

ESTTA Tracking number: **ESTTA381595**

Filing date: **12/02/2010**

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	Fuego HD, LLC
Granted to Date of previous extension	12/04/2010
Address	95-60 Queens Blvd.105 Rego Park, NY 11374 UNITED STATES

Correspondence information	Ivan Vargas President Fuego HD, LLC 95-60 Queens Blvd.105 Rego Park, NY 11374 UNITED STATES ivan@fuegohd.com Phone:718-395-3898
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**Applicant Information**

Application No	77980136	Publication date	10/05/2010
Opposition Filing Date	12/02/2010	Opposition Period Ends	12/04/2010
Applicant	Karel, Steven 201 East 87th Street New York, NY 10128 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2010/07/07 First Use In Commerce: 2010/07/07 All goods and services in the class are opposed, namely: Entertainment in the nature of an on-going television program in the field of variety, reality and beach activities delivered by television, satellite and the Internet; creation, development and production of television shows
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**Grounds for Opposition**

Immoral or scandalous matter	Trademark Act section 2(a)
Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The mark consists multiple marks in a single application.

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

U.S. Application No.		Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services			

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Sex On The Beach		
Goods/Services	Entertainment services in the nature of an on-going reality based television program; Entertainment, namely, production of Television Shows; Production of cable television programs; Production of television programs		

Attachments	FuegoHD Pleading Signed.PDF ( 3 pages )(28367156 bytes ) FuegoHD Pleading.pdf ( 3 pages )(186599 bytes ) USPS - Print Order Summary.pdf ( 1 page )(74199 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 USPS Express Mail Post Office to Addressee on this date.

Signature	/IVANVARGAS/
Name	Ivan Vargas
Date	12/02/2010

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

In the matter of trademark application Serial No. 77980136

For the mark Jersey Shore Hoes/Sex On The Beach

Published in the Official Gazette on 10/05/2010

Fuego HD, LLC

v.

Steven Karel

NOTICE OF OPPOSITION

Fuego HD, LLC, a limited liability company organized under the laws of the state of Delaware,

with principal offices located at: 95-60 Queens Blvd. Suite 105 Rego Park NY 11374

The above-identified opposer believes that it 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. The Defendant's mark so resembles a mark currently in use in the United States by Plaintiff, and another mark owned by a third party, as to be likely, when used on or in connection with the goods or services of the defendant, to cause confusion, or to cause mistake, or to deceive.
2. Defendant's mark represents two separate marks in a single application, including "Jersey Shore" as shown in Exhibit B, and Plaintiff's mark "Sex On The Beach", as shown in Exhibit A.
3. Plaintiff began using it's mark, as shown in Exhibit A, prior to the Defendant's first use date in the application.
4. A third party began using a mark identical to one of the marks in the application , as shown in Exhibit B, prior to the Defendant's first use date in the application.
5. Defendant's mark consists of scandalous matter, by referring to women as "Ho's".
6. Plaintiff has a reasonable belief that registration of its application, bearing serial no. 85188135, will be refused if Defendant's application matures into registration.

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

Ivan Vargas, President

Date: \_\_\_\_\_

12/2/10

Exhibit A

Plaintiff's Mark:

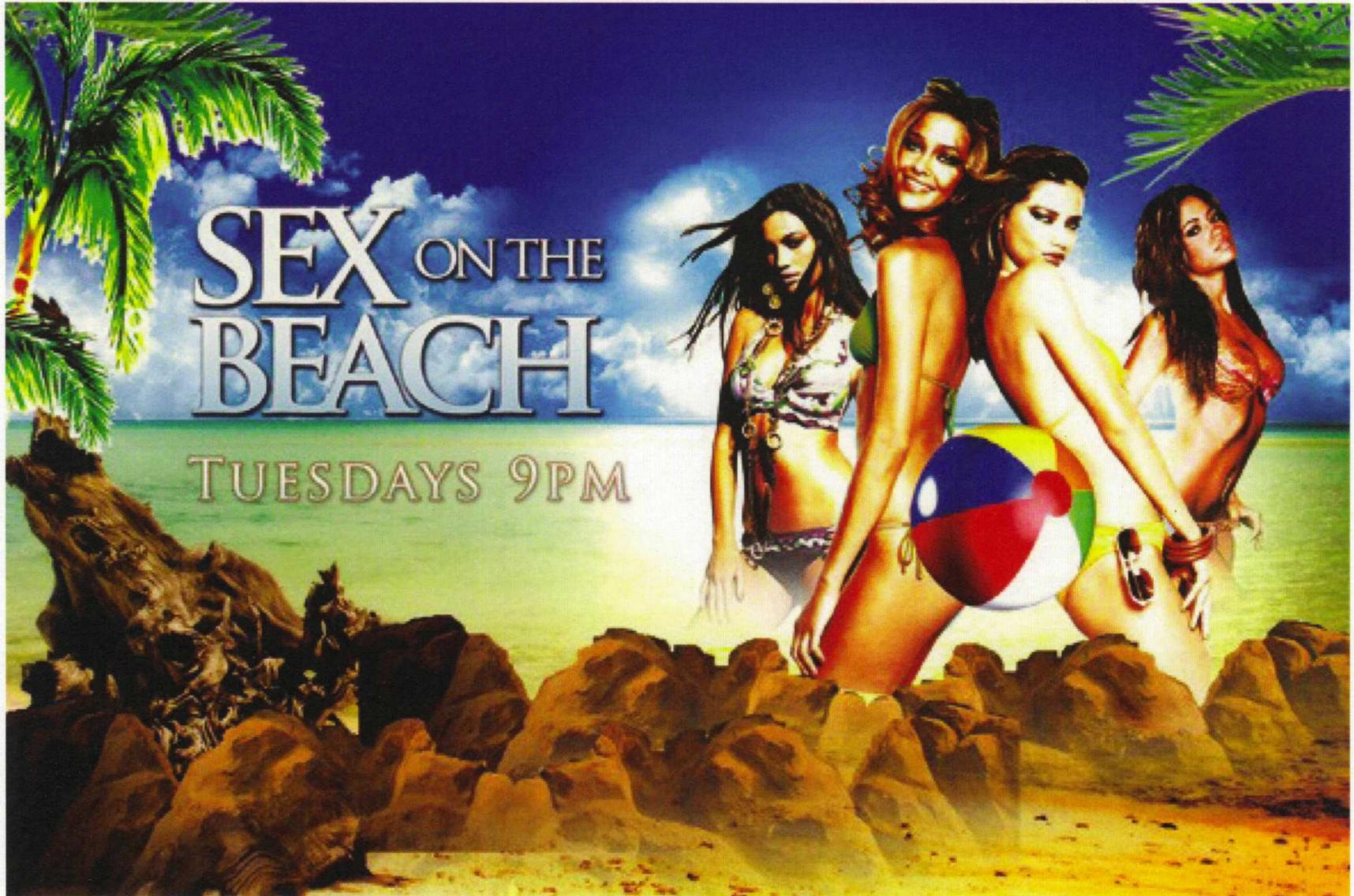
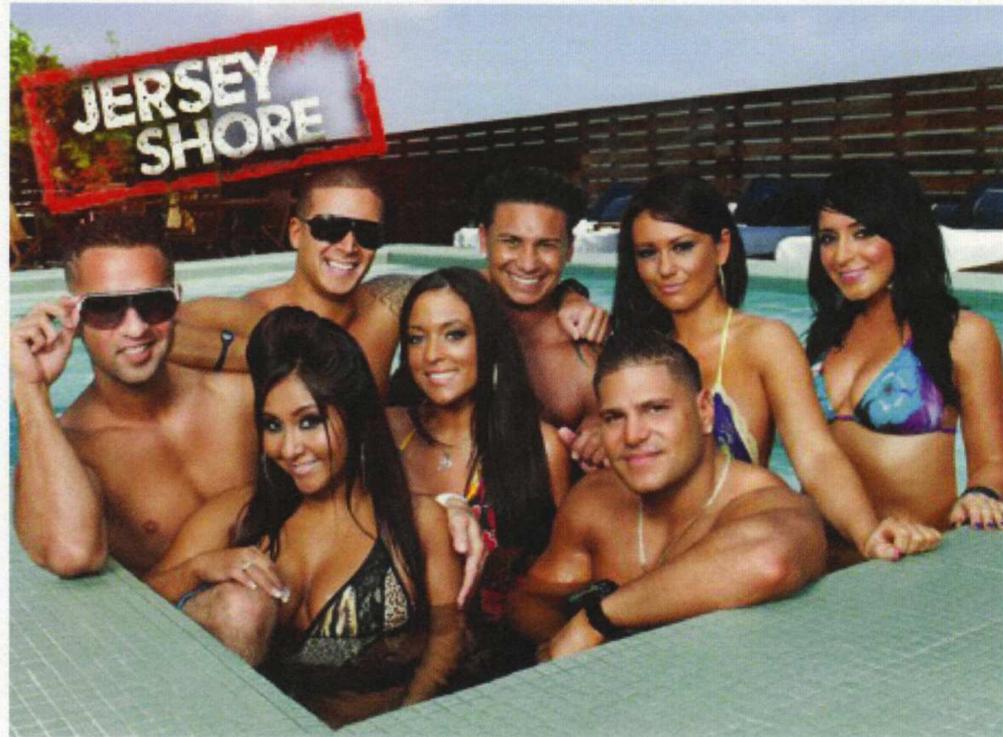


Exhibit B

Mark currently in use by a third party:



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TRADEMARK TRIAL AND APPEAL BOARD

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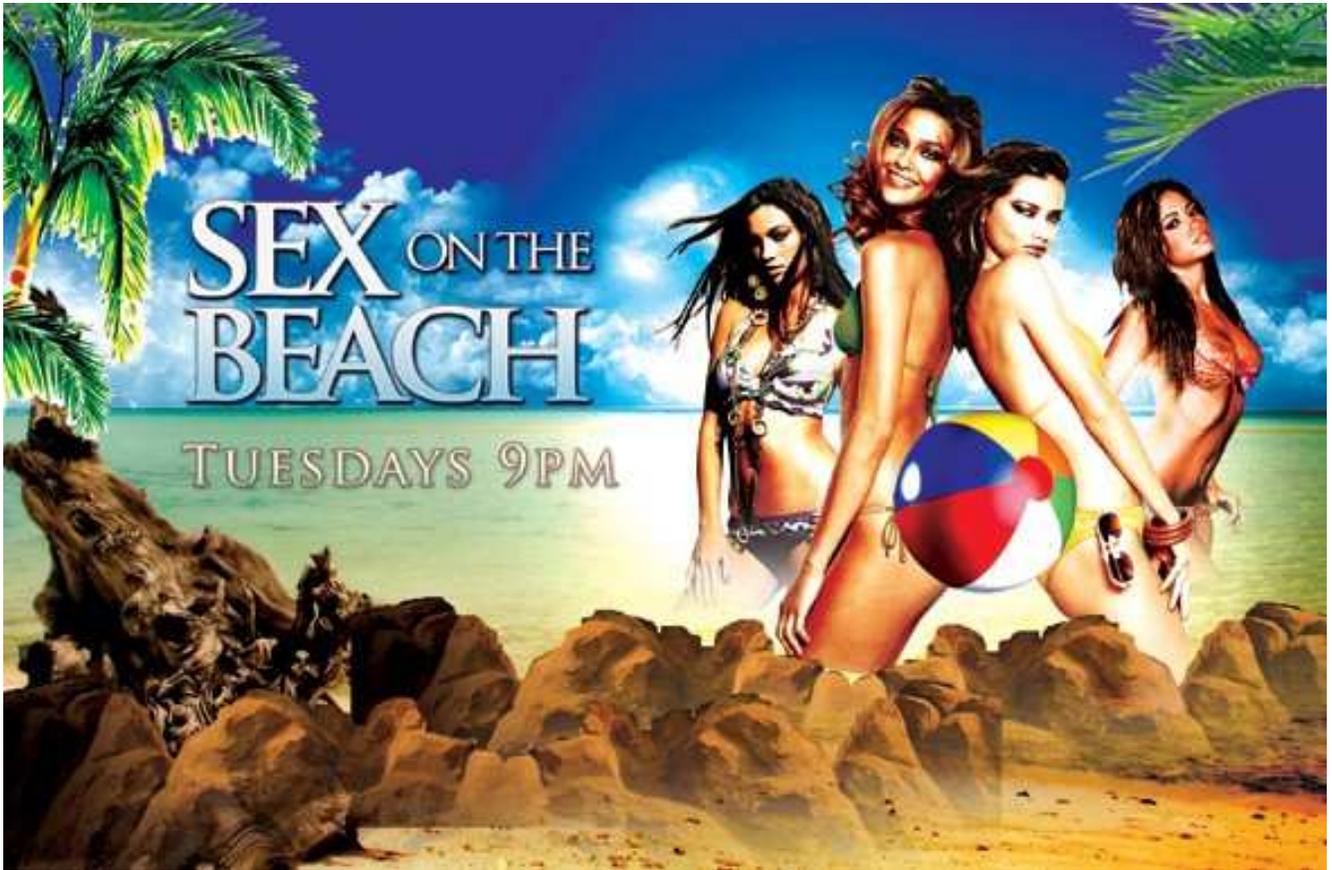
The grounds for opposition are as follows:

1. The Defendant's mark so resembles a mark currently in use in the United States by Plaintiff, and another mark owned by a third party, as to be likely, when used on or in connection with the goods or services of the defendant, to cause confusion, or to cause mistake, or to deceive.
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3. Plaintiff began using it's mark, as shown in Exhibit A, prior to the Defendant's first use date in the application.
4. A third party began using a mark identical to one of the marks in the application , as shown in Exhibit B, prior to the Defendant's first use date in the application.
5. Defendant's mark consists of scandalous matter, by referring to women as "Ho's".
6. Plaintiff has a reasonable belief that registration of its application, bearing serial no. 85188135, will be refused if Defendant's application matures into registration.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ivan Vargas, President

Exhibit A

Plaintiff's Mark:



## Exhibit B

Mark currently in use by a third party:





## Printed Domestic Labels

Transaction #: 183629317  
 Charged to: VISA \*\*\*\*\*0160  
 Labels Included: 1  
 Print Date/Time: 12/2/10 12:42:36 AM CST

	Delivery Address	Package Info	Service	Price
1 of 1	DONALD L. DENNISON DENNISON, SCHULTZ & 1727 KING ST STE 105 ALEXANDRIA, VA 22314-2700	Ship Date: 12/02/10 Weight: 0lbs 6oz From: 11358	Express Mail Waiver of Signature	\$15.09
			<b>Label Total</b>	<b>\$15.09</b>

Express Mail® Label Number: **EO 985 597 688 US**

**Domestic Order Total: \$15.09**