

ESTTA Tracking number: **ESTTA353339**

Filing date: **06/16/2010**

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	Hard Candy Cases, LLC
Granted to Date of previous extension	06/16/2010
Address	375 Diablo Road Suite 200 Danville, CA 94526 UNITED STATES

Attorney information	Stuart J. West West & Associates, A PC 1255 Treat Blvd. 3rd Floor Walnut Creek, CA 94597 UNITED STATES trademark@westpatentlaw.com Phone:925.465.4603
----------------------	--

**Applicant Information**

Application No	77700557	Publication date	02/16/2010
Opposition Filing Date	06/16/2010	Opposition Period Ends	06/16/2010
Applicant	Hard Candy, LLC 6100 Hollywood Blvd. 7th Floor Hollywood, FL 33024 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 018. All goods and services in the class are opposed, namely: leather goods, namely, backpacks, leather bags, suitcases, wallets, leather cases, leather handbags, leather key chains, leather pouches, traveling bags; purses
---

**Grounds for Opposition**

Other	Lack of Bona Fide Intent to Use
-------	---------------------------------

Attachments	20100616-executed opposition-HARDC-41002.pdf ( 4 pages )(128779 bytes )
-------------	---

**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	/Stuart J. West/
Name	Stuart J. West
Date	06/16/2010

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

In Re Application Serial No. : 77700557  
For the Mark : Hard Candy  
Filed : 27 March 2009  
Published in the Trademark  
Official Gazette on : 16 February 2010

-----X  
HardCandy Cases, LLC :  
: Opposition No. \_\_\_\_\_  
Opposer, :  
: v. :  
: Hard Candy, LLC :  
: Applicant. :  
: :  
-----X

**NOTICE OF OPPOSITION**

HardCandy Cases, LLC, a limited liability company, having a principal place of business at 375 Diablo Road, Suite 200 in Danville, California, 94526 (hereinafter "Opposer"), believes and alleges that it will be damaged by the registration of mark shown in the above-identified application, owned by Hard Candy, LLC, a limited liability company, having a principle place of business at 6100 Hollywood Blvd., 7<sup>th</sup> Floor, Hollywood, Florida , 33725 (hereinafter "Applicant"), and hereby opposes registration of the same.

As Grounds for Opposition, it is alleged that:

1. Opposer is actively engaged in the business of manufacturing, distributing and selling computing device, mobile telephone and personal digital assistant (PDA) cases, coverings, and shells under the marks "Hard Candy" and "Hard Candy Cases."

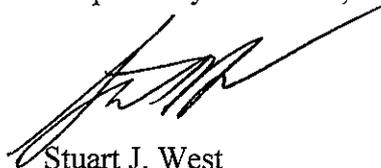
2. Opposer is the owner of the pending mark "Hard Candy Cases" (Serial No. 77/917,147).
3. Opposer has Standing to oppose Applicant's mark, as Opposer reasonably believes it will likely be damaged by registration of Applicant's mark.
4. Applicant's application seeks registration for goods/services including; "leather goods, namely, backpacks, leather bags, suitcases, wallets, leather cases, leather handbags, leather key chains, leather pouches, traveling bags; purses."
5. Applicant is in the business of manufacturing, distributing and selling cosmetics.
6. Since the year 1996, Applicant has filed more than 100 federal trademark applications that have subsequently been abandoned either expressly or for failure to file a statement of use.
7. On March 27, 2009, Applicant filed 11 intent-to-use applications in multiple classes of goods ranging from "MP3 Players" (Application Serial No. 77/700,559) and "electronic action toys" (Application Serial No. 77/700,563) to "cheese flavored snacks" (Application Serial No. 77/700,562) and "beauty beverages" (Application Serial No. 77,700,564), none of which have subsequently registered.
8. Applicant has exhibited a pattern and practice of filing multiple intent-to-use trademark applications across multiple classes of goods and subsequently abandoning the underlying applications for failure to file statements of use.
9. On information and belief, Opposer reasonably believes that at the time of filing its intent-to-use application for registration on March 27, 2009, Applicant did not have a bone fide intent-to-use such mark in connection with at least some of the goods identified in its application.

### **Prayer for Relief**

For at least the foregoing reasons, Opposer respectfully requests that Applicant's application for registration of the mark "Hard Candy" be refused; or

In the alternative, Opposer respectfully requests that Opposer be allowed to further amend this Notice of Opposition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stuart J. West", written over a horizontal line.

Stuart J. West

Reg. No. 43,258

Attorney for HardCandy Cases, LLC

CERTIFICATE OF SERVICE

I, Dawn Callender, hereby certify that on June 16, 2010 a true and exact copy of foregoing Notice of Opposition was served by First Class Mail, postage prepaid to:

Registrant:

Hard Candy, LLC  
6100 Hollywood Blvd. 7th Floor  
Hollywood, FL 33024

Counsel for Registrant

Manuel Varcacel, Esq.  
Greenberg Traurig, P.A.  
1221 Brickell Ave, Suite 1840  
Miami, FL 33131-3238

  
\_\_\_\_\_  
Dawn Callender