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

Proceeding	91200183
Party	Defendant Miss G-String International LLC
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Submission	Motion for Summary Judgment
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Signature	/Luke Lirot/
Date	06/14/2013
Attachments	Eadie - Motion for Summary Judgment - 6-14-13.pdf(124507 bytes) Eadie - Exhibit A - List of Marks containing the Words Miss and International - 6-14-13.pdf(101139 bytes) Eadie - Exhibit B - Affidavit of William Eadie - 6-14-13.pdf(67873 bytes) Eadie - Exhibit C - Affidavit of Luke Lirot - 6-14-13.pdf(37346 bytes)

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

THE WORLDS PAGEANTS, LLC	)	Opposition No. 91,200,183
	)	
Opposer,	)	For: "MISS G-STRING
	)	INTERNATIONAL"
v.	)	
	)	
MISS G-STRING INTERNATIONAL, LLC	)	Serial No. 77/753,000
	)	Published: December 7, 2010
Applicant.	)	
and;	)	
	)	
WILLIAM EADIE,	)	Cancellation No. 92,055,838
	)	
Petitioner,	)	For: "MISS NUDE
	)	"INTERNATIONAL"
v.	)	
	)	
THE WORLDS PAGEANTS, LLC	)	Registration No. 2,037,202
	)	Registered on February 11, 1997
	)	
Registrant.	)	and:
	)	
	)	For: "MISS NUDE WORLD"
	)	
	)	Registration No. 3,039,826
	)	Registered on January 10, 2006

**COMMISSIONER OF TRADEMARKS
UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

APPLICANT'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Applicant, MISS G-STRING INTERNATIONAL, LLC, a Florida Limited Liability Company, by and through the undersigned attorney, pursuant to Rule 56, Fed.R.Civ.P., and respectfully moves the Board for the entry of a summary judgment on all claims, and submits

this motion and supporting memorandum in support of its motion, and in support of the issuance of a summary judgment in this action, Applicant would respectfully assert the following:

MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL STANDARD

A party is entitled to summary judgment when the submissions in the record “show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 250 (1986).

“[T]he mere existence of *some* alleged factual dispute between the parties will not defeat an otherwise properly supported summary judgment motion; the requirement is that there be no *genuine* issue of material fact.” *Id.* at 247-48. The party opposing summary judgment must “do more than simply show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 485 U.S. 574, 586 (1986).

As the Applicant will show, the relevant facts and all aspects of these legal standards support the issuance of a summary judgment to Applicant.

II. STATEMENT OF UNDISPUTED FACTS

A. THERE IS NO LIKELIHOOD OF CONFUSION

1. Opposer claims it has been in the business of providing entertainment services, including advertising, promoting and conducting beauty pageants, and has used the mark “MISS NUDE INTERNATIONAL” in interstate commerce well prior to Applicant's filing date. The use of these services and the distinction between “nude” and the “G-string,” an article of clothing, are inescapable. They are not the same.

2. Opposer claims it is the assignee of U.S. Registration No. 2,037,202 issued February 11, 1997, for the mark "MISS NUDE INTERNATIONAL" for entertainment services in the nature of promoting and conducting beauty pageants in International Class 041. Applicant shows that the assertion that "this registration is valid, incontestable and enforceable," is simply palpably incorrect.

3. Applicant shows that there is no actionable similarity of Applicant's "MISS G-STRING INTERNATIONAL" mark to Opposer's "MISS NUDE INTERNATIONAL" mark. Opposer's "MISS NUDE INTERNATIONAL" is one of scores of marks with similar wording as shown by Exhibit "A" attached hereto.

4. The mark sought to be registered by Applicant is not likely to cause confusion or mistake in the minds of consumers since they differ sharply in sound and appearance, if not meaning, as well.

B. THE OPPOSER DOES NOT OWN THE MARKS

5. According to the Affidavit of William A. Eadie, attached hereto as Exhibit "B," Eadie, the Managing Member of Miss G-String International LLC, a Florida limited liability company, is its Director of Photography and Petitioner, an individual, in the consolidated matter.

6. According to the Eadie Affidavit, Miss G-String International is a model search and entertainment services organization that promotes and conducts beauty pageants that are neither pornographic nor do they feature contestants in the nude.

7. According to the Eadie Affidavit, Miss G-String International has partnered with national brand sponsors such as Harley-Davidson, Coca-Cola, Jaegermeister, Twisted Tea, Absolut Vodka, Glenfiddich Scotch and the United States Armed Forces Military Tribute Motorcycles of Rolling Thunder, Washington D.C.

8. According to the Eadie Affidavit, based on the prior proceedings in this case, his personal knowledge and the communications between counsel as reported to me, he is competent to describe the following facts and sequence of events.

9. According to the Eadie Affidavit, after Opposer's Counsel, Aquilla, sent a cease and desist letter, dated May, 13, 2009, to the Applicant.

10. After Eadie filed with the USPTO the State of Florida Judgment, assigning to Eadie all rights and remedies as Judgment Creditor, against Judgment Debtors R&D Promotions, Inc., a Florida Corporation, and Gracinda Cardoso, an individual, R&D Promotions. Inc., on September 27, 2011, filed with the USPTO its *nunc pro tunc* trademark assignments to Gracinda Cardoso, which dated back to March 31, 2003. Accordingly, the latter, a Brazilian national, owned Opposer's registration upon which this opposition was based, until May 6, 2009, when it was transferred from Cardoso to Opposer.

11. The renewal application for this same registration, MISS NUDE INTERNATIONAL, was filed on 04/16/2007 by R&D Promotions, Inc., *not* by its then owner Cardoso. See Affidavit of Luke Lirot, attached hereto as Exhibit "C".

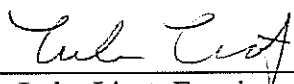
12. Hence, the Opposer does not own the registration upon which its application is based on, and the registration renewal should be null and void.

13. However, the renewal application for this same registration, Miss Nude International, was filed on 04/16/07 by R&D Promotions, Inc., not its owner Cardoso; hence, the renewal should be null and void. As the renewal is null and void, the second *nunc pro tunc* assignment could not include and transfer of the mark MISS NUDE INTERNATIONAL to Opposer.

WHEREFORE, Applicant respectfully moves for the entry of a Summary Judgment declaring that the trademark "MISS G-STRING INTERNATIONAL" is a valid trademark as registered with the United States Patent and Trademark Office, and is thus now entitled to open and operate business using that trademark without further obstruction by the Opposer.

Respectfully Submitted,

Miss G-String International/William Eadie

By:  Dated: June 14, 2013
Luke Lirot, Esquire
Florida Bar Number 714836
LUKE CHARLES LIROT, P.A.
2240 Belleair Road, Suite 190
Clearwater, Florida 33764
Telephone: (727) 536-2100
Facsimile: (727) 536-2110
Attorney for the Applicant/Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing MOTION FOR SUMMARY JUDGMENT has been served on Thomas T. Aquilla, Esquire, Domestic Representative for The Worlds Pageants, LLC, 221 Coe Hill Road, Center Harbor, New Hampshire, 03226, by mailing said copy on June 14, 2013, via First Class Mail, postage prepaid.


Luke Lirot, Esquire
Florida Bar Number 714836
Attorney for Applicant/Petitioner
Signed June 14, 2013



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	Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	85675135	4304783	MISS INTERNATIONAL BEAUTY	TSDR	LIVE
2	85787483		MR. & MISS GAY INTERNATIONAL ICON PAGEANT	TSDR	LIVE
3	85871970		MISS INTERNATIONAL CITY CARD	TSDR	LIVE
4	85780893		MISS DIAMOND INTERNATIONAL	TSDR	LIVE
5	85652405	4279815	MISS TEEN INTERNATIONAL	TSDR	LIVE
6	85652392	4279813	MISS INTERNATIONAL	TSDR	LIVE
7	85373176	4240206	MISS DIASPORA MODELS INTERNATIONAL BEAUTY COMPETITION	TSDR	LIVE
8	85364913	4226938	MISS TOURISM QUEEN INTERNATIONAL PAGEANT	TSDR	LIVE
9	85286105	4168989	MISS GAMING INTERNATIONAL	TSDR	LIVE
10	85368862	4124870	MISS HISPANIDAD INTERNATIONAL	TSDR	LIVE
11	85225435	4018930	MISS TEEN INTERNATIONAL COMPETITION	TSDR	LIVE
12	85097790	3908180	MISS TRAVEL & LEISURE INTERNATIONAL	TSDR	LIVE
13	85052575	3904296	MISS ECO-FRIENDLY INTERNATIONAL	TSDR	LIVE
14	78826939	3393218	MISS INTERNATIONAL QUEEN	TSDR	LIVE
15	78563301	3276587	MISS UNITY INTERNATIONAL	TSDR	LIVE
16	78428403	3010952	MISS GAY INTERNATIONAL	TSDR	LIVE
17	78192203	2942919	MISS AFRICA INTERNATIONAL	TSDR	LIVE
18	78411886	3065115	MISS TAXI INTERNATIONAL	TSDR	LIVE
19	77767596	4321304	MISS ASIA INTERNATIONAL	TSDR	LIVE
20	77753000		MISS G-STRING INTERNATIONAL	TSDR	LIVE
21	77800245	3763060	MISS VACATION INTERNATIONAL	TSDR	LIVE
22	77678644	3688737	MISS FRIENDSHIP INTERNATIONAL	TSDR	LIVE

Exhibit A

23	77616534	3756654	MISS GLOBE INTERNATIONAL	TSDR	LIVE
24	76641917	3319089	MISS INTERNATIONAL	TSDR	LIVE
25	76366712	2929240	MISS TEEN INTERNATIONAL COMPETITION	TSDR	LIVE
26	76668905	3403996	TEEN, MISS, MS. BLACK INTERNATIONAL PAGEANT	TSDR	LIVE
27	76522698	2883830	MRS. KINDHEART, INTERNATIONAL AMBASSADOR OF KINDNESS, CHARACTER & PEACE	TSDR	LIVE
28	76366715	2944317	MISS TEEN INTERNATIONAL	TSDR	LIVE
29	76366714	2913531	MISS TEEN INTERNATIONAL PAGEANT	TSDR	LIVE
30	76316121	2851323	MISS ANTILLES INTERNATIONAL	TSDR	LIVE
31	75079154	2037202	MISS NUDE INTERNATIONAL	TSDR	LIVE

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THIS AFFIDAVIT is made on this 5th day of June, 2013, by William A. Eadie, the Managing Member of Miss G-String International LLC, a Florida limited liability company, its Director of Photography and Petitioner, an individual, in the consolidated matter.

Miss G-String International is a model search and entertainment services organization that promotes and conducts beauty pageants that are neither pornographic nor do they feature contestants in the nude.

Our photographers and events have been published by such international media groups as the Miss Universe Organization, PLAYBOY, MAXIM, STUFF and EASYRIDERS magazines.

Miss G-String International has partnered with national brand sponsors such as Harley-Davidson, Coca-Cola, Jaegermeister, Twisted Tea, Absolut Vodka, Glenfiddish Scotch and the United States Armed Forces Military Tribute Motorcycles of Rolling Thunder, Washington D.C.

I respectfully submit this affidavit in support of the Petitioner's Motion to Withdraw Petitioner's Motion to Strike and the subsequent suspension, and for summary judgment, based on the prior proceedings in this case, my personal knowledge and the communications between counsel as reported to me.

After Attorney Aquilla sent the cease and desist letter, dated May, 13, 2009, I telephoned him and said that I knew of no confusion and the marks were quite different. The words "Miss" and "International" being commonly used for pageants, referencing the popular Miss Hawaiian Tropic International pageant as an example. He said he would oppose unless we were willing to pay a "five digit sum". I remember this clearly, as I asked how he could make such a request and he replied "PLAYBOY can afford it". His response was based upon the knowledge that our first beauty pageant was *Presented by Playboy*.

I filed with the USPTO the State of Florida Judgment, assigning to me all rights and remedies as Judgment Creditor, against Judgment Debtors R&D Promotions, Inc., a Florida Corporation, and Gracinda Cardoso, an individual, said assignment dated August 22, 2011.

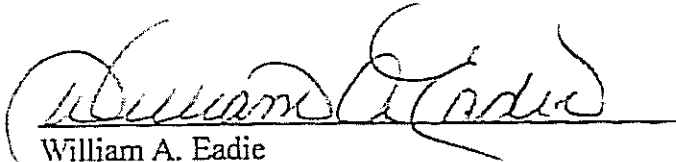
Thereupon R&D Promotions, Inc., on September 27, 2011, filed with the US PTO its *mine pro tune* trademark assignments to Gracinda Cardoso, which dated back to March 31, 2003. Accordingly, the latter, a Brazilian national, owned Opposer's registration upon which this opposition was based, until May 6, 2009, when it was transferred from Cardoso to Opposer.

However, the renewal application for this same registration, Miss Nude International, was filed on 04/16/2007 by R&D Promotions, Inc., not by its owner Cardoso; hence, the registration renewal should be null and void.

Opposer thus does not own the registration for the trademark upon which it bases this opposition. For that reason, and for the further reasons that the two marks involved, Miss Nude

International and Miss G-String International, have co-existed for over four years without confusion nor are they likely to be confused, I respectfully request summary judgment in favor of Applicant and Petitioner.

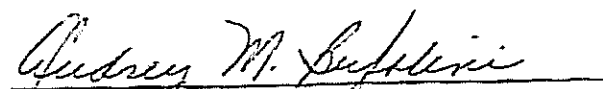
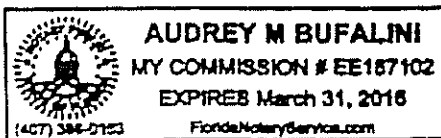
IN WITNESS WHEREOF, the below listed individual executed this document on the date first written above.



William A. Eadie
1420 Sunningdale Lane
Ormond Beach, FL32174

STATE OF FLORIDA
COUNTY OF VOLUSIA

On June 5, 2013, before me, a Notary Public in and for the State of Florida, personally appeared WILLIAM A. EADIE and provided to me his State of Florida Driver's License as appropriate credentials as the basis of satisfactory evidence to be the person whose name is signed to this document and was sworn to and acknowledged to me that he executed his signature as the same.


NOTARY PUBLIC STATE OF FLORIDA

AUDREY M. BUFALINI
Printed Name

My commission expires: MARCH 31, 2016

AFFIDAVIT OF LUKE LIROT

STATE OF FLORIDA
COUNTY OF PINELLAS

THIS AFFIDAVIT is made this 14th day of June, 2013, by LUKE LIROT, Counsel for William A. Eadie, the Managing Member of Miss G-String International, LLC, a Florida Limited Liability company (The LLC) and for the LLC, who deposes and states as follows:

1. I am over the age of 18 and make the following statements based on my own personal knowledge.

2. Miss G-String International is a model search and entertainment services organization that promotes and conducts beauty pageants that are neither pornographic nor do they feature contestants in the nude.

3. William Eadie filed with the USPTO the State of Florida Judgment, assigning to him all rights and remedies as a Judgment Creditor, against Judgment Debtors R&D Promotions, Inc., a Florida Corporation, and Gracinda Cardoso, an individual, said assignment dated August 22, 2011.

4. On September 27, 2011, R&D Promotions, Inc., filed with the USPTO its nunc pro tunc trademark assignments to Gracinda Cardoso, which dated back to March 31, 2003. Accordingly, the latter owned Opposer's registration upon which this opposition was based, until May 6, 2009, when it was transferred from Cardoso to Opposer.

5. The renewal application for this same registration, Miss Nude International, was filed on April 16, 2007 by R&D Promotions, Inc., not by its owner Cardoso, hence, the registration renewal should be null and void.

FURTHER AFFIANT SAYETH NOT.

LUKE LIROT
LUKE LIROT

SWORN TO AND SUBSCRIBED before me this 14th day of JUNE, 2013, by
LUKE LIROT, who is personally known to me or has produced N/A
as identification.

Jimmy L. McComas
Notary Public, State of Florida

Printed name of Notary: JIMMY L. MCCOMAS

My Commission Expires: JUNE 5, 2017

My Commission Number is: # FF024489

