

ESTTA Tracking number: **ESTTA409625**

Filing date: **05/18/2011**

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	Gilbert Lerma Jr.		
Entity	Individual	Citizenship	UNITED STATES
Address	dba Stylistics Car Club 2417 W. Cleveland Ave. Montebello, CA 90640 UNITED STATES		

Attorney information	Brigette B. Chaput Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@kmob.com Phone:(949) 760-0404		
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### Applicant Information

Application No	76700391	Publication date	04/19/2011
Opposition Filing Date	05/18/2011	Opposition Period Ends	05/19/2011
Applicant	STYLISTICS LOS ANGELES CAR CLUB, INC 8732 Dorion St Downey, CA 90242 UNITED STATES		

### Goods/Services Affected by Opposition

Class 035. First Use: 1987/06/07 First Use In Commerce: 1987/06/07  
All goods and services in the class are opposed, namely: CAR CLUB SERVICES, NAMELY, PROMOTING THE INTERESTS OF CAR ENTHUSIASTS

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	85115091	Application Date	08/24/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	STYLISTICS		

Design Mark	
Description of Mark	The mark consists of The design is a drawing of the word "Stylistics" in gold lettering over black background. Wording is in an artistic curvy and block style over a base composed of two tilted curvy "S" shapes which tilt inward from top to bottom and have floral type offshoots from their middle areas towards each other over a solid base which joins the two "S" shapes at the bottom.
Goods/Services	Class 035. First use: First Use: 1987/06/08 First Use In Commerce: 1987/06/08 Club services, namely, promoting the interests of Car Enthusiasts

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	The design is a drawing of the word "Stylistics" in an artistic curvy and block style over a base composed of two tilted curvy "S" shapes which tilt inward from top to bottom and have floral type offshoots from their middle areas towards each other over a solid base which joins the two "S" shapes at the bottom.		
Goods/Services	Promoting and conducting trade shows and exhibits in the field of automobiles.		

Attachments	85115091#TMSN.jpeg ( 1 page )( bytes ) 2011-05-18 Notice of Opposition - STYCC.001M .pdf ( 12 pages )(450563 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	/Brigette B. Chaput/
Name	Brigette B. Chaput
Date	05/18/2011

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

Gilbert Lerma Jr., d/b/a Stylistics Car Club

Opposer,

v.

Stylistics Los Angeles Car Club, Inc.,

Applicant.

Opposition No. \_\_\_\_\_

Serial No.: 76/700,391



Mark:

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://estta.uspto.gov> on

May 18, 2011

(Date)

*Brigitte B. Chaput*  
Brigitte B. Chaput

**NOTICE OF OPPOSITION**

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

Dear Sir or Madam:

Opposer, Gilbert Lerma Jr., d/b/a/ Stylistics Car Club (hereinafter referred to as "Opposer"), located and doing business at 2417 W. Cleveland Ave., Montebello, California 90640, believes that it will be damaged by registration of the mark shown in U.S. Trademark Application Serial No. 76/700,391 ("Applicant's Application") filed November 16, 2009, by Stylistics Los Angeles Car Club, Inc. (hereinafter referred to as "Applicant"), and hereby opposes the same.

A description of Applicant's Application is as follows:



Mark:  
Description of Mark: *The mark consists of the wording "STYLISTICS LOS ANGELES" in gold stylized font and a gold miscellaneous design set against a black rectangular background.*

Serial No.: 76/700,391  
Filing Date: November 16, 2009  
Publication Date: April 19, 2011  
Services: Car club services, namely, promoting the interests of car enthusiasts, in International Class 35

Filing basis: Use in commerce  
Alleged Date of First Use: June 7, 1987  
Alleged Date of First Use in Interstate Commerce: June 7, 1987

As grounds for opposition, it is alleged:

1. Opposer is the owner of Application Serial No. 85/115,091, filed on August 24,



2010, for the mark ("STYLISTICS and Design mark") used in connection with "Club services, namely, promoting the interests of Car Enthusiasts" in International Class 35. Opposer has used the STYLISTICS and Design mark in connection with its car club in commerce since a date well prior to the filing date of Applicant's Application.

2. Opposer is the founder and owner of Stylistics Car Club, an internationally-known car club for car enthusiasts. Since a date well prior to the filing date of Applicant's Application, Opposer has marketed its car club services under the STYLISTICS and Design mark. Specifically, Opposer uses the marks in connection with the mother chapter of the car club in Lynwood, California. Additionally, Opposer has granted non-exclusive licenses to junior chapters of the car club. Since its founding, Opposer has granted permission for junior chapters

to be opened in Norwalk and Los Angeles, California, Greeley, Colorado, and in Kanagawa, Japan.

3. Opposer has used its S TYLISTICS and Design mark in connection with the provision and advertisement of Opposer's services. Such use has been valid and continuous since at least as early as the said date of first use, and has not been abandoned. As a result of this use, the relevant class of consumers and the public has come to associate Opposer with the STYLISTICS and Design Mark for its club services for car enthusiasts.

4. Opposer's use of the STYLISTICS and Design Mark has been valid and continuous since said date of first use, and has not been abandoned. The STYLISTICS and Design Mark is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion its services.

5. By virtue of Opposer's widespread and continuous use of the mark, Opposer has established extensive common law rights in the STYLISTICS and Design mark. Opposer relies on its common law trademark rights in Opposer's mark.

6. Opposer is the owner of and relies on California Trademark Registration No. 66192 for the mark STYLISTICS and Design in connection with "Promoting and conducting trade shows and exhibits in the field of automobiles" in Class 35, which was registered on January 13, 2010, and claims dates of first use in 1987. True and correct copies of California Trademark Registration No. 66192 and Applicant's Application are attached hereto and made of record.

7. Applicant filed a use-based application to register the mark



("STYLISTICS LOS ANGELES and Design mark") on November 16, 2009, in connection with

services which now read as follows: "Car club services, namely, promoting the interests of car enthusiasts," in International Class 35. Applicant's Application was assigned Serial No. 76/700,391. Applicant also alleges a first use date anywhere and in commerce of June 7, 1987.

8. Applicant's Application was signed by Jorge Luis Ramirez, President of Applicant Stylistics Los Angeles Car Club, Inc.

9. In 1998, Jorge Luis Ramirez joined Opposer's Chapter in Norwalk, California, where Opposer used the STYLISTICS and Design mark to promote and market its services.

10. In 2000, Opposer gave Jorge Luis Ramirez and three others permission to start Opposer's Los Angeles Chapter.

11. Applicant was given no license, consent or permission from Opposer to register the STYLISTICS LOS ANGELES and Design mark.

12. Upon information and belief, Applicant was on notice of Opposer's prior use and claim of ownership of the STYLISTICS and Design mark prior to filing Application Serial No. 76/700,391.

13. Applicant did not use the STYLISTICS LOS ANGELES and Design mark in commerce prior to 2000.

14. The filing date of Opposer's Application Serial No. 85/115,091 is after the filing date of Applicant's subject Application Serial No. 76/700,391. Opposer has a reasonable belief that registration of its application may be refused because of Applicant's prior filing date because, in an Office Action issued on December 8, 2010, the Examining Attorney enclosed information regarding Applicant's prior-pending application as being a potential bar to registration of Opposer's mark.

15. Applicant's Mark is confusingly similar to the mark in Opposer's Application.

Additionally, Applicant seeks registration for services related to the services identified in Opposer's Application. As such, when Applicant's Mark is used on or in connection with Applicant's services, it is likely to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

16. Applicant's Mark is confusingly similar to Opposer's mark. Additionally, Applicant seeks registration for services nearly identical to Opposer's services. Accordingly, Applicant's Mark, and use thereof, is likely to cause confusion in, or to cause mistake by, or to deceive the trade and purchasing public into believing that Applicant's services originate with Opposer or are otherwise authorized, endorsed by, licensed by or sponsored by Opposer.

17. In view of the substantial similarity between Opposer's STYLISTICS and Design mark and recited services, and Applicant's STYLISTICS LOS ANGELES and Design mark and recited services, Applicant's Mark so resembles Opposer's STYLISTICS and Design mark as to be likely to cause confusion or to cause mistake or deceive under Section 2(d) of the Trademark Act.

18. In view of Opposer's prior rights in Opposer's STYLISTICS and Design mark, Applicant is not entitled to registration of Applicant's Mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

19. By reason of all the foregoing, Opposer will be gravely damaged by the registration of the mark shown in Applicant's Application because registration of this mark would be in violation of Opposer's trademark rights.

20. By reason of all the foregoing, Opposer will be gravely damaged by the registration of U.S. Trademark Application Serial No. 76/700,391 for Applicant's Mark.

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 76/700,391 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 18, 2011

By: *Brigitte B. Chaput*

Linda H. Liu  
Brigitte B. Chaput  
2040 Main Street, 14th Floor  
Irvine, CA 92614  
(949) 760-0404  
efiling@kmob.com  
Attorneys for Opposer,  
Gilbert Lerma Jr.,  
d/b/a Stylistics Car Club

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Notice of Opposition upon Applicant's counsel by depositing one copy thereof in the United States Mail, first-class postage prepaid, on May 18, 2011, addressed as follows:

Jorge Luis Ramirez  
STYLISTICS LOS ANGELES CAR CLUB, INC.  
8732 Dorian St  
Downey, CA 90242-5218

  
Cheryl Brunet

# State of California Secretary of State

## CERTIFICATE OF REGISTRATION OF SERVICE MARK

I, **DEBRA BOWEN**, Secretary of State of the State of California, hereby certify:

Service Mark Reg. No.:	66192
Name of Registrant:	Gilbert Lerma
Business Address:	2417 Cleveland Ave., Montebello, CA 90640
Date First Used in California:	June 8, 1987
Date First Used Anywhere:	June 8, 1987
Description of Service Mark:	The design is a drawing of the word "Stylistics" in an artistic curvy and block style over a base composed of two tilted curvy "S" shapes which tilt inward from top to bottom and have floral type offshoots from their middle areas towards each other over a solid base which joins the two "S" shapes at the bottom.

Description of Services with which the Service Mark is Used: Promoting and conducting trade shows and exhibits in the field of automobiles.

Class Number(s):	35
Date of Registration:	January 13, 2010
Term of Registration Extends to and Includes:	January 13, 2015

In accordance with the application filed in this office, the Service Mark described above has been duly registered. A copy, specimen, facsimile, counterpart or a reproduction of the mark is attached.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 25th day of January 2010



**DEBRA BOWEN**  
Secretary of State



# State of California Secretary of State

## REGISTRATION OF TRADEMARK OR SERVICE MARK

Pursuant to Business and Professions Code Section 14207  
**IMPORTANT - Read instructions before completing this form.**

REGISTRATION APPLICATION FOR: <input type="checkbox"/> TRADEMARK <input checked="" type="checkbox"/> SERVICE MARK		
1. REGISTRANT NAME <p style="text-align: center;">Gilbert Lerma</p>		
2. BUSINESS ADDRESS 2417 Cleveland Avenue	CITY AND STATE Montebello, CA	ZIP CODE 90640
3. BUSINESS STRUCTURE (Check One)		
<input type="checkbox"/> CORPORATION (State of Incorporation) _____	<input checked="" type="checkbox"/> SOLE PROPRIETOR	
<input type="checkbox"/> LIMITED LIABILITY COMPANY (State of Organization) _____	<input type="checkbox"/> SPOUSES, AS COMMUNITY PROPERTY	
<input type="checkbox"/> LIMITED PARTNERSHIP (State of Organization) _____	<input type="checkbox"/> DOMESTIC PARTNERS, AS COMMUNITY PROPERTY	
<input type="checkbox"/> GENERAL PARTNERSHIP (State of Organization) _____	<input type="checkbox"/> OTHER (Describe) _____	
4. NAMES OF GENERAL PARTNERS, IF REGISTRANT IS A PARTNERSHIP		
5. NAME AND/OR DESIGN OF MARK. (For design, provide a brief written description that can be pictured in the mind without reference to the specimens. Do not draw the design on the application. Attach a drawing of the mark.)		
The design is a drawing of the word "Stylistics" in an artistic curvy and block style over a base composed of two tilted curvy "S" shapes which tilt inward from top to bottom and have floral type offshoots from their middle areas towards each other over a solid base which joins the two "S" shapes at the bottom.		
6. DISCLAIMER (If Applicable) NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM:		
7a. DATE THE MARK WAS FIRST USED IN CALIFORNIA June 8, 1987	7b. DATE THE MARK WAS FIRST USED ANYWHERE June 8, 1987	
8a. IF A TRADEMARK, LIST SPECIFIC GOODS. IF A SERVICE MARK, LIST SPECIFIC SERVICE.		THIS SPACE FOR FILING OFFICER USE TRADE/SERVICE MARK REG. NO. <u>00066192</u> CLASS NO.(S) <u>35</u>
Promoting and conducting trade shows and exhibits in the field of automobiles		
8b. CLASS NUMBER(S) <u>035</u>		
9. RETURN ACKNOWLEDGMENT TO: (Type or Print)		
NAME	Michael A. Rivera, Esq. ]	
ADDRESS	Rivera Law Corporation 7840 Firestone Blvd., Suite#105	
CITY/STATE/ZIP	Downey, CA 90241 ]	

**FILED**  
in the office of the Secretary of State  
of the State of California  
  
JAN 13 2010

10. PLEASE INDICATE WHETHER AN APPLICATION TO REGISTER THE MARK, OR PORTIONS, OR A COMPOSITE THEREOF, HAS BEEN FILED BY THE REGISTRANT OR A PREDECESSOR IN INTEREST WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE.

FILING DATE not yet SERIAL/FILE NO. \_\_\_\_\_ STATUS OF APPLICATION forthcoming

IF REFUSED, WHY? \_\_\_\_\_

11. MANNER IN WHICH THE MARK IS USED (Check all that apply)

FOR TRADEMARKS ONLY

- ON LABELS AND TAGS AFFIXED TO THE GOODS
- ON LABELS AND TAGS AFFIXED TO CONTAINERS OF THE GOODS
- BY PRINTING IT DIRECTLY ONTO THE GOODS
- BY PRINTING IT DIRECTLY ONTO THE CONTAINERS OF THE GOODS
- OTHER \_\_\_\_\_

FOR SERVICE MARKS ONLY

- ON BUSINESS SIGNS
- ON ADVERTISING BROCHURES
- ON ADVERTISING LEAFLETS
- ON BUSINESS CARDS
- ON LETTERHEADS
- ON MENUS
- OTHER On Banners

12. SPECIMENS (Check one box below and enclose three (3) identical original specimens)

FOR TRADEMARKS ONLY

- ACTUAL LABELS
- ACTUAL TAGS
- PHOTOGRAPHS OF GOODS/CONTAINERS SHOWING THE TRADEMARK
- FRONT PANELS OF A PAPER CONTAINER BEARING THE TRADEMARK
- OTHER \_\_\_\_\_

FOR SERVICE MARKS ONLY

- BUSINESS CARDS
- ADVERTISING BROCHURES
- ADVERTISING LEAFLETS
- MENUS SHOWING THE MARK
- OTHER \_\_\_\_\_

13. DECLARATION OF OWNERSHIP

Applicant declares that the applicant is the owner of the mark, that the mark is in use, and that to the knowledge of the person verifying the application, no other person has registered in this state, or has the right to use the mark, either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of the other person, to cause confusion, to cause mistake, or to deceive.

14. DECLARATION OF ACCURACY

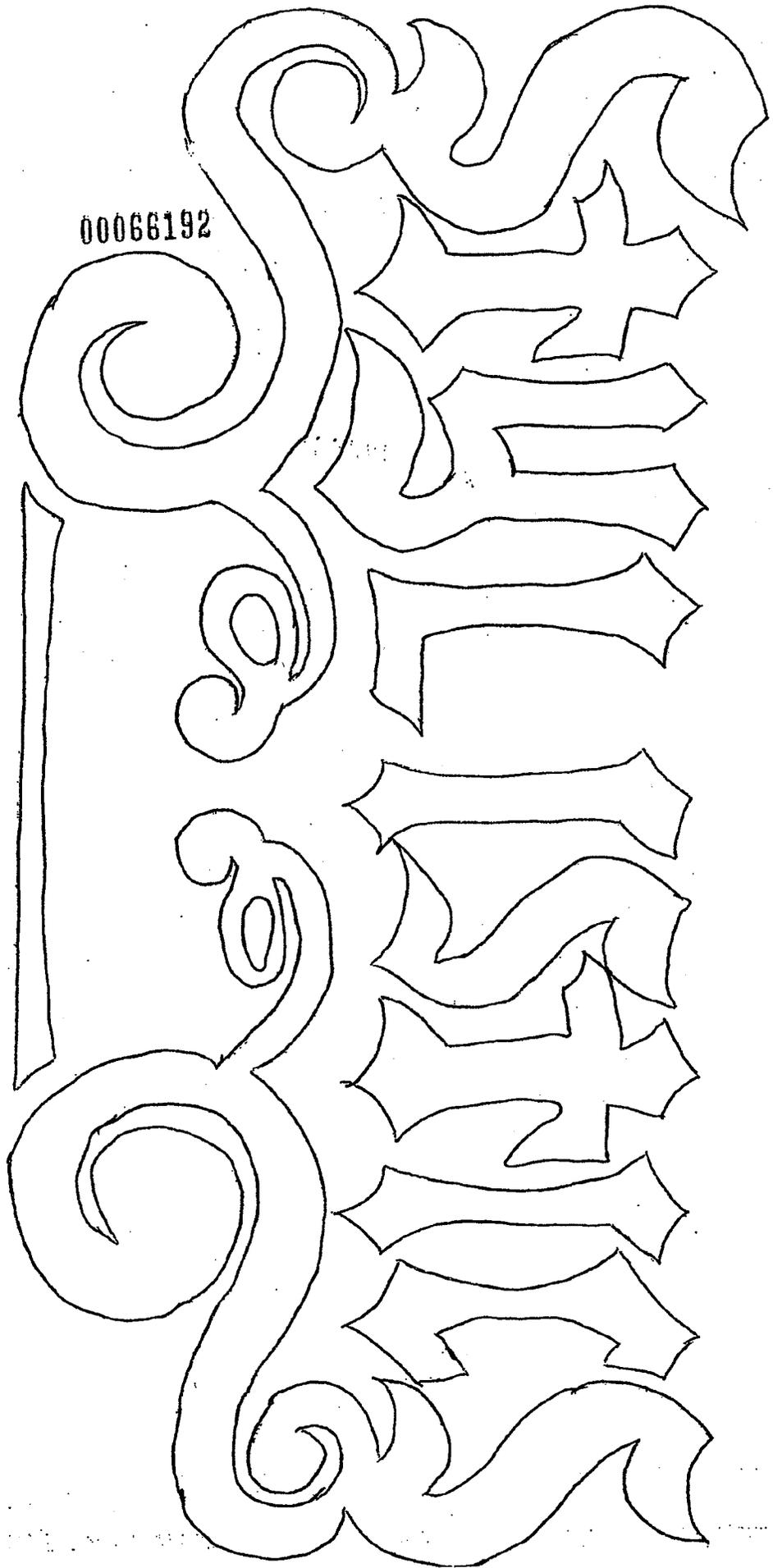
00066192

Applicant declares that all the information contained in this registration is accurate and if the applicant willfully states in the registration any material fact that the applicant knows to be false, the applicant shall be subject to a civil penalty of not more than ten thousand dollars (\$10,000.00).

DATE 4/13/09  
*Gilbert Lerma*  
SIGNATURE OF AUTHORIZED PERSON

Gilbert Lerma  
TYPE OR PRINT NAME AND TITLE

00066192



A COPY, SPECIMEN, FACSIMILE, COUNTERPART OR  
REPRODUCTION OF SERVICEMARK REG. NO. 00066192

*Gilbert Lerma*  
*(323) 895-6681*



*Car Club*  
*Events and Promotions*