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

Proceeding	91210913
Party	Plaintiff YOLO Board
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Submission	Other Motions/Papers
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Attachments	Motion to amend original additional statement filed.pdf(59171 bytes)

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

In the matter of trademark Serial No..85822746..

For the mark.....YOLO.....

Published in the Official Gazette on June 4, 2013.....

YOLO Board, LLC)	
Opposer)	
)	
v.)	NOTICE OF OPPOSITION
)	(AMENDED NOTICE- JUNE 14, 2013)
MR. DARAC)	Case # 91210913
Applicant)	

NOTICE OF OPPOSITION

Opposer, Yolo Board LLC is the owner of U.S Registration **3473154** for YOLO BOARD that was issued on July 22, 2008 and has an address at 820 N. County Hwy 393, Santa Rosa Beach, FL 32459 (“Opposer”). YOLO Board, LLC additionally owns Registration Nos. **3596410, 4182359, 4182358, 4182365., 4291944, 4315618, 4307541, 4327238.** YOLO Board LLC also is the owner of U.S. Registration **4193539, 4236436, 4189936, 4292419 and 4349949** in class 041, the same class of registration filed for by applicant.

To the best of Opposer’s knowledge, the name and address of the applicant of US Serial No. **85822746** under filing basis 1B in class 009 is MR. DARAC, Apt 6-O, 95 Christopher Street, New York, NY 10014. (“Applicant”).

Opposer would be damaged by the registration of intent to use for the mark YOLO to Applicant and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer operates a business under the name YOLO Board LLC and also operates a website the domain name www.yoloboard.com since 2007. The opposer sells standup paddleboards, apparel, accessories and sports bags and other related items under the trademarks YOLO and YOLO BOARD. Opposer uses the mark YOLO, YOLO ADVENTURES, YOLO BOARD ADVENTURES, YOLO YOGA, YOLO FIT and CLUB YOLO in class 041 for a wide-range of services that include fitness instruction, competitions, excursions, and rentals that is often supported by production quality use and distribution of video footage and documentary of activities establishing prior use by "Opposer" in specific area within class proposed by "Applicant". Opposer has invested a significant amount of money in developing and promoting its business and protecting its trademark. Opposer believes that the registration of YOLO for use in connection with "entertainment services and production of television programs in the field of life changing choices" will jeopardize opposer's ability to use the marks YOLO, YOLO BOARD, YOLO ADVENTURES to adequately distinguish opposer's goods and services.

2. Opposer has been using the mark "YOLO" and "YOLO BOARD" since at least March 1, 2007, and has secured the following: Registration No. 3473154 for YOLO BOARD on July 22, 2008, Registration. No. 3596410 for YOLO Yak on March 24, 2009, Registration No. 4182365 for YOLO on July 31, 2012, Registration No. 4182358 for YOLO Board on July 31, 2012, and Registration No. 4182359 for YOLO on July 31, 2012 and YOLO YOGA on August 14, 2012 and others. Additionally opposer has been using the marks "YOLO", "YOLO YOGA", "YOLO ADVENTURES", "YOLO FIT" and "YOLO BOARD ADVENTURES" for goods in class 041 since at least March 2010.

Claim for Relief

Considering the foregoing, the mark "YOLO" is confusingly similar and likely to create confusion for our customers if registered in class 041 for this stated purpose

Wherefore

for the reasons stated above, petitioner opposes granting an "intent to use" for Serial No 85822746.

By Betsy San Miguel
(partner in YOLO Board, LLC)

Date June 14, 2013