b>							
CHANGE IN REGISTRATION				NO			
PSEUDO MARK				SLAB CULTURE			
<b>PROSECUTION HISTORY</b>							
DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM			
09/30/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	006			
09/30/2008	ALIE	A	ASSIGNED TO LIE	005			
09/22/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	004			
09/20/2008	DOCK	D	ASSIGNED TO EXAMINER	003			
06/24/2008	MAFR	O	APPLICATION FILING RECEIPT MAILED	002			
06/19/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001			
<b>CURRENT CORRESPONDENCE INFORMATION</b>							
ATTORNEY				Cheryl Irvin			
CORRESPONDENCE ADDRESS				CHERYL IRVIN Irvin Law Firm 917 FRANKLIN ST STE 400 HOUSTON, TX 77002-1741			
DOMESTIC REPRESENTATIVE				NONE			



**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	76690508	FILING DATE	06/12/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	JENKINS JR, CHARLES L	L.O. ASSIGNED	105

**PUB INFORMATION**

RUN DATE	09/23/2008		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	09/22/2008		
LITERAL MARK ELEMENT	SLABCULTURE		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	SLABCULTURE
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

**CURRENT OWNER INFORMATION**

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Bell, Lee
ADDRESS	11526 Heathermill Drive Houston, TX 77066
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

**GOODS AND SERVICES**

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Clothing, namely hats, t-shirts and pants

**GOODS AND SERVICES CLASSIFICATION**

--	--	--	--	--	--

INTERNATIONAL CLASS	025	FIRST USE DATE	05/01/2008	FIRST USE IN COMMERCE DATE	05/01/2008	CLASS STATUS	6-ACTIVE
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**MISCELLANEOUS INFORMATION/STATEMENTS**

CHANGE IN REGISTRATION	NO
PSEUDO MARK	SLAB CULTURE

**PROSECUTION HISTORY**

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/22/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	004
09/20/2008	DOCK	D	ASSIGNED TO EXAMINER	003
06/24/2008	MAFR	O	APPLICATION FILING RECEIPT MAILED	002
06/19/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	Cheryl Irvin
CORRESPONDENCE ADDRESS	CHERYL IRVIN Irvin Law Firm 917 FRANKLIN ST STE 400 HOUSTON, TX 77002-1741
DOMESTIC REPRESENTATIVE	NONE



\*\*\* User:cjenkins \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	0	0	0	0	0:01	"76690508"[on]
02	1	0	1	1	0:01	"76690508"[sn]
03	475	N/A	0	0	0:03	*{"sxz"}l{v}b*[bi,ti]
04	5395	N/A	0	0	0:03	*{"ckqx"}{v}IT*[bi,ti]
05	2	0	2	2	0:01	3 and 4
06	126	56	70	52	0:03	3 and "025"[cc]
07	1922	N/A	0	0	0:03	4 and "025"[cc]
08	655	N/A	0	0	0:02	4 and ("025" a b "200")[ic]
09	319	0	319	246	0:03	8 not dead[lid]

Session started 9/22/2008 9:16:47 AM

Session finished 9/22/2008 9:44:21 AM

Total search duration 0 minutes 20 seconds

Session duration 27 minutes 34 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 76690508

FILING RECEIPT FOR TRADEMARK APPLICATION

Jun 24, 2008

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

CHERYL IRVIN  
Irvin Law Firm  
917 FRANKLIN ST STE 400  
HOUSTON, TX 77002-1741

**ATTORNEY  
REFERENCE NUMBER**

**PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.**

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to [tmfilingreceipt@uspto.gov](mailto:tmfilingreceipt@uspto.gov). The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/690508  
FILING DATE: Jun 12, 2008  
REGISTER: Principal  
MARK: SLABCULTURE  
MARK TYPE(S): Trademark  
DRAWING TYPE: Standard Character Mark  
FILING BASIS: Sect. 1(a) (Use in Commerce)

---

ATTORNEY: Cheryl Irvin  
OWNER: Bell, Lee (UNITED STATES, Individual)  
11526 Heathermill Drive  
Houston , TEXAS 77066

---

FOR: Clothing, namely hats, t-shirts and pants  
INT. CLASS: 025  
FIRST USE: May 1, 2008 USE IN COMMERCE: May 1, 2008

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

---

OTHER DATA  
Pseudo Mark: SLAB CULTURE

---

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS



06-12-2008

U.S. Patent & TMO/c/TM Mail Rept. Dt. #51

**DRAWING PAGE**

**Applicant's Name:**

Lee Bell

**Applicant's Address:**

11526 Heathermill Drive  
Houston, TX 77066

**Goods and Services:**

Clothing, namely hats, t-shirts and pants

**First Use:** (Class 025) May 1, 2008

**First Use In Commerce:** (Class 025) May 1, 2008

**Standard Character Claim:** The mark consists of standard characters, without claim to any particular font, style, size, or color.

**The Mark:**

SLABCULTURE

U.S. Patent & TM Office



**76690508**

**76690508**

TRADEMARK APPLICATION SERIAL NO. -----

U.S. DEPARTMENT OF COMMERCE  
AND PATENT AND TRADEMARK OFFICE  
FEE SHEET

06/16/2008 EHARLEY 00000009 76690508

01 FC:6001

375.00 0P

May 30, 2008

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Mark: SLABCULTURE

Dear Sir or Madam:

Enclosed for filing is an application for the above mark, a \$375 check payable to the Director of the United States Patent and Trademark Office for the required filing fee and a drawing of and the required specimen(s) for the mark. If you require additional information, please let me know.

Please direct all correspondence to:

Cheryl Irvin  
Irvin Law Firm  
917 Franklin, Suite 400  
Houston, TX 77002  
(713) 222-7200

Sincerely,

Cheryl Irvin

**TRADEMARK/SERVICE MARK APPLICATION-PRINCIPAL REGISTER**

**Mark:** SLABCULTURE  
**Class No.:** 025

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND  
TRADEMARKS:

**Applicant:**

Lee Bell, a citizen of the U.S.A.  
11526 Heathermill Drive  
Houston, TX 77066

**Telephone No.:** 713-222-7200

**E-mail Address:** theirvinlawfirm@yahoo.com

The above identified applicant has adopted and is using the mark shown in the  
accompanying drawing in connection with the following goods/services:

**Clothing, namely hats, t-shirts and pants**

and requests that said mark be registered in the United States Patent and Trademark  
Office on the Principal Register established by the Trademark Act of July 5, 1946 (15  
U.S.C. § 1051 et. seq., as amended).

The mark was first used in connection with the goods/services in Class 025 on May 1,  
2008 and was first used in INTERSTATE commerce in connection with the  
goods/services in Class 025 on May 1, 2008 and is now in use in such commerce.

The required specimen(s) showing the mark as used in commerce is submitted with this  
application.

APPOINTMENT OF COUNSEL

The applicant hereby appoints Cheryl Irvin, an attorney with the Irvin Law Firm, 917 Franklin Suite 400, Houston TX 77002, (713) 222-7200, to prosecute this application, to transact all business in connection therewith, and to receive the Certificate of Registration.

Please direct all correspondence to the attention of:

**Cheryl Irvin  
Irvin Law Firm  
917 Franklin, Suite 400  
Houston, TX 77002  
(713) 222-7200**

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; that said mark is in use in the type of commerce specified in this application; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that the specimens or facsimiles accompanying this application show said mark as actually used in connection with the goods/services; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Date: 6-10-08

Signature: Lee Bell  
Lee Bell



06-12-2008

U.S. Patent & TMO/c/TM Mail Rept. Dt. #51

**DRAWING PAGE**

**Applicant's Name:**

Lee Bell

**Applicant's Address:**

11526 Heathermill Drive  
Houston, TX 77066

**Goods and Services:**

Clothing, namely hats, t-shirts and pants

**First Use:** (Class 025) May 1, 2008

**First Use In Commerce:** (Class 025) May 1, 2008

**Standard Character Claim:** The mark consists of standard characters, without claim to any particular font, style, size, or color.

**The Mark:**

SLABCULTURE

U.S. Patent & TM Office



**76690508**



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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT C**



**TEXAN WIRE WHEELS**

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**(847)-9264**

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- 17" - \$2,495 set of 4

#### '84 ELBOWS

- 15" - \$2,795 set of 4
- 17" - \$2,795 set of 4
- 15" sp - \$3,795 set of 4
- 17" sp - \$3,795 set of 4
- 20" - \$2,995 set of 4
- 20" sp - \$3,795 set of 4**  
introductory - reg price \$3,990
- 22" - \$3,995 set of 4

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Sunday	Closed

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT D**

## CONFIRMATORY ASSIGNMENT AGREEMENT

**THIS AGREEMENT** is made effective as of the 1<sup>st</sup> day of October, 2007 (the "*Effective Date*"), by and between Lyvon Davis ("Davis"), residing in Houston, Texas and Tiwan Meggett, d/b/a Steady Grindin and Slimm Images ("Meggett"), also residing in Houston, Texas.

For good and valuable consideration, the amount and sufficiency of which is acknowledged, the parties confirm and agree as follows:

Davis is in the business of developing and selling automobile wire wheels through his company Texan Wire Wheels, and marketing and selling a line of clothing under his trademark, SLAB CULTURE™ (or SLABCULTURE™). Davis hired and paid Meggett valuable monetary consideration as an independent contractor consultant to create various graphic designs, including clothing label designs for Davis relating to Davis' SLAB CULTURE and other clothing lines, including SLAB WEAR, SLAB KING, SLAB QUEEN, Davis' MySpace site, 2008 Texan Wire Wheel calendar and Davis' wire wheel business. During the course of the contract consulting for Davis, Meggett created for Davis numerous graphic designs ("the Works") some dating back to, e.g., May 2007, representative examples of which are listed and attached in Exhibit A.

Regarding the Works created by Meggett for Davis during this consultation, the parties further confirm and agree as follows:

Meggett's consulting work for Davis resulting in the Works is conducted on a work-made-for-hire basis, and even if it is not deemed to be work-made-for-hire, in any event, Meggett hereby irrevocably grants, sells, assigns and transfers to Davis, his successors and assigns, the entire right, title and interest in and to the Works, including by way of example and not limitation, all intellectual property rights, inventions, whether patentable or not, trademarks (and all associated goodwill), literary property rights, their residual rights, subsidiary rights and all rights under U.S. and other copyright laws and any registrations and copyright applications relating thereto and any renewals and extensions thereof, moral rights, and in and to all works based upon, derived from, or incorporating the Works, and in and to all income, monies, proceeds, royalties, damages, claims and payments of any kind now or hereafter due or payable with respect thereto, and in and to all causes of action, either in law or in equity for past, present, or future infringement based on the copyrights, patents and/or trademarks and in and to all rights corresponding to the foregoing throughout the world at common law and statutory.

To the extent necessary, Meggett will provide reasonable assistance and cooperation to Davis to acquire, transfer, maintain, perfect, and/or enforce the ownership and intellectual property rights of Davis in the Works.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

LYVON DAVIS,

*Lyvon Davis*  
Individually

State of Texas  
County of Harris

Before me, *J.W. Ketchum ANOTARY PUBLIC*, on this day personally appeared Lyvon Davis, known to me (or proved to me through identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.  
Given under my hand and seal of office this *28<sup>th</sup>* day of *July*, 2008.

*J.W. Ketchum SR*  
Notary Public,  
State of Texas, County of Harris



[INSERT NAME]

*[Signature]*  
Individually

State of Texas  
County of Harris

Before me, *J.W. Ketchum SR ANOTARY PUBLIC*, on this day personally appeared Tiwan Meggett, known to me (or proved to me through identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.  
Given under my hand and seal of office this *28<sup>th</sup>* day of *July*, 2008.

*J.W. Ketchum SR*  
Notary Public,  
State of Texas, County of Harris



**Exhibit A**

**The Works**

Work No. 1: "SC SLABCulture OFFICIAL SLAB APPAREL logo #1" designed for Davis to use as, e.g., clothing label.



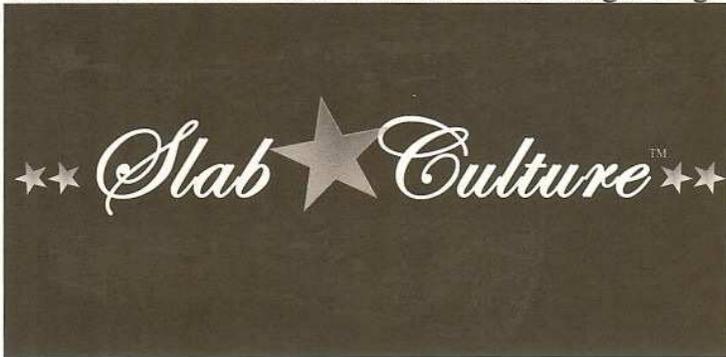
Work No. 2: "SC Slab Culture Official SLAB Apparel logo #2", for use on, e.g., shirts, and shirts worn by calendar models



Work No. 3: "SC Slab Culture logo with background graphics - logo #3" for Davis to use as, e.g., webpage or MySpace graphics.



Work No. 4: "Slab Culture star horizontal design. Logo #4"



Work No. 5: "Slab Culture Official SLAB Apparel WEBSITE COMING SOON Contact" logo #5

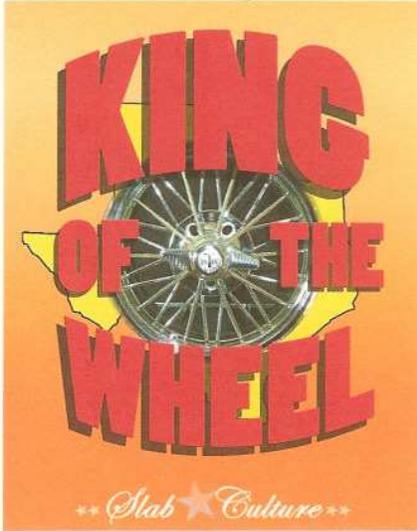


Work No. 6: "Slab Culture Official SLAB Apparel WEBSITE COMING SOON Contact" logo #6



YM, MM

Work No. 7: "King of the Wheel Slab Culture" logo #7



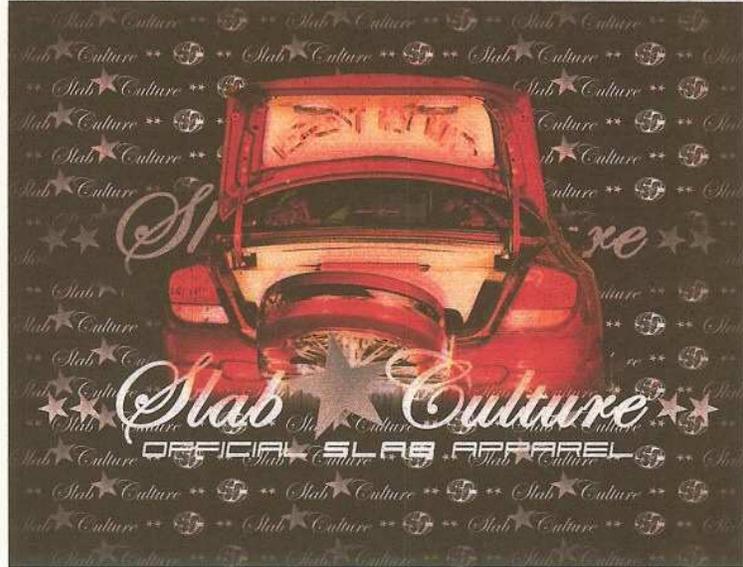
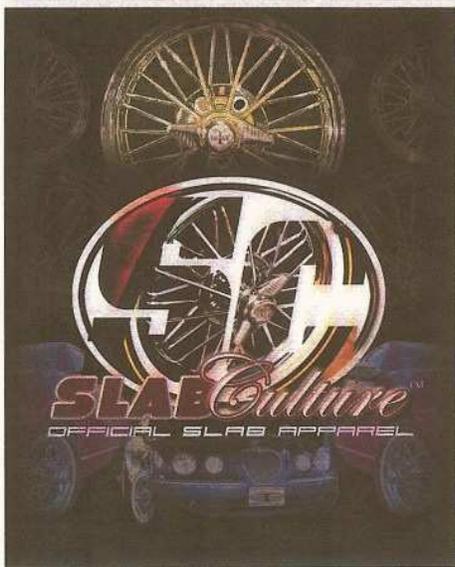
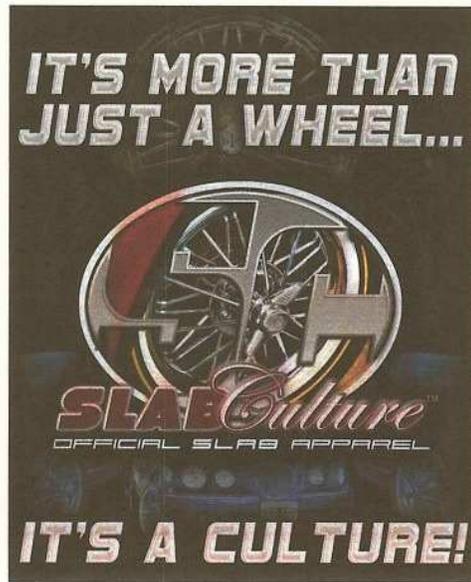
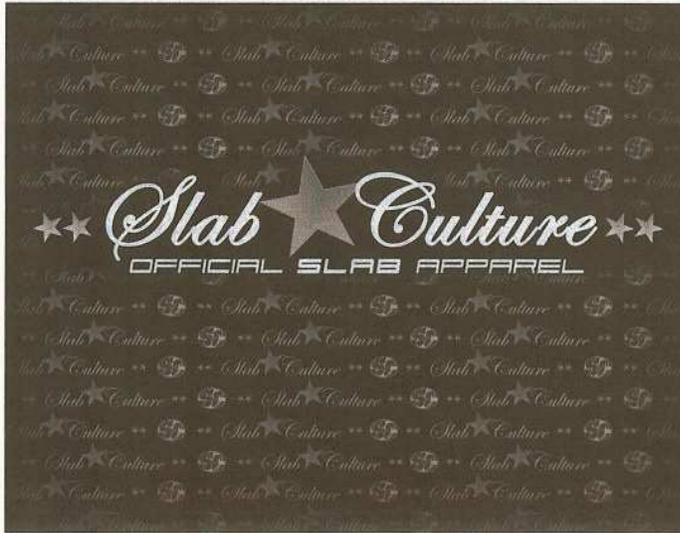
Work No. 8: "Slab Queen" logo #8



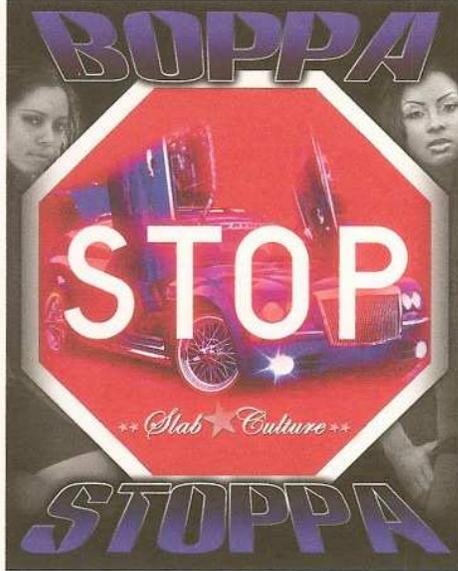
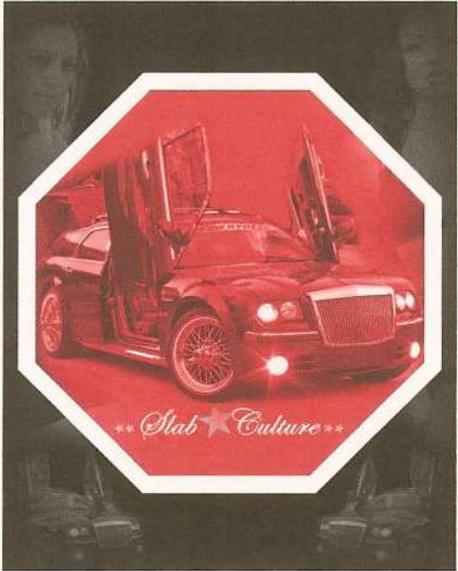
Other Works:

"Slab Culture", "SlabCulture", "Slab Wear", "Slab King", "Slab Queen" words in various fonts and formats

Other Works, cont.



TM     M



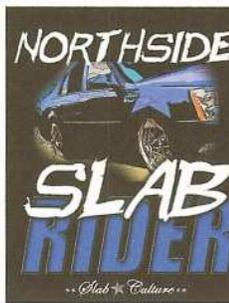
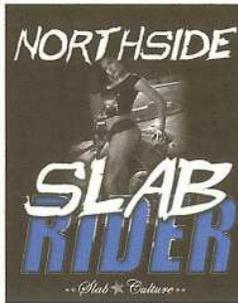
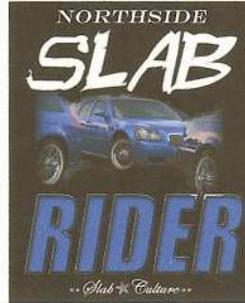
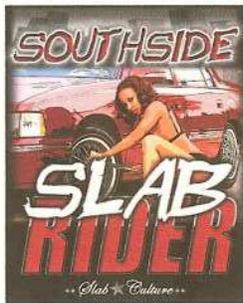
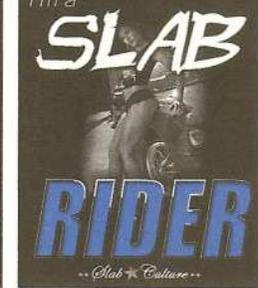
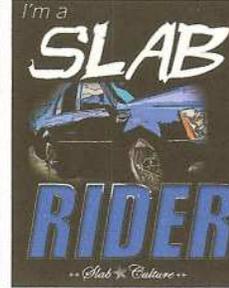
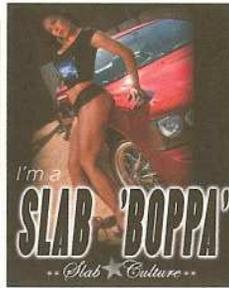
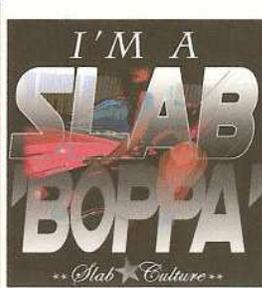
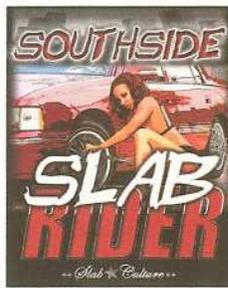
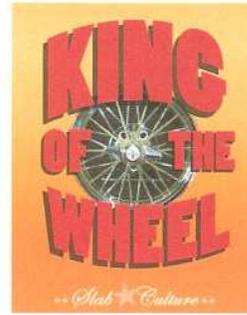
*Definition of a* **SLAB**

**slab** - **1.**tricked out car with candy paint,5 vogue tires, 83' or 84' swangers and wood wheel, **2.** May also have drop top, leather seats, mobile television screens in the headrest, visor, dashboard, etc.

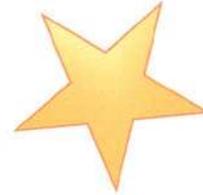
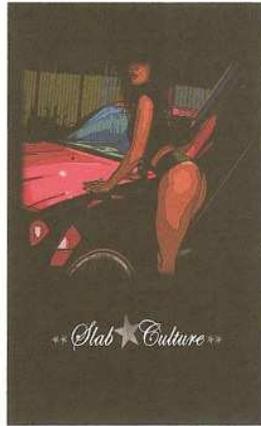
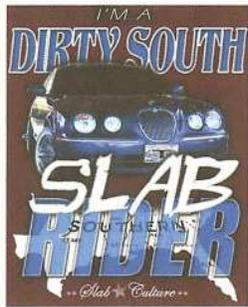
*Slab Culture*



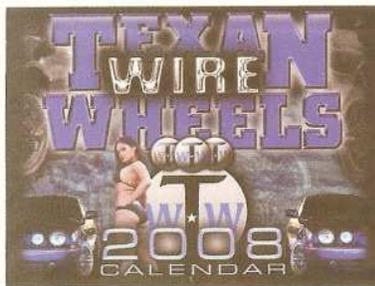
*TM* *M*



*TD* *JM*



Texan Wire Wheel 2008 Calendar, including the following pages relating to Slab Culture and Slab Queen:



TM MM

SLABB WEAR



SLAB WEAR SLAB WEAR

SLAB WEAR

SLAB WEAR

SLAB WEAR

SLAB WEAR

Slab Wear

SLAB WEAR

SLAB WEAR

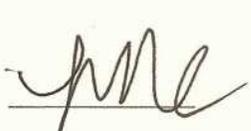
TM

M

**SLAB WEAR**

**SLAB  WEAR**  
Official gear for Slab riders



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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT E**



COMPANY  
15016 Beltway Drive • Addison, TX 75001  
972/233-0977 • FAX 972/490-9626

INVOICE NO: 86407

CUSTOMER NO: SLACUL

BILL TO:  
SLAB CULTURE  
LYVON DAVIS  
P.O. BOX 16145  
HOUSTON, TX 77222

SHIP TO:  
SLAB CULTURE  
C/O LYVON DAVIS  
8330 SWEET WATER STREET  
HOUSTON, TX 77037

SHIP DATE		SHIP VIA		TO		TERM	
03/05/08		UPS		DALLAS		PAID IN FULL	
CUST. ORDER NUMBER		ORDER DATE					
LYVON - VERBAL		01/31/08		BA			
QUANTITY		ITEM NUMBER		DESCRIPTION		UNIT PRICE	
Ordered	Shipped						
2.000	2.000	SBN		NYLON PRINTED SIZE/CARE LABEL	55.00		110.00
1	1	SLAWSCEF		SLAB CULTURE END FOLD WOVEN	385.00		385.00
1	1	SLAWSCL		SLAB CULTURE WOVEN LOOP LABEL	385.00		385.00
1	1	FRT		FREIGHT CHARGES	7.34		7.34
3/5/08 - 1,800 END FOLD, 2,450 LOOP, AND 2,000 NYLON CARE - UPS GROUND PAID IN FULL							
						NonTaxable Subtotal	7.34
						Taxable Subtotal	880.00
						Tax (8.250 %)	72.60
						Total	959.94

THANK YOU FOR YOUR BUSINESS!

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

IN THE MATTER OF APPLICATION

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Applicant: Lee Bell, an individual U.S. Citizen  
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Lyvon Davis,	§	
	§	
v.	§	Opposition No. _____
	§	
Lee Bell,	§	
	§	
Applicant.	§	

**OPPOSER'S EXHIBIT F**

# INVOICE #2275 Slab Culture, Slab Culture shirts



Pressing Promos  
 11450 FM 1960 West  
 Suite 204  
 Houston, TX 77065  
 (832) 237-0055 / Fax: (832) 237-0066  
 sales@pressingpromos.com

Invoice Date: 2/29/2008  
 Customer Account #: 1245

**TERMS: Due on receipt**

## Bill To

Slab Culture - Lyvon Davis  
 PO Box 16145  
 Houston, TX 77222  
 (713) 385-5247  
 Email: 30spoke@texanwirewheels.com

## Ship To

Slab Culture - Lyvon Davis  
 PO Box 16145  
 Houston, TX 77222  
 (713) 385-5247  
 Email: 30spoke@texanwirewheels.com

PO Number:	Order Date:	Date Order Due:	Delivery Method
	2/29/2008		

### Work Order #2275A - Screen Printing Contract - Slab Culture

ITEM DESCRIPTION	COLOR	2-4	6-8	10-12	14-16	S	M	L	XL	2XL	3XL	Other	QTY	EACH	TOTAL	
Customer Supplied													19	19	\$15.00	\$285.00
<i>Total</i>													19	19		

Art Charges: \$0.00  
 Setup Fees: \$60.00  
 Sub Total: \$345.00

## Payments

Date	Method	Amount
2/29/2008	Cash	\$345.00

Order Total:	\$345.00
Sales Tax:	\$0.00
Shipping/Handling:	\$0.00
Amount Due:	\$345.00
Payments:	\$345.00
Balance Due:	\$0.00

## INVOICE NOTES

I have reviewed the above information and found it to be correct and free from any errors. I confirm that the artwork, print locations, quantities, shirt styles, and other information on this form are correct. I understand a quote is only good for 30 days and only for information received. Any deviation (IE: Change of apparel, colors or number of colors, and art) will directly effect the pricing and make the original quotation null and void. I also agree to pay the amount listed as the Balance Due upon completion of the order. Please contact Pressing Promos at 832-237-0055 with any questions regarding this information.

**Signature:**  
**Date:**

*Thank you for your business.*



http://www.myspace.com/slabculture

File Edit View Favorites Tools Help

Google myspace.com/slabcultu

Myspace.com - Slab Culture - 29 - Male - ...

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Autolink

Settings Norton

Identity Safe

Logins

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Want Jada's Hair? Try Hair Care Products By Carol's Daughter. Free Shipping! www.CarolDaughters.com/hairstyles

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Search

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Home Browse Find People Forums Music MySpaceTV More

Sign up

### Slab Culture



"Official Slab Apparel"  
Male  
29 years old  
Houston, Texas  
United States

Last Login: 7/10/2008

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#### Slab Culture's Blurbs

About me:

Who I'd like to meet:

...I edited my profile at Freeweblayouts.net, check out these Myspace Layouts!

#### Slab Culture's Friend Space (Top 8)

Slab Culture has 40 friends.

\$\$\$  
MOTIVATED



BOSS HOGG  
OUTLAWZ  
{OFFICIAL  
MYSPACE}



Slim Thug



Miss Yvette



Myspace URL:  
http://www.myspace.com/slabculture

#### Slab Culture's Interests

General

2 purchase or pre-order leave a message for Ffwhheel [Ffithwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com



Start



Desktop...

Lex@...

3 MCr...

Bel MYS...

3 MCr...

15 Ad...

Myspac...

Search Desktop

Internet

100%

6:58 PM

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General  
2 purchase or pre-order leave a message for FIFwheel [Fittwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com



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- \$\$\$**  
MOTIVATED
- BOSS HOGG**  
OUTLAWZ  
(OFFICIAL  
MYSFACE)
- Slim Thug**
- Miss Vannette**
- Jen'E**
- Paul Wall**
- kingpinradio.c**  
om
- TRAE**

message for Ffithwheei! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com



Books  
Heroes  
('http://worldboundmusic.com/si...  
mm\_images/sc\_Background2.jpg  
P.Diddy 4 Sean John PROM ,  
Nelly 4 APPLE BOTTOM  
collection, and list of others  
doing it in the fashion world

Slab Culture's Details

Status: Single  
Here for: Networking  
Orientation: Straight  
Hometown: H-town(Houston)  
Body type: 6' 2" / Average  
Ethnicity: Black / African descent  
Zodiac sign: Cancer  
Occupation: C.E.O of SlabCulture

Slab Culture's Networking  
Fashion - Designer  
C.E.O.Designer,Marketer & Distributor

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Slab Culture's Friend Space (Top 8)  
Slab Culture has 40 friends.

- SLIM THUG**  
MOTIVATED
- BOSS HOGG**  
OUTLAWZ  
OFFICIAL  
MYSAPCE
- Miss Yvette**
- JerrE**
- Paul Wall**
- Kingpinradio.c om**
- TRAE**

Slab Culture's Friends Comments

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Add Comment

### Slab Culture



"Official Slab Apparel"  
Male  
29 years old  
Houston, Texas  
United States  
Last Login: 7/10/2008

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#### Slab Culture's Interests

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- BOSS HOGG  
OUTLAWZ  
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MYSPACE}
- Slim Thug
- Miss Vannette

- JerrE
- Paul Wall
- Kingpinradio.c  
om
- TRAE

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United States  
Last Login: 7/10/2008

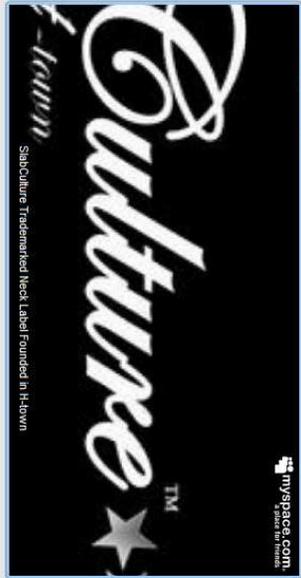
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- \$\$\$ MOTIVATED**  
BOSS HOGG  
OUTLAWZ  
{OFFICIAL  
MYSPACE}
- Slim Thug**
- Miss Vannette**

- JerrE**
- Paul Wall**
- Kingpinradio.com**
- TRAE**



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#### General

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#### Books

([http://worldboundmusic.com/slim\\_images/sc\\_background2.jpg](http://worldboundmusic.com/slim_images/sc_background2.jpg))

#### Heroes

P.Diddy 4 Sean John PROM, Nelly 4 APPLE BOTTOM collection, and list of other's doing it in the fashion world

### Slab Culture's Details

Status: Single  
Here for: Networking  
Orientation: Straight  
Hometown: H-town(Houston)  
Raidy: None

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### Slab Culture's Blurbs

#### About me:

Who I'd like to meet:  
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### Slab Culture's Friend Space (Top 8)

Slab Culture has 40 friends.



\$\$\$



BOSS HOGG OUTLAWZ (OFFICIAL MYSACE)



Slim Thug



Miss Vannette



Jerte



Paul Wall



Kingpinradio.com



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### Slab Culture's Friends Comments

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"Official Slab Apparel"

Male  
29 Years old  
Houston, Texas  
United States

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http://www.myspace.com/slabculture

#### Slab Culture's Interests

##### General

2 purchase or pre-order leave a message for FFwheel [Fifthwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com



BLACK SG ALL PURPOSE SHORT SET W/KEYHOLE NECK TEE 2XL FINAL SLABCULTURE@YAHOO



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Slab culture has 40 friends.



### Slab Culture

"Official Slab Apparel"  
Male  
29 Years old  
Houston, Texas  
United States



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- \$\$\$**  
MOTIVATED
- BOSS HOGG**  
OUTLAWZ  
{OFFICIAL  
MYSPACE}
- Slim Thug**
- Miss Vannette**
- Jen'E**
- Paul Wall**
- Kingpinradio.c**  
om
- TRAE**  
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**Books**  
("http://worldboundmusic.com/slim\_images/sc\_background2.jpg  
**Heroes**  
P.Diddy 4 Sean John PROM , Nelly 4 APPLE BOTTOM collection, and list of other's doing it in the fashion world

**Slab Culture's Details**

**Status:** Single  
**Here for:** Networking  
**Orientation:** Straight  
**Hometown:** H-town(Houston)  
**Brotho hmo:** 6' 2" / Average

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**Who I'd like to meet:**  
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**Slab Culture's Friend Space (Top 8)**

Slab culture has 40 friends.

**\$\$\$**  
**MOTIVATED**  
BOSS HOGG  
OUTLAWZ  
{OFFICIAL  
MYSPEC}

**Slim Thug**

**Miss Vannette**

**JerrE**

**Paul Wall**

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Male  
29 years old  
Houston, Texas  
United States  
Last Login: 7/10/2008

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<http://www.myspace.com/slabculture>

#### Slab Culture's Interests

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2. purchase or pre-order leave a message for Fitzhugh [Fitzhugh] To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at [slabculture@yahoo.com](mailto:slabculture@yahoo.com)



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About me:  
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- \$\$\$**  
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OUTLAWZ (OFFICIAL MYSPACE)
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- JerE**
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- Kingpinradio.c om**
- TRAE**

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\$\$\$  
MOTIVATED



BOSS HOGG  
OUTLAWZ  
{OFFICIAL  
MYSPEACE}



Slim Thug



Miss Vannette



JerrE



Paul Wall



Kingpinradio-c  
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MySpace URL:  
<http://www.myspace.com/slabculture>

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2 purchase or pre-order leave a message for FFWhieel [FFWhieel] To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com



**Books**  
("http://worldboundmusic.com/slim\_images/sc\_background2.jpg P.Diddy 4 Sean John PROM , Kelly '4 APRIL BOTTOM collection, and list of others doing it in the fashion world

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**Status:** Single  
**Here for:** Networking  
**Orientation:** Straight  
**Hometown:** H-town/(Houston)  
**Books/Interests:** 6' 2" / Average

### Slab Culture's Friends Comments

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**Slab Culture's Blurbs**  
**About me:**  
Who I'd like to meet:  
.....I edited my profile at Freeweblayouts.net, check out these Myspace Layouts!

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**\$\$\$**  
**MOTIVATED**

**BOSS HOGG**  
**OUTLAWZ**  
**{OFFICIAL MYSPEACE}**

**Slim Thing**

**Miss Yvette**

**Jerr'E**

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#### Slab Culture's Blurbs

**About me:**  
**Who I'd like to meet:**  
.....I edited my profile at Freeweblayouts.net, check out these Myspace Layouts!

#### Slab Culture's Friend Space (Top 8)

Slab Culture has 40 friends.

- \$\$\$**  
MOTIVATED
- BOSS HOGG**  
OUTLAZ  
{OFFICIAL  
MYSPACE}
- Slim Thug**
- Miss Vannette**
- Jen'E**
- Paul Wall**
- Kingpinradio.c**  
om
- TRAE**  
up 22





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Find People

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### Slab Culture



"Official Slab Apparel"

Male  
29 years old  
Houston, Texas  
United States

Last Login:7/10/2008

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**MySpace URL:**

<http://www.myspace.com/slabculture>

#### Slab Culture's Interests



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#### Slab Culture's Blurbs

**About me:**

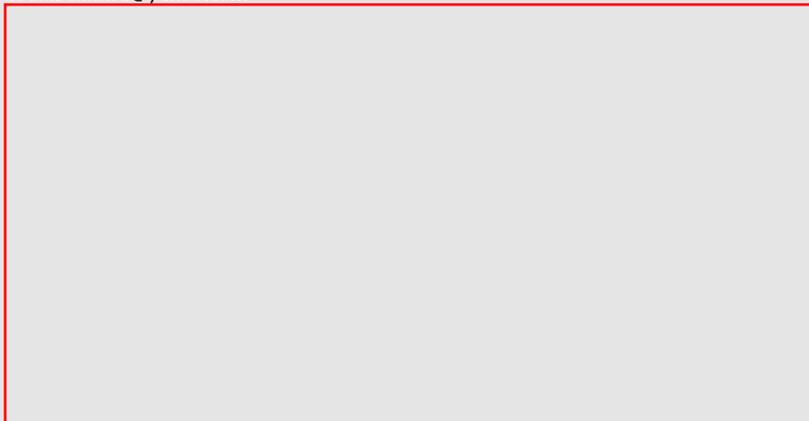
**Who I'd like to meet:**

.. "; .. ..I edited my profile at [Freeweblayouts.net](http://www.freeweblayouts.net), check out these [Myspace Layouts!](#)

..

**General**

2 purchase or pre-order leave a message for FiFwheel[Fifthwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com



**Books**

("http://worldboundmusic.com/slimm\_images/sc\_background2.jpg

**Heroes**

P.Diddy 4 Sean John PROM. , Nelly 4 APPLE BOTTOM collection, and list of other's doing it in the fashion world

**Slab Culture's Details**

- Status:** Single
- Here for:** Networking
- Orientation:** Straight
- Hometown:** H-town(Houston)
- Body type:** 6' 2" / Average
- Ethnicity:** Black / African descent
- Zodiac Sign:** **Cancer**
- Occupation:** C.E.O of SlabCulture

**Slab Culture's Networking**

**Fashion - Design - Designer**

C.E.O,Designer,Marketer & Distributor

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**Slab Culture's Friend Space (Top 8)**

Slab Culture has 40 friends.

\$\$\$ MOTIVATED



BOSS HOGG  
OUTLAWZ  
{OFFICIAL  
MYSPACE}



Slim Thug



Miss Vannette



Jen'E



Paul Wall



Kingpinradio.c  
om



TRAE



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**Slab Culture's Friends Comments**

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### Slab Culture



"Official Slab Apparel"

Male  
29 years old  
Houston, Texas  
United States

Last Login: 7/10/2008

View My: [Pics](#) | [Videos](#)

#### MySpace URL:

<http://www.myspace.com/slabculture>

#### Slab Culture's Interests

##### General

2 purchase or pre-order leave a message for FIFwheel [Fifthwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at [slabculture@yahoo.com](mailto:slabculture@yahoo.com)



##### Books

("http://worldboundmusic.com/slimm\_images/sc\_background2.jpg)

##### Heroes

P.Diddy 4 Sean John PROM. , Nelly 4 APPLE BOTTOM collection, and list of other's doing it in the fashion world

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**Status:** Single  
**Here for:** Networking  
**Orientation:** Straight  
**Hometown:** H-town(Houston)  
**Body type:** 6' 2" / Average  
**Ethnicity:** Black / African descent  
**Zodiac Sign:** Cancer  
**Occupation:** C.E.O of SlabCulture

#### Slab Culture's Networking

**Fashion - Design - Designer**

C.E.O, Designer, Marketer & Distributor

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#### Slab Culture's Blurbs

##### About me:

##### Who I'd like to meet:

.. "; ...I edited my profile at [Freeweblayouts.net](http://Freeweblayouts.net), check out these [MySpace Layouts!](#)

#### Slab Culture's Friend Space (Top 8)

Slab Culture has 40 friends.



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Soft Pink All-Purpose summer short set





SlabCulture All-Purpose Fuscina short set





SlabCulture All-Around Black/Grey Buttndown Coming Soon Pre-Order



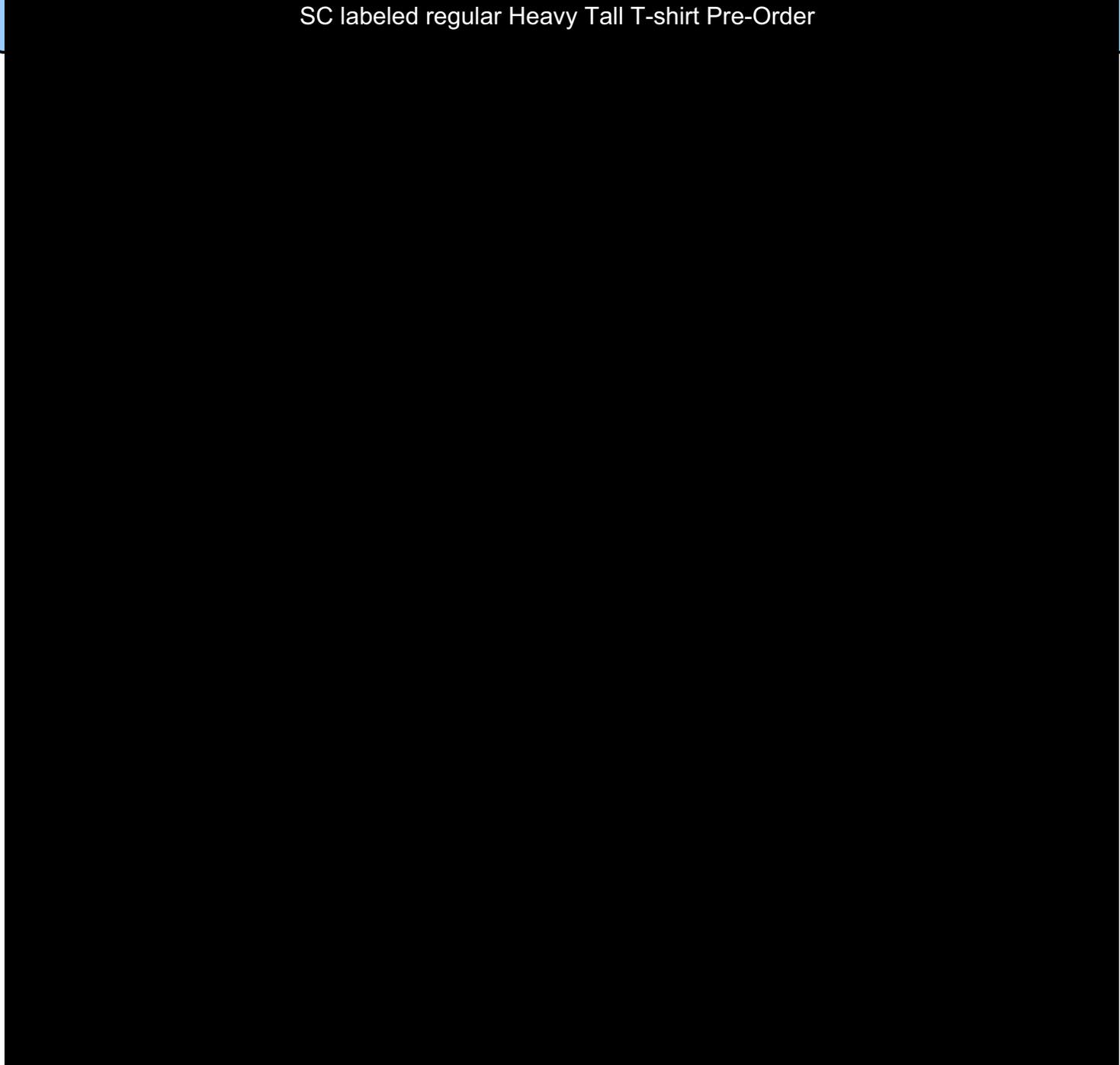


SC All-Around Navy Blue Buttondown/SC Light Blue Casual Buttondown Coming Soon Pre-Order





SC labeled regular Heavy Tall T-shirt Pre-Order







White SC T-shirt & SC Trademark T-shirt

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H7**



Soft Pink SlabCulture Women T-shirt w/Fuscia shorts

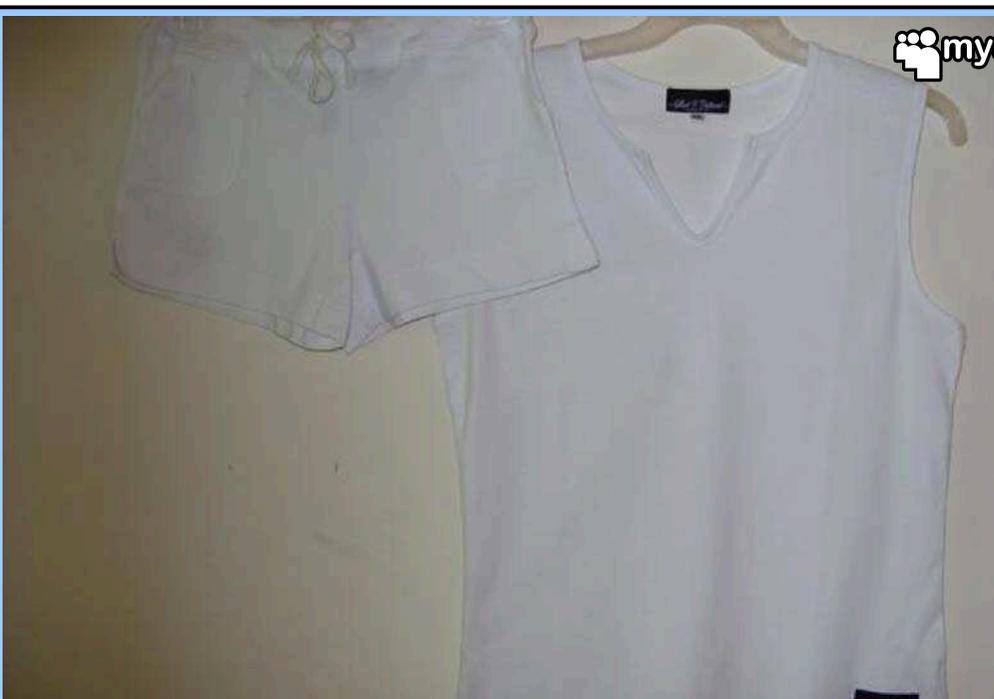
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
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Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H8**



SlabCulture All-Purpose Orgasm White Sexy Summer Short Set

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H9**



BLACK SC ALL PURPOSE SHORT SET w/ KEYHOLE NECK TEE \$20  
EMAIL:SLABCULTURE@YAHOO.COM

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H10**



Soft Pink Slab Queen All-Purpose Summer Sexy Shortset

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H11**



Orgasm White Slab Queen All-Purpose SummerSexyShortset

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H12**



SlabCulture Trademarked Neck Label Founded in H-town

# Slab Culture

*founded in H-town*

SlabCulture Trademarked Neck Label Founded in H-town

# Culture™

*H-town*

SlabCulture Trademarked Neck Label Founded in H-town

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
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Filing Date: June 12, 2008  
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Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H13**



SlabCulture Official Trademark & Label

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT H14**



friends

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## Slab Culture



"Official Slab Apparel"

Male

27 years old

Houston, Texas

United States

Last Login: 8/20/2008



View My: [Pics](#) | [Videos](#)



**MySpace URL:**

<http://www.myspace.com/slabculture>

**Slab Culture's Details**

**Status:** Single

**Here for:** Networking

**Orientation:** Straight

**Hometown:** H-town(Houston)

**Body type:** 6' 2" / Average

**Ethnicity:** Black / African descent

**Zodiac Sign:** **Virgo**

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**Slab Culture's Blurbs**

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**Who I'd like to meet:**

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..

**Slab Culture's Friend Space (Top 8)**

**Slab Culture has 40 friends.**

**Fifwehell**



**\$\$\$ Motivated**



**BOSS HOGG**



**Call Me @**

**713.491.4268**



**OUTLAWZ**

**{OFFICIAL  
MYSPACE}**

**Miss Vannette**



**Jen'E MIA....N..**

**BACK...WWW.  
JENEDOLL.COM**



**Paul Wall**



**Kingpinradio.c**



**om**

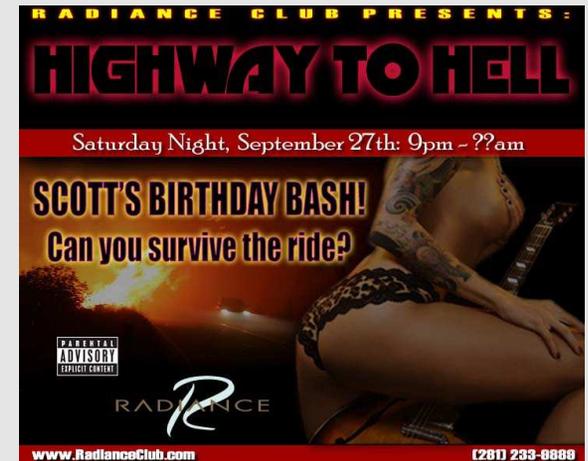
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**Slab Culture's Friends Comments**

Displaying **1** of **1** comments ( [View All](#) | [Add Comment](#) )

**Mrs. Daywalker**

**Sep 25 2008 10:21 AM**



**Add Comment**

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
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Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT I**

# GORDON G. WAGGETT, P.C.

*Intellectual Property Law*

SUITE NO. 350  
550 WESTCOTT STREET  
HOUSTON, TEXAS 77007-5099



OFFICE: 713.961.4641  
FACSIMILE: 713.223.1476  
gordon@waggettlaw.com  
www.waggettlaw.com

August 2, 2008

Via U.S. Certified Mail, Return Receipt Requested No. 7099 3220 0006 1589 9408

Ms. Cheryl Irvin  
Irvin Law Firm  
917 Franklin, Suite 400  
Houston, Texas 777002

Re: SLAB CULTURE™ and other trademarks and copyrights owned by Lyvon Davis

Dear Ms. Irvin,

I have been retained as intellectual property and litigation counsel by Mr. Lyvon Davis, d/b/a Slab Culture (“Davis”). Davis is also involved with a company called Texan Wire Wheels, LLC (“TWW”). It has been brought to my attention that your client, Mr. Lee Bell (“Bell”), who happens to be Davis’ first cousin, has and is presently violating the trademark and copyright rights held and owned by Mr. Davis and TWW.

Among the intellectual property owned and controlled by Davis are the distinctive trademarks SLAB CULTURE™; SLAB CULTURE OFFICIAL SLAB APPAREL™; SLAB CULTURE FOUNDED IN H-TOWN™; KING OF THE WHEEL™; SLAB KING™; SLAB QUEEN™; IT’S MORE THAN JUST A WHEEL ... IT’S A CULTURE™; and BOPPA STOPPA™ and the copyrights associated with various logos, including these logo trademarks.

By way of background, Davis has been working for years with a graphics designer named Tiwan Meggett, d/b/a Steady Grindin and Slimm Images (“Meggett”). In 2007, Meggett created for Davis a large number of distinctive graphic works (“the Works”), and assigned all rights in the Works to Davis. Among these Works is the following logo owned by Davis:



(“Work No. 1”).

Other related logos among the many Works owned by Davis include:



(“Work No. 2”);



(“Work No. 3”);



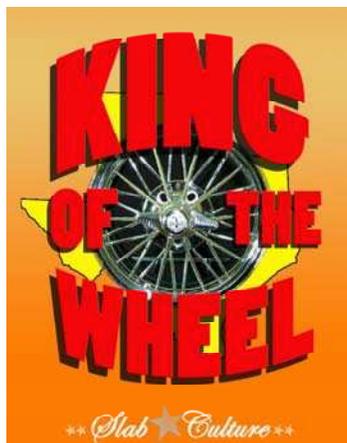
("Work No. 4A");



("Work No. 5");



("Work No. 6");

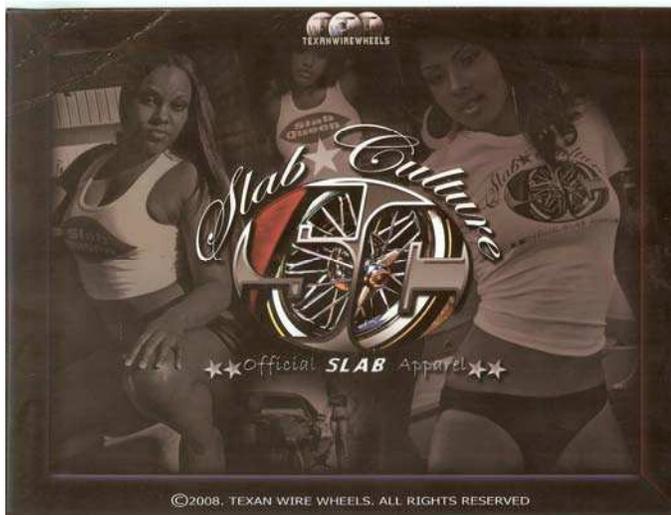


("Work No. 7"); and



("Work No. 8").

Additionally, in late 2007, Meggett assisted Davis in creating the TWW 2008 Calendar for Texan Wire Wheels. This calendar also made reference to the SLAB CULTURE and SLAB QUEEN marks and logos, and included models wearing SLAB CULTURE-branded and SLAB QUEEN-branded shirts, e.g., as displayed on the back cover of the calendar shown below (Work No. 2 is displayed on the right-most model's shirt and the SLAB QUEEN logo is displayed on the shirts of the other two models):



Prior to the creation of this 2008 TWW calendar, Davis ordered and purchased from Pressing Promotions, t-shirts and tank tops branded with the SLAB CULTURE, SLAB QUEEN and KING OF THE WHEEL trademarks and logos, and some of these clothing items were worn by some of the models appearing in the TWW 2008 Calendar, such as shown above. Bell provided Davis with some assistance in connection with coordinating the photo shoots for this calendar, such as, helping line up models and coordinating arrival of vehicles, and was paid by Davis for his time, and provided with a note of “thanks” in the calendar credits page. Davis and/or TWW, owns all rights in the content of this 2008 TWW calendar. Bell does not own any rights in any of the content (including trademarks and copyrighted material) in this 2008 TWW calendar.

Also in late 2007, Davis created and published (with Meggett’s assistance) a MySpace page ([www.myspace.com/slabculture](http://www.myspace.com/slabculture)) for the SLAB CULTURE concept, including the SLAB CULTURE apparel line. The content of this MySpace page included, *e.g.*, Work No. 1, Work No. 3 and Work No. 6 above. At that time, Meggett also created an email address for Davis to be used in connection with Davis’ MySpace site: [slabculture@yahoo.com](mailto:slabculture@yahoo.com). Davis controlled this MySpace site and email address, including their passwords.

In mid-January 2008, Davis began involving and paying Bell for assistance in setting up and marketing Davis’ SLAB CULTURE apparel line. In connection with this work, Davis provided Bell with access (passwords) to the SLAB CULTURE MySpace site and the [slabculture@yahoo.com](mailto:slabculture@yahoo.com) email account. Bell also had access to all of the

digital images (the Works) created by Meggett for Davis, and on information and belief, still maintains unauthorized electronic copies of all of these images.

Davis began using the SLAB CULTURE mark and SLAB CULTURE logo on shirts sold in interstate commerce at least as early as January 2008.

Based on Meggett's designs, Davis decided to have clothing labels created bearing the SLAB CULTURE marks and logos. The narrow woven loop labels (to be sewn into, e.g., the back of the neck region of the shirts, or on other clothing locations) were designed to look like Work No. 4A above; the main clothing label was designed to look like Work No. 1 above (collectively, "the SLAB CULTURE clothing labels").

On January 30, 2008, Davis created the domain name [www.slabculture.com](http://www.slabculture.com), and prominently displays Work No. 5 on that site. The following day, Davis, doing business as Slab Culture, placed a verbal order for the SLAB CULTURE clothing labels with Scarborough Company (Addison, Texas). The subsequent invoice (dated March 5, 2008) from Scarborough indicated on its face that the work was authorized by "Lyvon – Verbal" and was billed to "SLAB CULTURE, Lyvon Davis", with a Ship to Address of "SLAB CULTURE, c/o Lyvon Davis, 8330 Sweet Water Street, Houston, Texas 77037."

This invoice reflected that the order pertained to:

1,800 SLAB CULTURE end fold Woven;  
2,450 SLAB CULTURE Woven Loop Labels; and  
2,000 Nylon printed size/care labels.

Davis paid \$959.94 to Scarborough for these SLAB CULTURE clothing labels. The Scarborough clothing label invoice indicated on its face that the \$959.94 (including UPS Ground Shipping) was paid in full by Davis. The invoice also reflected that the ship

date was March 5, 2008. Davis also interfaced with Scarborough by email via the slabculture@yahoo.com address.

On about February 12, 2008, Davis paid for Bell to travel to Las Vegas to investigate with him potential clothing manufacturers attending the 2008 Magic Clothing Convention in Las Vegas for purposes of Davis' SLAB CULTURE clothing line and Davis' Slab Culture business. Davis went to the same show on the 14<sup>th</sup> of February and met up with Bell.

After returning from the Vegas show, Davis presented Bell with a non-compete agreement in connection with a business proposal by Davis regarding Davis' SLAB CULTURE apparel line and Slab Culture business. Bell refused to sign it. Davis also provided Bell with a digital camera for the purpose of creating images of cars that were using Texan Wire Wheels products. Bell never returned the camera. Davis demands that Bell immediately return to Davis this camera and all electronically stored media containing any of the trademarks and copyrights of Davis complained of herein.

On February 29, 2008, Davis received an invoice from Pressing Promotions indicating on its face that Davis had paid in full for his Slab Culture screen printing contract directed to SLAB CULTURE shirts.

In early March 2008, Davis was expecting receipt of the SLAB CULTURE clothing labels he ordered and purchased from Scarborough. When these labels did not arrive, Davis contacted Scarborough and was advised that Bell had communicated with Scarborough, in part by using the slabculture@yahoo email account, and also by telephone, and had directed Scarborough to ship the SLAB CULTURE labels directly to

Bell's home address. Davis then confronted Bell about this issue and Bell denied this fact. (As will be noted later, Bell has in fact been using these labels). Bell had no authorization from Davis to redirect and take Davis' shipment of SLAB CULTURE clothing labels, nor does Bell have any authorization from Davis to have possession or use of any of Davis' property, including the SLAB CULTURE clothing labels and related intellectual property noted herein. Davis demands that Bell immediately return all of these SLAB CULTURE clothing labels to Davis.

Around this same time, in early March 2008, Bell, without authorization from Davis, logged into the SLAB CULTURE MySpace page and SLAB CULTURE email account and changed the passwords. By doing so, Bell locked out Davis and prevented Davis from going directly back to MySpace.com and using the password retrieval tool. Davis can no longer access his SLAB CULTURE MySpace page or his SLAB CULTURE email account. On information and belief, Bell has been receiving, reviewing and using email communications intended for Davis without Davis' authorization. Davis demands that Bell immediately cease all use of the SLAB CULTURE MySpace and SLAB CULTURE email accounts and immediately provide possession of this site and email account back to Davis (along with requisite passwords).

On about May 1, 2008, Bell allegedly started using the mark SLABCULTURE for hats, t-shirts and pants. The labels he uses are identical to the Scarborough SLAB CULTURE clothing labels ordered and paid for by Davis – and illegally redirected by Bell for delivery to Bell's own home address. Bell's use of Davis' trademarks and copyrighted logos is without authorization from Davis. Davis demands that Bell

immediately cease and desist all further use of any of the intellectual property mentioned herein, including, the SLAB CULTURE trademarks and copyrighted logos, and the SLAB QUEEN and KING OF THE WHEEL trademarks and copyrighted logos and any similar mark or logo.

On about May 30, 2008, Bell filed, through your office, a use-based U.S. Trademark Application with the U.S. Patent & Trademark Office (“USPTO”) for the standard character mark “SLABCULTURE” (Serial No. 76/690,508) for “clothing, namely hats, t-shirts and pants” claiming a date of first use anywhere and in commerce of May 1, 2008. The USPTO received this application on June 12, 2008 and accorded it with an official filing date of June 12, 2008. In addition to unlawfully taking Davis’ SLAB CULTURE trademark and holding it out and representing it to be his own, and unlawfully using Davis’ trademark on clothing, the specimen of use submitted by Bell to the USPTO uses Davis’ copyrighted design and appears to be one of the very SLAB CULTURE clothing labels designed by Davis, paid for by Davis, and made by Scarborough for Davis:



This clothing label is identical to Work No. 1 above and identical to the clothing label ordered by Davis from Scarborough. In this U.S. Trademark Application, Bell signed a declaration on June 10, 2008, declaring under penalty of perjury, that:

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; that said mark is in use in the type of commerce specified in this application; that to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that the specimens or facsimiles accompanying this application show said mark as actually used in commerce in connection with the goods/services; and that all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Bell knew when he filed this trademark application and signed this declaration that the SLAB CULTURE trademark, logo and clothing labels belonged to Davis. Bell has no right to seek trademark protection for these infringing trademarks and copyrighted logos and Davis demands that Bell immediately cease all further attempts to register any of Davis' intellectual property and to immediately file with the USPTO a written Notice of Express Abandonment of this unlawful trademark application (a form is available from the USPTO website for use in the on-line filing of this Notice -- no filing fee is required).

In mid-June 2008, Davis reviewed a MySpace message on Texan Wire Wheels' MySpace page addressed from Bell announcing what Bell held out to be Bell's new SLAB CULTURE clothing line on the [myspace.com/slabculture](http://myspace.com/slabculture) site. In fact, Bell displays Davis' MySpace page and content as if it was his own, and continues to use this

SLAB CULTURE MySpace page to advise the public that he is the “C.E.O., Designer, Marketer and Distributor” of SlabCulture when he is not (Bell also refers to the mark in a two word form “SLAB CULTURE”). Bell is further using this unauthorized MySpace site to offer and sell, without any authorization from Davis, clothing items bearing Davis’ SLAB CULTURE and SLAB QUEEN trademarks and copyrighted logos. Bell is falsely designating the origin of these trademarks as being owned by Bell when this is knowingly and willfully false. These unlawful acts constitute unfair competition, passing off, trademark infringement and copyright infringement and Davis demands that Bell immediately cease and desist all further unlawful activity relating to Davis’ intellectual property identified herein.

The current SLAB CULTURE MySpace site illegally operated and taken over by Bell contains digital images, displayed in Flash format, of various men’s and women’s shirts, tank tops, and shorts labeled as follows which constitute multiple acts of trademark and copyright infringement:

- (1) “Soft Pink All-Purpose summer short set”. In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright infringement.
- (2) “SlabCulture All-Purpose Fuscia short set”. In this image of a shirt and short set, the shirt contains the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. This constitutes trademark and copyright infringement.

- (3) “SlabCulture All-Around Black/Grey Buttondown Coming Soon Pre-Order”. In this image, the front of a black shirt is shown bearing a monogrammed Slab Culture logo identical to Work 4A in the breast pocket area and also bearing the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. Also depicted in this image is a grey shirt bearing a logo identical with Work No. 8, and also including the Slab Culture logo identical to Work 4A. This constitutes trademark and copyright infringement.
- (4) “SC All-Around Navy Blue Buttondown/SC Light Blue Casual Buttondown Coming Soon Pre-Order”. In this image, the front of a light blue shirt is shown bearing the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. Also shown in this image is a navy blue shirt bearing the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area, and a monogrammed Slab Culture logo identical to Work 4A in the breast pocket area. This constitutes trademark and copyright infringement.
- (5) “SC labeled regular Heavy Tall T-shirt Pre-Order”. Depicted in this image are a grey and a black t-shirt bearing the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area. This constitutes trademark and copyright infringement.
- (6) “White SC T-shirt & SC Trademark T-shirt.” In this image, both t-shirts contain the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt

tail area. One of the t-shirts also has screen printed on its face a copy of the SLAB CULTURE logo (Work No. 1.) This constitutes trademark and copyright infringement.

(7) “Soft Pink Slab Queen All-Purpose Summer Sexy Short set”. In this image (previously displayed by Bell on this MySpace site), both tank tops contain the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. Both tank tops also contain the SLAB QUEEN logo. This constitutes trademark and copyright infringement.

(8) “Orgasm White Slab Queen All-Purpose Summer Sexy Short Set”. In this image (previously displayed by Bell on this MySpace site), three tank tops contain the SLAB CULTURE Neck label (Work No. 4A) attached in the neck area and the SLAB CULTURE main label (Work No. 1) attached in the lower front shirt tail area. All three tank tops also contain the SLAB QUEEN logo. This constitutes trademark and copyright infringement.

Above these “flash” clothing images on Bell’s unlawful MySpace site is the message “2 purchase or pre-order leave a message for FiFwheel [Fifthwheel]! To ask questions about future events, designs, or the future of SlabCulture leave comments, or email us at slabculture@yahoo.com.” Bell’s nickname is known to be FiFwheel. Over 18 different shirt garments unlawfully contain both of the SLAB CULTURE clothing labels that belong to Davis (Work No. 1 and Work No. 4A). Numerous other garments illegally use Davis’ SLAB CULTURE and/or SLAB QUEEN trademarks and

copyrighted logos, including, Work No. 1, Work No. 4A, and Work No. 8. These articles of clothing constitute multiple acts of infringement of Davis' copyrights and trademarks.

Additionally, Bell's unauthorized MySpace site contains illegal, copyright infringing digital reproductions of Work No. 1, Work No. 3, Work No. 4A, and Work No. 6 that are also used in a trademark infringing manner to drive customers to his MySpace site to purchase merchandise that Bell improperly holds out to be genuine, branded product when he knows this is not the case. In fact, in the "Flash" display operating on Bell's unauthorized MySpace site, Bell displays Work No. 4A and calls it the "SlabCulture Trademarked neck label Founded in H-Town" – this is in fact the neck label ordered and paid for by Davis. Additionally, in the same "Flash" display, Bell displays Work No. 1 and calls it "SlabCulture Official Trademark & Label" – this is the other clothing label ordered and paid for by Davis. Bell's own language further evidences that Bell is referring directly to the very SLAB CULTURE clothing labels that Bell diverted from Davis.

Davis demands that Bell immediately return to Davis all of the SLAB CULTURE clothing labels as well as each and every article of clothing or other materials that Bell has in his possession that bear any of the Davis trademarks and copyrighted logos, including, without limitation, clothing bearing the SLAB CULTURE clothing labels, clothing bearing or printed with the SLAB CLUTURE mark or logo, the SLAB QUEEN mark or logo and/or the KING OF THE WHEEL mark or logo and/or any of the other Works that Bell had access to from Davis.

Davis has filed a use-based U.S. Trademark Application for the standard character mark "SLAB CULTURE" (Serial No. 77/507,987) for "wearable garments and clothing, namely, shirts" claiming date of first use anywhere and in commerce of January 2008. Davis maintains superior rights to Bell in the SLAB CULTURE trademarks and other intellectual property mentioned herein. If Bell refuses to voluntarily expressly abandon his illegal trademark application, Davis will seek all available remedies to oppose Bell's pending application either before the USPTO or in federal district court.

Recently, it has also come to Davis' attention that Bell has been appearing at various public functions selling, without authorization, t-shirts bearing Davis' SLAB CULTURE, SLAB QUEEN, and KING OF THE WHEEL trademarks and copyrighted logos. Davis also demands that Bell immediately cease and desist from making any further representations that he is affiliated with or somehow sponsored by Davis or SLAB CULTURE, and that Bell immediately cease and desist all further use of any of the Davis trademarks, logos and copyrighted logos identified herein.

Davis has promoted and advertised his distinctive trademarks and logo designs in connection with various goods and services, including the SLAB CULTURE apparel line, in the State of Texas and throughout the world, including by means of the Internet and through the TWW 2008 Calendar. As a result of Davis' use of these marks in commerce, and the favorable response of the relevant public to the marks and the related goods and services, Davis' trademarks, such as, SLAB CULTURE, SLAB QUEEN and KING OF THE WHEEL, have become valuable trademark assets to Davis and are entitled to protection under state and federal trademark laws. Davis' logos have also

become valuable copyrighted assets to Davis and are likewise afforded protection under U.S. Copyright law.

**Copyright infringement.** Based on the above, Bell's unauthorized use of Davis' images and logos violates the U.S. Copyright laws (17 U.S.C. § 101 *et seq.*). Davis owns the copyright in all of these original images, logos and Works. Bell had access to Davis' Works and Bell's infringing materials are identical or virtually identical (and without question substantially similar) to Davis' copyrighted Works – Bell copied them, essentially verbatim. The U.S. Copyright Act provides as a remedy for copyright infringement recovery against the infringer of either (1) the copyright owner's actual damages and any additional profits of the infringer, as provided by subsection (b); or (2) statutory damages, as provided by section 504(c). Bell's infringement has been willful entitling Davis to seek enhanced damages. Davis may also be entitled to recovery of his reasonable attorney's fees and costs. Davis is also entitled to seek a permanent injunction.

**Infringement Of Common Law Trademark Rights And Injury To Business Reputation.** Furthermore, Bell's unauthorized use of Davis' trademarks constitutes common law trademark infringement and injury to business reputation under Tex. Civ. Prac. & Rem. Code Ann. §§ 16.2. Davis, by adoption and use in this district and elsewhere in Texas and in the U.S., has acquired valid common law rights in his trademarks and trade name for the various goods and services involved in his SLAB CULTURE business efforts. These common law trademark rights are superior to those of Bell. Davis' distinctive marks and SLAB CULTURE trade name are capable of

distinguishing Davis' products and services from those of others. Davis' marks are inherently distinctive. Bell is using infringing trademarks in Texas and elsewhere in connection with selling, offering for sale, or advertising goods or services similar to those of Davis when the use is likely to deceive or cause confusion or mistake as to the source or origin of the goods or services. The confusion caused by Bell's wrongful activities is not just possible, it is probable. Bell has applied infringing marks to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in selling, leasing, distributing, or rendering goods or services in Texas and elsewhere in the U.S. when the use is likely to deceive or cause confusion or mistake as to the source or origin of the goods or services. Bell is contacting and soliciting the same customers as those of Davis, and seeks to offer, sell and distribute his infringing goods, services and commercial activities within the same stream of commerce used by Davis. Bell has also engaged in acts that have and are likely to injure the business reputation and/or to tarnish the distinctive quality of Davis' common law trademarks and Davis' common law SLAB CULTURE trade name. Davis is entitled to seek an award of damages, including punitive damages, and a permanent injunction.

**False Designation of Origin, False Descriptions, and Dilution.** Bell's unlawful use of Davis' MySpace site and email address and his advertising and sales of clothing bearing infringements of Davis' marks also violates the federal trademark Lanham Act (15 U.S.C. § 1125) because such use is likely to cause confusion, or cause mistake, or to deceive as to the affiliation, connection or association of Bell with Davis. Similarly, Bell's unauthorized use of Davis' common law trademarks on these clothing articles and

MySpace site and email address constitutes commercial advertising or promotion that misrepresents the nature, characteristics, qualities or geographic origin of Bell's or another person's goods, services, or commercial activities. In addition, Bell, in connection with his offering of such products under Davis' trademarks is misrepresenting the origin, sponsorship or approval of his goods, services and commercial activities as being associated or affiliated with Davis. As a result of the above, Bell has violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). Bell's conduct has been willful. This is an exceptional case. Davis is entitled to seek an award of damages, attorney's fees and a permanent injunction.

**Violation of Texas Theft Liability Act.** Bell unlawfully appropriated the property of another, namely, Davis, *e.g.*, by diverting the SLAB CULTURE clothing labels, email account and MySpace account to his own use. As such, per Tex. Civ. Prac. & Rem. Code Ann. §§ 134.001 — .005 (Vernon 1997 & Supp. 2004-2005), Davis is entitled to seek damages, injunctive relief and an award of his reasonable and necessary attorney's fees.

**Conversion.** Bell unlawfully exercised dominion and control over Davis' trademarks, copyrighted Works, SLAB CULTURE clothing labels, email account and MySpace account, in denial of, or inconsistent with, Davis' rights in that property. As such, Davis is entitled to seek damages and injunctive relief and an award of his attorney's fees due to Bell's unlawful acts of conversion.

**Tortious Interference With Existing And Prospective Business Relations And Contracts.** As set out above, Bell has directly interfered with the existing business relations and contracts held by Davis with, e.g., Davis' clothing label vendor, MySpace account, and email account. Bell knew of these contracts and business relationships held by Davis, including email communications intended for Davis, and Bell willfully and intentionally interfered with them causing actual damage or loss to Davis.

**Fraud.** Bell has made material representations to Davis' customers as well as to the USPTO under oath, that Bell is the owner of the SLAB CULTURE mark and trade name, as well as Davis's copyrighted logos and other intellectual property mentioned herein. Bell has also represented himself to hold various positions with the Slab Culture organization. These representations were false, and when these representations were made by Bell, Bell knew the representations were false or made recklessly without any knowledge of the truth and as a positive assertion. Bell made these material representations of fact with the express intent that those hearing or reading such representations, be it Davis' business relations or the USPTO, should act upon the representations. Such representations were relied upon by those receiving them (for example, the USPTO will not permit a trademark application to proceed without a declaration being signed under penalty of perjury), and for example, Davis' clothing label supplier relied on statements from Bell to redirect the SLAB CULTURE clothing label shipment to Bell when the actual invoice reflected Davis' instructions to deliver them to Davis. As a direct and proximate result of such material misrepresentations of fact, Bell has caused injury. Davis has and will continue to suffer injury as a result of such

willfully false representations of material fact. The actions of Bell complained of herein constitute fraud and have resulted in damages to Davis and Davis is entitled to seek punitive and exemplary damages.

**Unfair competition.** Bell has engaged in unlawful acts and tortuous conduct that have interfered with Davis' ability to conduct his business. These actions, taken together, also constitute unfair competition under Texas and federal law. Davis is entitled to seek, *e.g.*, an award of lost profits from Bell. Bell's unfair competition was willful and deliberate and entitles Davis to seek enhanced damages.

**Attorney's fees.**

Bell's unlawful activities have required Davis to incur expenses in obtaining legal counsel to represent his rights in this matter. Davis is entitled to seek an award of his reasonable attorney's fees and costs incurred as a result of the wrongful acts of Bell.

**Demands:**

In view of the foregoing, Davis hereby demands the following immediate actions from Bell; namely that:

- (1) Bell immediately cease and desist all further use of any of Davis' intellectual property mentioned herein, including, the SLAB CULTURE trademarks and copyrighted logos (and any similar mark or logo), and the SLAB QUEEN and KING OF THE WHEEL trademarks and copyrighted logos (and any similar mark or logo).
- (2) Bell immediately cease and desist all further unlawful activity relating to Davis' intellectual property identified herein.

- (3) Bell immediately cease all further advertising, sale or distribution of any clothing articles or other products branded with or bearing any of Davis' trademarks or copyrighted logos (or similar marks or logos).
- (4) Bell immediately cease all use of the SLAB CULTURE MySpace account ([www.myspace.com/slabculture](http://www.myspace.com/slabculture)) and the [slabculture@yahoo.com](mailto:slabculture@yahoo.com) email account and immediately provide possession of this site and email account back to Davis, including providing the user names and passwords Bell uses.
- (5) Bell immediately cease and desist from making any further representations that he is affiliated with or somehow sponsored by Davis or SLAB CULTURE, and that Bell immediately cease and desist all further use of any of the Davis trademarks, logos and copyrighted logos identified herein (or anything similar).
- (6) Bell immediately return all of the SLAB CULTURE clothing labels to Davis.
- (7) Bell immediately provide to Davis each and every article of clothing or other materials that Bell has in his possession that bears any of the Davis trademarks and copyrighted logos (or similar marks and logos), including, without limitation, clothing bearing the SLAB CULTURE clothing labels, clothing bearing or printed with the SLAB CULTURE mark or logo, the SLAB QUEEN mark or logo and/or the KING OF THE WHEEL mark or logo.

- (8) Bell immediately identify the location and type of media that contains any electronically stored data containing any of the trademarks, logos and copyrighted materials of Davis complained of herein.
- (9) Bell immediately identify any pending orders for clothing or other branded products bearing any of Davis' trademarks or logos.
- (10) Bell immediately provide to Davis any written materials (in printed or electronic form) containing any of the Davis trademarks or copyrights (or any similar trademark or copyright).
- (11) Bell immediately cease all further attempts to register any of Davis' intellectual property in any forum and to immediately file with the USPTO a written Notice of Express Abandonment of Bell's unlawful trademark application (a form is available from the USPTO website for use in the on-line filing of this Notice – no filing fee involved).
- (12) Bell immediately return to Davis the digital camera Davis provided to Bell for Bell's use in assisting Davis with Davis' business or replace it with a suitable replacement.
- (13) Bell provide Davis with an accounting of all sales, including profits, of clothing items bearing any of the marks or copyrighted logos complained of herein (or similar marks or logos).
- (14) Bell not destroy or alter any evidence that might be discoverable in connection with this matter, but rather, provide his counsel with all such evidence that is not otherwise being provided to Davis. If the parties are

able to work out this matter without resort to litigation, then Bell will have a further obligation to ensure that any objectionable material has been destroyed or provided to Davis, at Davis' option.

- (15) Bell provide written assurances and confirmation that Bell has complied with all of the above, including evidencing the steps taken to do so.

If Bell has not complied with the above requests by August 14, 2008, Davis will be forced to take further legal action and incur additional legal expenses, at which time he will seek all relief to which he is entitled, including, without limitation, an award of monetary damages, reasonable attorney's fees, costs, and injunctive relief.

This letter is made without prejudice to any action that may be taken in the event that further action is necessary to protect the rights of Davis. I look forward to promptly hearing from you so that we may resolve this matter expeditiously and without resort to the courts. I will be unavailable from August 5-13 and look forward to hearing from you upon my return.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gordon G. Waggett", with a stylized flourish at the end.

Gordon G. Waggett

cc: Mr. Lyvon Davis

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Cheryl Irvin  
Irvin Law Firm  
917 Franklin, Suite 400  
Houston, TX 77002

2. Article Number

(Transfer from service label)

7099 3220 006 1589 9408

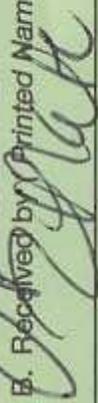
PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
  Addressee

B. Received by (Printed Name) C. Date of Delivery  


D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



7099 3220 0006 1589 9408



U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only, No Insurance Coverage Provided)

Article Sent To: \_\_\_\_\_

Postage \$	
Certified Fee	
Return Receipt Fee (Enclosurement Required)	
Restricted Delivery Fee (Enclosurement Required)	
<b>Total Postage &amp; Fees \$</b>	

Postmark Here

Name (Please Print Clearly) (To be completed by mailer)  
 Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

PS Form 3800, JULY 1999 SEE REVERSE FOR INSTRUCTIONS

**GORDON G. WAGGETT, P.C.**  
*Intellectual Property Law*  
 CS ✦ 83  
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 550 Westcott Street  
 Houston, Texas 77007-5099

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 Irvin Law Firm  
 917 Franklin, Suite 400  
 Houston, Texas 77002

7099 3220 0006 1589 9408



## Whois Search Results

Search again (.aero, .arpa, .asia, .biz, .cat, .com, .coop, .edu, .info, .int, .jobs, .mobi, .museum, .name, .net, .org, .pro, or .travel) :

- Domain (ex. internic.net)  
 Registrar (ex. ABC Registrar, Inc.)  
 Nameserver (ex. ns.example.com or 192.16.0.192)

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

```
Domain Name: SLABCULTURE.COM
Registrar: TUCOWS INC.
Whois Server: whois.tucows.com
Referral URL: http://domainhelp.opensrs.net
Name Server: NS1.IPOWER.COM
Name Server: NS2.IPOWER.COM
Status: ok
Updated Date: 30-jan-2008
Creation Date: 30-jan-2008
Expiration Date: 30-jan-2009
```

>>> Last update of whois database: Wed, 05 Nov 2008 23:04:55 EST <<<

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly

prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

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This page last updated 01/24/2003

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

IN THE MATTER OF APPLICATION

Mark: SLABCULTURE  
Applicant: Lee Bell, an individual U.S. Citizen  
Serial No.: 76/690,508  
Filing Date: June 12, 2008  
Filing Basis: 1A (Claimed dates of first use anywhere/in commerce May 1, 2008)  
Published: *Official Gazette* of November 4, 2008

Lyvon Davis,		§	
	Opposer,	§	
v.		§	Opposition No. _____
Lee Bell,		§	
	Applicant.	§	

**OPPOSER'S EXHIBIT J2**



★★ Official SLAB Apparel ★★

**WEBSITE COMING SOON!**

CONTACT