

ESTTA Tracking number: **ESTTA359304**

Filing date: **07/21/2010**

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	Belator LLC		
Entity	Limited Liability Company	Citizenship	California
Address	11333 Moorpark Street #467 Studio City, CA 91602 UNITED STATES		

Attorney information	Jon M. Leader Leader Gorham LLP 1990 South Bundy Drive Suite 390 Los Angeles, CA 90025 UNITED STATES jleader@lglaw.la Phone:(310) 696-3300		
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**Applicant Information**

Application No	77931632	Publication date	06/22/2010
Opposition Filing Date	07/21/2010	Opposition Period Ends	07/22/2010
Applicant	McLean, John D 466 Riverview Crescent Coquitlam, CANADA		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

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

U.S. Registration No.	3818011	Application Date	12/02/2009
Registration Date	07/13/2010	Foreign Priority Date	NONE
Word Mark	RANDY BLUE ADRENALINE		

Design Mark	<b>Randy Blue Adrenaline</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/11/01 First Use In Commerce: 2009/11/23 Prerecorded digital video discs (DVDs) in the field of adult entertainment Class 041. First use: First Use: 2009/09/01 First Use In Commerce: 2009/11/23 Film and video production; production of digital video discs (DVDs) featuring adult entertainment

U.S. Registration No.	3682879	Application Date	02/27/2009
Registration Date	09/15/2009	Foreign Priority Date	NONE

Word Mark	RANDYBLUE
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Design Mark	<b>RandyBlue</b>
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Description of Mark	NONE
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Goods/Services	Class 041. First use: First Use: 2002/04/24 First Use In Commerce: 2002/04/24 Entertainment services, namely, providing a web site featuring photographs, motion picture clips, commentary and articles in the field of adult entertainment via a global computer network, and on-line journals, namely blogs featuring adult entertainment
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U.S. Registration No.	3742713	Application Date	06/21/2006
Registration Date	01/26/2010	Foreign Priority Date	NONE

Word Mark	RANDYBLUE
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Design Mark	<b>RandyBlue</b>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2009/11/21 First Use In Commerce: 2009/11/21 Pre-recorded videotapes and digital video discs, DVDs, in the field of adult entertainment Class 016. First use: First Use: 2005/02/08 First Use In Commerce: 2005/02/08 Magazines and printed materials in the field of adult entertainment Class 035. First use: First Use: 2002/04/24 First Use In Commerce: 2002/04/24 Computerized on-line store retail services in the field of adult entertainment, namely, providing photographs, motion picture clips, commentary and articles in the field of adult entertainment via a global computer network

U.S. Application No.	76979043	Application Date	06/21/2006
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	RANDY BLUE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 035. First use: First Use: 2002/04/24 First Use In Commerce: 2002/04/24 Computerized on-line store retail services in the field of adult entertainment Class 041. First use: First Use: 2002/04/24 First Use In Commerce: 2002/04/24 Entertainment services, namely, providing a web site featuring photographs, motion picture clips, commentary and articles in the field of adult entertainment via a global computer network, and on-line journals, namely, blogs featuring adult entertainment
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U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
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Word Mark	RANDY BLUE
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Goods/Services	Clothing and entertainment services, namely, providing a web site featuring photographs, motion picture clips, commentary and articles in the field of adult entertainment via a global computer network, and on-line journals, namely, blogs featuring adult entertainment
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	RANDY		
Goods/Services	Clothing and entertainment services, namely, providing a web site featuring photographs, motion picture clips, commentary and articles in the field of adult entertainment via a global computer network, and on-line journals, namely, blogs featuring adult entertainment		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	I [HEART] RANDY		
Goods/Services	Clothing and entertainment services, namely, providing a web site featuring photographs, motion picture clips, commentary and articles in the field of adult entertainment via a global computer network, and on-line journals, namely, blogs featuring adult entertainment		

Attachments	77884618#TMSN.jpeg ( 1 page )( bytes ) 77680622#TMSN.jpeg ( 1 page )( bytes ) 76661934#TMSN.gif ( 1 page )( bytes ) 76979043#TMSN.jpeg ( 1 page )( bytes ) Notice of Complaint to Randi Boy.pdf ( 4 pages )(62304 bytes )
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### Certificate of Service

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

Signature	/Jon M. Leader/
Name	Jon M. Leader
Date	07/21/2010

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

BELATOR LLC, a limited liability company,	)	Opposition No. _____
	)	
Opposer,	)	Mark: RANDI BOY
	)	Serial No.: 77931632
	)	
vs.	)	
	)	
JOHN MCLEAN BDA RUKKUS INDUSTRIES, an individual,	)	
Applicant.	)	
_____	)	

Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

Belator LLC, 11333 Moorepark Street #467, Studio City, California 91602, a limited liability company duly organized and existing under the laws of the State of California (“Belator”), files this notice of opposition to application Serial No. 77931632 for the mark “Randi Boy” by applicant John McLean dba Rukkus Industries, an individual, 466 Riverview, Crescent, Coquitlam, Canada (“Applicant”).

1. Belator believes that it will be damaged by registration of Applicant's trademark "RANDI BOY," Serial No. 77931632 and opposes registration of such mark.

2. Belator uses "RANDY BLUE", "RANDYBLUE", "RANDY BLUE ADRENALINE", "I [HEART] RANDY" and other marks and slogans incorporating the term "RANDY" in conjunction with the sale of a variety of products as well as in connection with on-line retail store and entertainment services.

3. Belator owns trade name, service mark, and trademark rights that predate the filing of the opposed application, which Applicant filed as an intent-to-use application.

4. Belator is the owner of the following U.S. registrations:

<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>First Use</b>
RandyBlue	3682879	9/15/2009	4/2002
RandyBlue	3742713	1/26/2010	4/2002
Randy Blue Adrenaline	3818011	7/13/2010	11/2009

5. Belator is the owner of the following U.S. application:

<b>Mark</b>	<b>Serial No.</b>	<b>App. Date</b>
Randy Blue	76979043	6/21/2006

6. In addition to the above-referenced registrations and application, Belator owns common law trademark rights in "RANDY BLUE",

“RANDYBLUE” and “I [HEART] RANDY” for use in connection with the sale of clothing, among other goods and services.

7. Due to Belator’s extensive use and marketing of the “RANDY BLUE” and “RANDYBLUE” marks, these marks have become famous.

8. Belator owns valuable goodwill in its marks.

9. Registration of “RANDI BOY” as mark for “Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms” is likely to cause injury to Belator and to injure Belator’s rights in its names and marks.

10. Registration and use of the mark “RANDI BOY” by Applicant in connection with “apparel” would be likely to cause confusion, mistake, and/or deception as to source, affiliation, and/or sponsorship between Belator and its goods and services, on the one hand, and Applicant and its goods and services, on the other.

11. In addition, registration and use of the mark “RANDI BOY” by Applicant would dilute the distinctiveness of Belator’s marks.

WHEREFORE, Belator respectfully requests that Applicant’s application be rejected and that this opposition be sustained.

The filing fee is being submitted with this opposition.

Dated: July 21, 2010

Respectfully submitted,

LEADER GORHAM LLP  
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Tel: 310-696-3300  
Fax: 310-696-3305

By:   
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Jon M. Leader  
Attorneys for Belator LLC