

ESTTA Tracking number: **ESTTA619332**

Filing date: **08/04/2014**

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	LFP IP, LLC
Granted to Date of previous extension	08/02/2014
Address	8484 Wilshire Boulevard Suite 900 Beverly Hills, CA 90211 UNITED STATES

Attorney information	Jonathan W. Brown Lipsitz Green Scime Cambria LLP 42 Delaware Avenue Suite 120 Buffalo, NY 14202 UNITED STATES ip@lglaw.com Phone:716-849-1333
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Applicant Information

Application No	86048240	Publication date	06/03/2014
Opposition Filing Date	08/04/2014	Opposition Period Ends	08/02/2014
Applicant	Adams, Denee 2164 Sunset Blvd #202 ROCKLIN, CA 95765 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 025. First Use: 2013/02/02 First Use In Commerce: 2013/05/01 All goods and services in the class are opposed, namely: A-shirts; Ankle socks; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; A Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic pants; Athletic shirts; Athletic shoes; Athletic shorts; Athletic skirts; Athletic tights; Athletic uniforms; Balloon pants; Bandanas; Bandeau tops; Bandeaux; Barber smocks; Baseball caps; Baseball caps and hats; Baseball uniforms; Basketball sneakers; Bath sandals; Bath slippers; Bathing costumes; Bathing costumes for women; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach cover-ups; Beach coverups; Beach footwear; Beach shoes; Beachwear; Beanies; Belts; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts of textile; Berets; Bib overalls; Bib shorts; Bib tights; Bibs not of cloth or paper; Bibs not of paper; Bicycle gloves; Bikinis; Blazers; Bloomers; Blouses; Blousons; Body linen; Body shirts; Bomber jackets; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Bras; Bucket caps; Button down shirts; Button-front aloha shirts; Camouflage jackets; Camouflage pants; Camouflage shirts; Camp shirts; Cap peaks; Cap visors; Capri pants; Capris; Caps; Caps with visors; Cardigans; Cargo pants; Cat suits; Catsuits; Chemises; Clam diggers; Cloaks; Clogs; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded shirts; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body</p>
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as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing items, namely, blindfolds worn over the eyes; Clothing items, namely, gags worn over the mouth; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, khakis; Clothing, namely, wrap-arounds; Coats; Coats for men and women; Coats made of cotton; Coats of denim; Collared shirts; Collars; Coveralls; Coverups; Crew neck sweaters; Crew necks; Crop pants; Crop tops; Culottes; Cycling shoes; Cycling shorts; Denim jackets; Denims; Do rags; Down suits; Drawers; Dress pants; Dress shirts; Dress straps; Dress suits; Dresses; Fabric belts; Fleece bottoms; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Flood pants; Football boots; Football shoes; Footies; Footwear; Footwear for men; Footwear for men and women; Footwear for track and field athletics; Footwear for women; Footwear made of vinyl; Footwear made of wood; G-strings; Gauchos; Gift packages sold as a unit consisting primarily of a sweatshirt and also including a photo frame, a coffee mug, and a tote bag; Gloves; Gloves as clothing; Gloves for apparel; Gloves for personal hand conditioning use; Gloves including those made of skin, hide or fur; Golf caps; Golf cleats; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Golf shorts; Gym boots; Gym pants; Gym shorts; Hat bands; Hats; Head scarves; Head sweatbands; Head wear; Head wraps; Headbands; Headbands against sweating; Headbands for clothing; Headwear; Heavy coats; Heavy jackets; Heels; Hiking boots; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hoods; Jackets; Jackets and socks; Jeans; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging outfits; Jogging pants; Jogging suits; Jumpers; Jumpsuits; Knit bottoms; Knit face masks; Knit jackets; Knit shirts; Knit tops; Knitted caps; Knot caps; Knotted caps; Ladies' boots; Ladies' suits; Ladies' underwear; Leather coats; Leather hats; Leather headwear; Leather jackets; Leather pants; Leather shirts; Leather shoes; Leather slippers; Leather vests; Leg shapers; Leg-warmers; Leggings; Leggins; Leisure shoes; Leisure suits; Leotards; Loafers; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long underwear; Long-sleeved shirts; Lounge pants; Men's socks; Men's suits, women's suits; Men's underwear; Motorcycle gloves; Motorcycle jackets; Night shirts; Nightcaps; Nightshirts; Non-slip socks; Non-slip soles for footwear; Open-necked shirts; Outdoor gloves; Outer jackets; Overalls; Overalls for use in salons and barber shops; Padded jackets; Padding jackets; Pajama bottoms; shorts and briefs; Pants; Pantsuits; Pocket kerchiefs; Pocket squares; Pockets for clothing; Poloknit tops; Polo shirts; Rain wear; Raincoats; Robes; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running suits; Sashes; Scarfs; Scarves; Shirt fronts; Shirts; Shirts and short-sleeved shirts; Shirts and slippers; Shirts for suits; Shoe accessories, namely, fitted decorative covers for shoes; Short-sleeved or long-sleeved t-shirts; Shorts; Ski jackets; Skull caps; Sleep shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Small hats; Smocks; Sneakers; Snow boots; Snow pants; Snow suits; Snowboard jackets; Snowboard pants; Soccer boots; Soccer shoes; Sport coats; Sport shirts; Sports caps and hats; Sports jackets; Sports pants; Sports shirts with short sleeves; Sport shoes; Strapless bras; Straps for bras; Stretch pants; Suspender belts for men; Suspender belts for women; Suspenders; Sweat bands; Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Sweaters; Sweatpants; Sweatshirts; Sweatsocks; Sweatsuits; Swim caps; Swim suits; Swim trunks; Swim wear for gentlemen and ladies; Swimming caps; Swimming costumes; Swimming trunks; Swimsuits; T-shirts; Tams; Tank tops; Tank-tops; Tankinis; Tap pants; Tap shoes; Teddies; Tee shirts; Tennis dresses; Tennis shoes; Thermal socks; Thermal underwear; Thongs; Ties; Tights; Tips for footwear; Top coats; Top hats; Tops; Track and field shoes; Track jackets; Track pants; Track suits; Tracksuits; Training shoes; Training suits; Trouser socks; Trousers; Trousers for sweating; Trousers of leather; Trunks; Tube tops; Tunics; Turbans; Turtle neck shirts; Turtleneck pullovers; Turtlenecksweaters; Under garments; Underarm clothing shields; Underclothes; Underclothing; Underpants; Undershirts; Underwear; Underwear, namely, boy shorts; Uniforms; V-neck sweaters; Vests; Volleyball jerseys; Volleyball shoes; Waist belts; Waistbands; Waistcoats; Walking shorts; Warm up outfits; Warm up suits; Warm-up suits; Water proof boots; Waterproof jackets and pants; Wearable garments and clothing, namely, shirts; Wind coats; Wind pants; Wind resistant jackets; Wind shirts; Wind suits; Wind vests; Wind-jackets; Wind-resistant vests; Windjammers; Windshirts; Winter boots; Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods; Women's shoes; Women's shoes, namely, foldable flats; Women's tops, namely, camis; Women's underwear; Woolly hats; Work shoes and boots; Working overalls; Woven dresses; Woven skirts; Woven tops; Wraps; Yoga pants; Yoga shirts

Grounds for Opposition

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)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1011001	Application Date	05/06/1974
Registration Date	05/20/1975	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1972/01/01 First Use In Commerce: 1972/01/01 ENTERTAINMENT MAGAZINE		

U.S. Registration No.	1145751	Application Date	02/15/1979
Registration Date	01/13/1981	Foreign Priority Date	NONE
Word Mark	HUSTLER HUMOR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1978/02/28 First Use In Commerce: 1978/02/28 Entertainment Magazine		

U.S. Registration No.	1421856	Application Date	07/26/1984
Registration Date	12/23/1986	Foreign Priority Date	NONE
Word Mark	HUSTLER FANTASIES		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1983/09/14 First Use In Commerce: 1983/09/14 ADULT ENTERTAINMENT MAGAZINE		

U.S. Registration No.	1474758	Application Date	10/25/1984
Registration Date	02/02/1988	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 009. First use: First Use: 1983/11/01 First Use In Commerce: 1983/11/01 PRE-RECORDED VIDEO TAPES		
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U.S. Registration No.	2001594	Application Date	11/03/1995
Registration Date	09/17/1996	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1993/12/31 First Use In Commerce: 1993/12/31 providing a computer on-line magazine relating to adult entertainment and adult-subject matter		

U.S. Registration No.	2200271	Application Date	10/11/1996
Registration Date	10/27/1998	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1997/01/30 First Use In Commerce: 1997/01/30 skin care products, namely, skin soap, body oil and cream, bath oil, massage oil Class 010. First use: First Use: 1997/01/30 First Use In Commerce: 1997/01/30 adult sexual aids, namely, artificial penises, penis enlargers, mechanical apparatus to aid in the erection of the penis, rubber ring to be worn about the penis, vibrators, benwa balls, artificial vaginas		

U.S. Registration No.	2410985	Application Date	07/08/1997
Registration Date	12/05/2000	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2000/06/22 First Use In Commerce: 2000/06/22 night club		

U.S. Registration No.	2211238	Application Date	02/13/1998
Registration Date	12/15/1998	Foreign Priority Date	NONE
Word Mark	HUSTLER'S TABOO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1998/05/12 First Use In Commerce: 1998/05/12		

	prints and publications, namely, an adult entertainment magazine		
U.S. Registration No.	2318186	Application Date	07/23/1998
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	HUSTLER HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/12/03 First Use In Commerce: 1998/12/03 retail store services relating to booksand prerecorded video cassettes		
U.S. Registration No.	2448315	Application Date	05/20/1999
Registration Date	05/01/2001	Foreign Priority Date	NONE
Word Mark	HUSTLER XXX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/09/21 First Use In Commerce: 1999/09/21 publications, namely, an adult entertainment magazine		
U.S. Registration No.	2453938	Application Date	06/22/1999
Registration Date	05/22/2001	Foreign Priority Date	NONE
Word Mark	HUSTLER XXX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2000/04/04 First Use In Commerce: 2000/04/04 pre-recorded [video tapes and] discs in the field of adult entertainment		
U.S. Registration No.	2679483	Application Date	10/16/2000
Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1999/09/20 First Use In Commerce: 1999/09/20 men's and women's jewelry, namely, rings, necklaces, bracelets, [watches] Class 021. First use: First Use: 2000/10/01 First Use In Commerce: 2000/10/01 glassware, namely, shot glasses, mugs, beer steins		
U.S. Registration No.	2479911	Application Date	08/09/2000

Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	HUSTLER CASINO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2000/06/22 First Use In Commerce: 2000/06/22 Providing gaming casino facilities		

U.S. Registration No.	2582229	Application Date	10/17/2001
Registration Date	06/18/2002	Foreign Priority Date	NONE
Word Mark	HUSTLER'S TABOO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1998/09/30 First Use In Commerce: 1998/09/30 providing on-line entertainment, photographs, images, education, information and editorial content via the internet, World Wide Web and other electronic and telecommunications transmission systems, miscellaneous computer services and all other services in the field of adult entertainment		

U.S. Registration No.	3149102	Application Date	03/11/2003
Registration Date	09/26/2006	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/06/10 First Use In Commerce: 2006/06/10 footwear, namely, all types of shoes, boots, slippers, thongs and socks		

U.S. Registration No.	2677772	Application Date	04/08/2002
Registration Date	01/21/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER VIDEO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1999/09/14 First Use In Commerce: 1999/09/14 [pre-recorded videotapes and] digitalvideo discs (DVDs) in the field of adult entertainment		

U.S. Registration No.	2716466	Application Date	10/17/2001
Registration Date	05/13/2003	Foreign Priority Date	NONE

Word Mark	HUSTLER XXX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/12/04 First Use In Commerce: 2002/12/04 providing on-line entertainment, photographs, images, [education, information and editorial content] via the internet, World Wide Web and other electronic and telecommunications transmission systems, miscellaneous computer services and all other services in the field of adult entertainment		

U.S. Registration No.	2689852	Application Date	10/16/2000
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/12/03 First Use In Commerce: 1998/12/03 clothing, namely, beach wear, blouses, coats, coveralls, dresses, head wear, jackets, jeans, jogging suits, jumpers, leg warmers, leggings, lingerie, lounge wear, neckwear, pants, scarves, shirts, ski wear, slacks, sleep wear, tank tops, socks, vests		

U.S. Registration No.	2772467	Application Date	04/08/2002
Registration Date	10/07/2003	Foreign Priority Date	NONE
Word Mark	HUSTLAZ		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2002/12/03 First Use In Commerce: 2002/12/03 providing an online interactive Web site featuring adult entertainment		

U.S. Registration No.	2773372	Application Date	10/22/2002
Registration Date	10/14/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER CLUB		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2000/12/28 First Use In Commerce: 2000/12/28 operation of night clubs		

U.S. Registration No.	3658478	Application Date	10/19/2006
Registration Date	07/21/2009	Foreign Priority Date	NONE

Word Mark	NATURAL BORN HUSTLER
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/05/13 First Use In Commerce: 2003/05/13 Clothing, namely, work shirts, men's and women's jackets, sweatshirts, hats

U.S. Registration No.	3918404	Application Date	07/13/2007
Registration Date	02/15/2011	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/01/31 First Use In Commerce: 2008/01/31 Motorcycle helmets		

U.S. Registration No.	3349195	Application Date	11/28/2006
Registration Date	12/04/2007	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2007/09/01 First Use In Commerce: 2007/09/01 Garments for pets		

U.S. Registration No.	3431048	Application Date	10/26/2007
Registration Date	05/20/2008	Foreign Priority Date	NONE
Word Mark	HUSTLER VIDEO		
Design Mark			
Description of Mark	The mark consists of a rectangle with a black background. At the top of the rectangle is "HUSTLER" in white block letters; at the bottom is "VIDEO" in block letters. Inside the black rectangle is a pink rectangle bordered with a narrow band of white and rounded edges. There is a figure of a female silhouette in white, and a narrow band of white forming a large circle across the pink rectangle.		
Goods/Services	Class 009. First use: First Use: 2006/12/15 First Use In Commerce: 2006/12/15 Digital materials, namely, digital video discs (DVDs), downloadable films provided via a video-on demand service, and downloadable video files, all featuring adult entertainment		

U.S. Registration No.	3719932	Application Date	02/11/2009
Registration Date	12/01/2009	Foreign Priority Date	NONE
Word Mark	HUSTLER HD		

Design Mark	
Description of Mark	The color black appears in the word "HUSTLER" and in the rectangular background behind the acronym "HD"; the color gray appears in the outline around each letter in the word "HUSTLER" and the outline around the outside of the rectangular background behind the acronym "HD"; the color blue appears in the letters "HD"; and the color white appears in the rectangular background of the entire mark.
Goods/Services	Class 038. First use: First Use: 2009/06/13 First Use In Commerce: 2009/06/13 Broadcasting services and provision of telecommunication access to films and television programmes provided via a video-on-demand service

U.S. Registration No.	3008950	Application Date	09/17/2004
Registration Date	10/25/2005	Foreign Priority Date	NONE
Word Mark	HUSTLER TV		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2004/04/20 First Use In Commerce: 2004/04/20 Cable, satellite, television and video-on-demand (VOD) broadcasting		

U.S. Registration No.	3166771	Application Date	08/09/2005
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 026. First use: First Use: 2004/04/30 First Use In Commerce: 2004/04/30 (Based on Use in Commerce) Men's and women's belt buckles not of precious metal Class 034. First use: First Use: 2005/10/28 First Use In Commerce: 2005/10/28 Cigarette lighters not of precious metal		

U.S. Registration No.	4257789	Application Date	06/29/2012
Registration Date	12/11/2012	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2009/12/31 First Use In Commerce: 2009/12/31 Broadcasting services, namely, video-on-demand transmission services; video broadcasting; and electronic transmission and streaming of data, images, videos and other digital media via the internet, wired or wireless networks, to computers, televisions, or mobile devices		

U.S. Registration	4268341	Application Date	07/19/2012
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No.			
Registration Date	01/01/2013	Foreign Priority Date	NONE
Word Mark	HUSTLERSTORE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2012/01/31 First Use In Commerce: 2012/01/31 On-line retail store services featuring digital video discs, adult sexual stimulation aids, apparel, lingerie, hats, cosmetics, candles, perfumes, shave creams, bath and body products, personal lubricants, body creams, novelty items, party-games, playing cards, candies, jewelry, books, magazines, condoms, and lotions		

U.S. Registration No.	4312312	Application Date	07/19/2012
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	HUSTLER HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/12/03 First Use In Commerce: 1998/12/03 Retail store services featuring digital video discs, adult sexual stimulation aids, apparel, lingerie, hats, cosmetics, candles, perfumes, shave creams, bath and body products, personal lubricants, body creams, novelty items, party games, playing cards, candies, jewelry, books, magazines, condoms, and lotions		

U.S. Registration No.	4354035	Application Date	10/31/2012
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2007/12/31 First Use In Commerce: 2007/12/31 Backpacks; Duffel bags; Handbags; Messenger bags; Purses; Tote bags; Travel bags; Wallets		

U.S. Registration No.	4354038	Application Date	10/31/2012
Registration Date	06/18/2013	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2008/03/30 First Use In Commerce: 2008/03/30 Digital media, namely, downloadable audio and video recordings, digital versatile discs (DVDs), and high definition digital discs featuring adult entertainment		

U.S. Registration No.	4424875	Application Date	03/01/2013
Registration Date	10/29/2013	Foreign Priority Date	NONE
Word Mark	HUSTLERNOW		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 2013/02/27 First Use In Commerce: 2013/02/27 Mobile media services in the nature of electronic transmission, broadcasting and delivery of audio, video and multimedia adult entertainment content including text, data, images, audio, video and audiovisual files by means of the internet, wireless communication, electronic communications networks and computer networks</p> <p>Class 041. First use: First Use: 2013/02/27 First Use In Commerce: 2013/02/27 Entertainment services in the nature of providing adult entertainment programs and content, namely, providing a web site featuring non-downloadable adult-themed motion pictures, related film clips, graphics and information relating to adult entertainment, via the Internet, electronic communications networks, computer networks and wireless communications networks</p>		

U.S. Registration No.	4453481	Application Date	10/24/2012
Registration Date	12/24/2013	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 2011/06/30 First Use In Commerce: 2011/06/30 Eyewear, namely, sunglasses; Protective gear for motorcycle riding, namely, motorcycle gloves for protecting hands in an accident and motorcycle goggles</p>		

Attachments	75321822#TMSN.png(bytes) 75524462#TMSN.png(bytes) 75711054#TMSN.png(bytes) 76106878#TMSN.png(bytes) 76326707#TMSN.png(bytes) 76495943#TMSN.png(bytes) 76393623#TMSN.png(bytes) 76326711#TMSN.png(bytes) 76146601#TMSN.png(bytes) 76460615#TMSN.png(bytes) 77024683#TMSN.png(bytes) 77229341#TMSN.png(bytes) 77051687#TMSN.png(bytes) 77314657#TMSN.png(bytes) 77668581#TMSN.png(bytes) 78485451#TMSN.png(bytes) 78688221#TMSN.png(bytes) 85665033#TMSN.png(bytes) 85681899#TMSN.png(bytes) 85681790#TMSN.png(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	/Jonathan W. Brown/
Name	Jonathan W. Brown
Date	08/04/2014

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

In re Application No. 86/048,240
Filed: August 26, 2013
Published: June 3, 2014 in the Official Gazette
For: **HUMBLE HUSTLER**

LFP IP, LLC,

Opposer,

v.

DENEE ADAMS,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

NOTICE OF OPPOSITION

Opposer LFP IP, LLC (“Opposer” or “LFP”), a Delaware limited liability company, believes that it would be damaged by the registration on the principal register of the mark HUMBLE HUSTLER shown in Application Serial No. 86/048,240, and hereby opposes registration thereof.

As grounds for opposition, LFP alleges:

Opposer and its HUSTLER Marks

1. Opposer, LFP IP, LLC, is a limited liability company organized under the laws of the State of Delaware, having a principal place of business at 8484 Wilshire Boulevard, Suite 900, Beverly Hills, California 90211.

2. LFP, through its affiliated companies and licensees, is one of the world's leading producers and providers of adult entertainment goods and services.

3. Since at least as early as 1972, LFP, through its predecessors, related companies, and licensees, has used its HUSTLER mark in connection with an entertainment magazine under that name and mark.

4. In addition, Opposer has used its HUSTLER mark on or in connection with a wide variety of goods and services. Opposer first used its HUSTLER mark in commerce on or in connection with clothing as early as 1998; Footwear as early as 2006; Belt buckles as early as 2004; Jewelry as early as 1999; Retail store services as early as 1998; Backpacks, duffel bags, handbags, messenger bags, purses, tote bags, travel bags, and wallets as early as 2007.

5. Opposer owns numerous federal registrations on the Principal Register for its HUSTLER marks and various related and composite marks, many of which have become incontestable within the meaning of the Lanham Act. Such registrations include, but are not limited to, the following:

Mark	Reg. No.	Reg. Date	Date of First Use in Commerce	Goods/Services
HUSTLER	1011001	05-20-1975	01-01-1972	Entertainment magazine in Class 16
HUSTLER HUMOR	1145751	01-13-1981	02-28-1978	Entertainment magazine in Class 16

HUSTLER FANTASIES	1421856	12-23-1986	09-14-1983	Adult entertainment magazine in Class 16
HUSTLER	1474758	02-02-1988	11-01-1983	Pre-recorded video tapes in Class 9
HUSTLER	2001594	09-17-1996	12-31-1993	Providing computer on-line magazine in Class 42
HUSTLER	2200271	10-27-1998	01-30-1997	Skin care products, namely, skin soap, body oil and cream, bath oil, massage oil in Class 3; Adult sexual aids, namely, artificial penises, penis enlargers, mechanical apparatus to aid in the erection of the penis, rubber ring to be worn about the penis, vibrators, benwa balls, artificial vaginas in Class 10
HUSTLER	2410985	12-05-2000	06-22-2000	Night club in Class 42
HUSTLER'S TABOO	2211238	12-15-1998	05-12-1998	Prints and publications, namely, an adult entertainment magazine in Class 16
HUSTLER HOLLYWOOD	2318186	02-15-2000	12-03-1998	Retail store services relating to books and prerecorded video cassettes in Class 35
HUSTLER XXX	2448315	05-01-2001	09-21-1999	Publications, namely, an adult entertainment magazine in Class 16
HUSTLER XXX	2453938	05-22-2001	04-04-2000	Pre-recorded discs in the field of adult entertainment in Class 9
HUSTLER	2679483	01-28-2003	09-20-1999	Men's and women's jewelry, namely, rings, necklaces, bracelets in Class 14; Glassware, namely shot glasses, mugs, beer steins in Class 21
HUSTLER CASINO	2479911	08-21-2001	06-22-2000	Providing gaming casino facilities in Class 41
HUSTLER'S TABOO	2582229	06-18-2002	09-30-1998	Providing on-line entertainment, photographs, images, education, information and editorial content via the internet, World Wide Web and other electronic and telecommunications transmission systems, miscellaneous computer services and all other services in the field of adult entertainment in Class 41
HUSTLER	3149102	09-26-2006	06-10-2006	Footwear, namely, all types of shoes, boots, slippers, thongs and socks in Class 25

HUSTLER VIDEO	2677772	01-21-2003	09-14-1999	Digital video discs (DVDs) in the field of adult entertainment in Class 9
HUSTLER XXX	2716466	05-13-2003	12-04-2002	Providing on-line entertainment, photographs, images via the internet, World Wide Web and other electronic and telecommunications transmission systems, miscellaneous computer services and all other services in the field of adult entertainment in Class 41
HUSTLER	2689852	02-25-2003	12-06-1998	Clothing, namely, beach wear, blouses, coats, coveralls, dresses, head wear, jackets, jeans, jogging suits, jumpers, leg warmers, leggings, lingerie, lounge wear, neckwear, pants, scarves, shirts, ski wear, slacks, sleep wear, tank tops, socks, vests in Class 25
HUSTLAZ	2772467	10-07-2003	12-03-2002	Providing an online interactive Web site featuring adult entertainment in Class 41
HUSTLER CLUB	2773372	10-14-2003	12-28-2000	Operation of night clubs in Class 41
NATURAL BORN HUSTLER	3658478	07-21-2009	05-13-2003	Clothing, namely, work shirts, men's and women's jackets, sweatshirts, hats in Class 25
HUSTLER	3918404	02-15-2011	01-31-2008	Motorcycle helmets in Class 9
HUSTLER	3349195	12-04-2007	09-01-2007	Garments for pets in Class 18
HUSTLER VIDEO & Design	3431048	05-20-2008	12-15-2006	Digital materials, namely, digital video discs (DVDs), downloadable films provided via a video-on-demand service, and downloadable video files, all featuring adult entertainment in Class 9
HUSTLER HD & Design	3719932	12-01-2009	06-13-2009	Broadcasting services and provision of telecommunication access to films and television programmes provided via a video-on-demand service in Class 38
HUSTLER TV	3008950	10-25-2005	04-20-2004	Cable, satellite, television and video-on-demand (VOD) broadcasting in Class 38
HUSTLER	3166771	10-31-2006	04-30-2004	Men's and women's belt buckles not of precious metal in Class 26; Cigarette lighters not of precious metal in Class 34

HUSTLER	4257789	12-11-2012	12-31-2009	Broadcasting services, namely, video-on-demand transmission services; video broadcasting; and electronic transmission and streaming of data, images, videos and other digital media via the internet, wired or wireless networks, to computers, televisions, or mobile devices in Class 38
HUSTLERSTORE	4268341	01-01-2013	01-31-2012	On-line retail store services featuring digital video discs, adult sexual stimulation aids, apparel, lingerie, hats, cosmetics, candles, perfumes, shave creams, bath and body products, personal lubricants, body creams, novelty items, party games, playing cards, candies, jewelry, books, magazines, condoms, and lotions in Class 35
HUSTLER HOLLYWOOD	4312312	04-02-2013	12-03-1998	Retail store services featuring digital video discs, adult sexual stimulation aids, apparel, lingerie, hats, cosmetics, candles, perfumes, shave creams, bath and body products, personal lubricants, body creams, novelty items, party games, playing cards, candies, jewelry, books, magazines, condoms, and lotions in Class 35
HUSTLER	4354035	06-18-2013	12-31-2007	Backpacks; duffel bags; handbags; messenger bags; purses; tote bags; travel bags; wallets in Class 18
HUSTLER	4354038	06-18-2013	03-30-2008	Digital media, namely, downloadable audio and video recordings, digital versatile discs (DVDs), and high definition digital discs featuring adult entertainment in Class 9
HUSTLERNOW	4424875	10-29-2013	02-27-2013	Mobile media services in the nature of electronic transmission, broadcasting and delivery of audio, video and multimedia adult entertainment content including text, data, images, audio, video and audiovisual files by means of the internet, wireless communication,

				electronic communications networks and computer networks in Class 38; Entertainment services in the nature of providing adult entertainment programs and content, namely, providing a web site featuring non-downloadable adult-themed motion pictures, related film clips, graphics and information relating to adult entertainment, via the Internet, electronic communications networks, computer networks and wireless communications networks in Class 41
HUSTLER	4453481	12-24-2013	06-30-2011	Eyewear, namely, sunglasses; Protective gear for motorcycle riding, namely, motorcycle gloves for protecting hands in an accident and motorcycle goggles in Class 9

6. The federal trademark registrations set forth in Paragraph 5 (the “HUSTLER Marks”) above are valid and subsisting, and constitute prima facie evidence of their validity.

7. By virtue of its extensive and longtime use, substantial worldwide promotional efforts and commercial success of its famous HUSTLER Marks, LFP has established valuable goodwill in the HUSTLER Marks, and the public has come to associate LFP’s Marks with LFP and its famous founder, Larry Flynt. As such, the HUSTLER Marks have become distinctive and the public has come to know the HUSTLER Marks as an indication of goods and services that originate from Opposer.

The “HUMBLE HUSTLER” Application

8. Upon information and belief, Denee Adams (“Applicant”) is an individual with an address of 384 Ralph McGill Blvd. NE, #309, Atlanta, Georgia 30312.

9. On August 26, 2013, Applicant filed U.S. Application Serial No. 86048240 for the trademark HUMBLE HUSTLER in International Class 025 in connection with “A-shirts; Ankle boots; Ankle socks; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Aprons; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic pants; Athletic shirts; Athletic shoes; Athletic shorts; Athletic skirts; Athletic tights; Athletic uniforms; Ballet shoes; Ballet slippers; Balloon pants; Bandanas; Bandeau tops; Bandeaux; Barber smocks; Baseball caps; Baseball caps and hats; Baseball uniforms; Basketball sneakers; Bath sandals; Bath slippers; Bathing costumes; Bathing costumes for women; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach cover-ups; Beach coverups; Beach footwear; Beach shoes; Beachwear; Beanies; Belts; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts of textile; Berets; Bib overalls; Bib shorts; Bib tights; Bibs not of cloth or paper; Bibs not of paper; Bicycle gloves; Bikinis; Blazers; Bloomers; Blouses; Blousons; Body linen; Body shapers; Body shirts; Body stockings; Body suits; Boleros; Bolo ties; Bomber jackets; Bonnets; Boot accessories, namely, fitted decorative covers for boots; Booties; Boots; Boots for motorcycling; Boots for sport; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Braces; Bras; Bucket caps; Button down shirts; Button-front aloha shirts; Camouflage jackets; Camouflage pants; Camouflage shirts; Camp shirts; Cap peaks; Cap visors; Capri pants; Capris; Caps; Caps with visors; Cardigans; Cargo pants; Cat suits; Catsuits; Chemises; Clam diggers; Cloaks; Clogs; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded shirts; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that

may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing items, namely, blindfolds worn over the eyes; Clothing items, namely, gags worn over the mouth; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, khakis; Clothing, namely, wrap-arounds; Coats; Coats for men and women; Coats made of cotton; Coats of denim; Collared shirts; Collars; Coveralls; Coverups; Crew neck sweaters; Crew necks; Crop pants; Crop tops; Culottes; Cycling shoes; Cycling shorts; Denim jackets; Denims; Do rags; Down suits; Drawers; Dress pants; Dress shirts; Dress straps; Dress suits; Dresses; Espadrilles; Fabric belts; Fleece bottoms; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Flood pants; Football boots; Football shoes; Footies; Footwear; Footwear for men; Footwear for men and women; Footwear for track and field athletics; Footwear for women; Footwear made of vinyl; Footwear made of wood; G-strings; Garter belts; Garters; Gauchos; Gift packages sold as a unit consisting primarily of a sweatshirt and also including a photo frame, a coffee mug, and a tote bag; Gloves; Gloves as clothing; Gloves for apparel; Gloves for personal hand conditioning use; Gloves including those made of skin, hide or fur; Golf caps; Golf cleats; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Golf shorts; Gym boots; Gym pants; Gym shorts; Hat bands; Hats; Head scarves; Head sweatbands; Head wear; Head wraps; Headbands; Headbands against sweating; Headbands for clothing; Headwear; Heavy coats; Heavy jackets; Heels; Hiking boots; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hoods; Hoods; Jackets; Jackets and socks; Jeans; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging outfits; Jogging pants; Jogging suits; Jumper dresses; Jumpers; Jumpsuits; Knit bottoms; Knit dresses; Knit face masks; Knit jackets; Knit shirts; Knit skirts; Knit tops; Knitted caps; Knot

caps; Knotted caps; Lace boots; Ladies' boots; Ladies' suits; Ladies' underwear; Leather boots; Leather coats; Leather hats; Leather headwear; Leather jackets; Leather pants; Leather shirts; Leather shoes; Leather skirts; Leather slippers; Leather vests; Leg shapers; Leg shielding device, attachable to and detachable from a person's pants, comprised of padding to shield the legs from flying debris when mowing with a string trimmer; Leg warmers; Leg-warmers; Leggings; Leggins; Leisure shoes; Leisure suits; Leotards; Loafers; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long underwear; Long-sleeved shirts; Lounge pants; Maternity sleepwear; Men's socks; Men's suits, women's suits; Men's underwear; Miniskirts; Mittens; Moccasins; Mock turtle-neck sweaters; Money belts; Morning coats; Motorcycle gloves; Motorcycle jackets; Motorcycle rain suits; Motorcyclist boots; Night shirts; Nightcaps; Nightshirts; Non-slip socks; Non-slip soles for footwear; Open-necked shirts; Outdoor gloves; Outdoor mittens; Outer jackets; Over coats; Over shirts; Over-trousers; Overalls; Overalls for use in salons and barber shops; Padded jackets; Padding jackets; Pajama bottoms; Panties; Panties, shorts and briefs; Pants; Pantsuits; Pantyhose; Pedal pushers; Pocket kerchiefs; Pocket squares; Pockets for clothing; Polo knit tops; Polo shirts; Rain boots; Rain coats; Rain hats; Rain jackets; Rain slickers; Rain suits; Rain trousers; Rain wear; Raincoats; Robes; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running pads that strap onto shoes; Running shoes; Running suits; Sabots; Sandals; Sashes; Scarfs; Scarves; Shampoo capes; Shirt fronts; Shirts; Shirts and short-sleeved shirts; Shirts and slippers; Shirts for suits; Shoe accessories, namely, fitted decorative covers for shoes; Short-sleeved or long-sleeved t-shirts; Shorts; Shower caps; Ski jackets; Skull caps; Sleep shirts; Sleeves worn separate and apart from blouses, shirts and other tops; Small hats; Smocks; Sneakers; Snow boots; Snow pants; Snow suits; Snowboard jackets; Snowboard pants; Soccer boots; Soccer shoes; Sport coats; Sport shirts; Sports caps and hats; Sports jackets;

Sports pants; Sports shirts with short sleeves; Sports shoes; Strapless bras; Straps for bras;
Stretch pants; Suspender belts for men; Suspender belts for women; Suspenders; Sweat bands;
Sweat pants; Sweat shirts; Sweat shorts; Sweat suits; Sweatbands; Sweaters; Sweatpants;
Sweatshirts; Socks; Sweatsuits; Swim caps; Swim suits; Swim trunks; Swim wear for
gentlemen and ladies; Swimming caps; Swimming caps; Swimming costumes; Swimming
trunks; Swimsuits; T-shirts; Tams; Tank tops; Tank-tops; Tankinis; Tap pants; Tap shoes;
Teddies; Tee shirts; Tennis dresses; Tennis shoes; Thermal socks; Thermal underwear; Thongs;
Thongs; Ties; Tights; Tips for footwear; Top coats; Top hats; Topcoats; Tops; Track and field
shoes; Track jackets; Track pants; Track suits; Tracksuits; Training shoes; Training suits;
Trousers; Trousers for sweating; Trousers of leather; Trunks; Tube tops; Tunics;
Turbans; Turtle neck shirts; Turtleneck pullovers; Turtleneck sweaters; Under garments;
Underarm clothing shields; Underclothes; Underclothing; Undergarment accessories, namely,
removable silicone buttock enhancer pads; Undergarments; Undergarments, namely, waspies;
Underpants; Undershirts; Undershirts for kimonos (juban); Undershirts for kimonos (koshimaki);
Underskirts; Underwear; Underwear, namely, boy shorts; Uniforms; V-neck sweaters; Vests;
Volleyball jerseys; Volleyball shoes; Waist bands; Waist belts; Waist cinchers; Waistbands;
Waistcoats; Walking shorts; Warm up outfits; Warm up suits; Warm-up suits; Water proof boots;
Waterproof jackets and pants; Waterproof leather boots; Waterproof leather shoes; Waterproof
leather shoes and boots; Wearable blankets in the nature of blankets with sleeves; Wearable
garments and clothing, namely, shirts; Wet suits; Wet suits for water-skiing and sub-aqua;
Wetsuits for water-skiing; Wind coats; Wind pants; Wind resistant jackets; Wind shirts; Wind
suits; Wind vests; Wind-jackets; Wind-resistant vests; Windjammers; Windshirts; Winter boots;
Women's clothing, namely, shirts, dresses, skirts, blouses; Women's hats and hoods; Women's

shoes; Women's shoes, namely, foldable flats; Women's tops, namely, camis; Women's underwear; Woolly hats; Work shoes and boots; Working overalls; Woven dresses; Woven skirts; Woven tops; Wraps; Yoga pants; Yoga shirts" in Class 25.

10. Applicant claimed a date of actual first use in commerce of May 1, 2013 in filing basis "1A" for all the items described in Paragraph 9 above.

11. On or about December 10, 2013, the Examining Attorney issued an Office Action which, among other things, stated:

The identification of goods is technically acceptable. However, it appears that the applicant has simply copied the entire list of clothing items from the Office's online manual featuring product descriptions. The applicant may wish to delete those items from the description of goods that the applicant does not use the mark to promote as a brand. It is the applicant's duty to properly identify and classify the goods and services. TMEP Section 1402.01(e).

12. In a Notation to File dated March 14, 2014, the Examining Attorney noted that she had discussed with Applicant the shortening of the identification of goods and that Applicant had revised the description of goods to the following:

"A-shirts; Ankle socks; Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; A Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Athletic footwear; Athletic pants; Athletic shirts; Athletic shoes; Athletic shorts; Athletic skirts; Athletic tights; Athletic uniforms; Balloon pants; Bandanas; Bandeau tops; Bandeaux; Barber smocks; Baseball caps; Baseball caps and hats; Baseball uniforms; Basketball sneakers; Bath sandals; Bath slippers; Bathing costumes; Bathing costumes for women; Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Beach cover-ups; Beach coverups; Beach footwear; Beach shoes; Beachwear; Beanies; Belts; Belts for clothing; Belts made from imitation leather; Belts made of leather; Belts made out of cloth; Belts of

textile; Berets; Bib overalls; Bib shorts; Bib tights; Bibs not of cloth or paper; Bibs not of paper; Bicycle gloves; Bikinis; Blazers; Bloomers; Blouses; Blousons; Body linen; Body shirts; Bomber jackets; Boxer briefs; Boxer shorts; Boxing shoes; Boxing shorts; Bras; Bucket caps; Button down shirts; Button-front aloha shirts; Camouflage jackets; Camouflage pants; Camouflage shirts; Camp shirts; Cap peaks; Cap visors; Capri pants; Capris; Caps; Caps with visors; Cardigans; Cargo pants; Cat suits; Catsuits; Chemises; Clam diggers; Cloaks; Clogs; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded shirts; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing items, namely, blindfolds worn over the eyes; Clothing items, namely, gags worn over the mouth; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, cowls and smoke ring scarves; Clothing, namely, khakis; Clothing, namely, wrap-arounds; Coats; Coats for men and women; Coats made of cotton; Coats of denim; Collared shirts; Collars; Coveralls; Coverups; Crew neck sweaters; Crew necks; Crop pants; Crop tops; Culottes; Cycling shoes; Cycling shorts; Denim jackets; Denims; Do rags; Down suits; Drawers; Dress pants; Dress shirts; Dress straps; Dress suits; Dresses; Fabric belts; Fleece bottoms; Fleece pullovers; Fleece shorts; Fleece tops; Fleece vests; Flood pants; Football boots; Football shoes; Footies; Footwear; Footwear for men; Footwear for men and women; Footwear for track and field athletics; Footwear for women; Footwear made of vinyl; Footwear made of wood; G-strings; Gauchos; Gift packages sold as a unit consisting primarily of a sweatshirt and

also including a photo frame, a coffee mug, and a tote bag; Gloves; Gloves as clothing; Gloves for apparel; Gloves for personal hand conditioning use; Gloves including those made of skin, hide or fur; Golf caps; Golf cleats; Golf pants, shirts and skirts; Golf shirts; Golf shoes; Golf shorts; Gym boots; Gym pants; Gym shorts; Hat bands; Hats; Head scarves; Head sweatbands; Head wear; Head wraps; Headbands; Headbands against sweating; Headbands for clothing; Headwear; Heavy coats; Heavy jackets; Heels; Hiking boots; Hooded pullovers; Hooded sweat shirts; Hooded sweatshirts; Hoods; Hoods; Jackets; Jackets and socks; Jeans; Jeggings, namely, pants that are partially jeans and partially leggings; Jogging outfits; Jogging pants; Jogging suits; Jumpers; Jumpsuits; Knit bottoms; Knit face masks; Knit jackets; Knit shirts; Knit tops; Knitted caps; Knot caps; Knotted caps; Ladies' boots; Ladies' suits; Ladies' underwear; Leather coats; Leather hats; Leather headwear; Leather jackets; Leather pants; Leather shirts; Leather shoes; Leather slippers; Leather vests; Leg shapers; Leg-warmers; Leggings; Leggins; Leisure shoes; Leisure suits; Leotards; Loafers; Long jackets; Long johns; Long sleeve pullovers; Long sleeved vests; Long underwear; Long-sleeved shirts; Lounge pants; Men's socks; Men's suits, women's suits; Men's underwear; Motorcycle gloves; Motorcycle jackets; Night shirts; Nightcaps; Nightshirts; Non-slip socks; Non-slip soles for footwear; Open-necked shirts; Outdoor gloves; Outer jackets; Overalls; Overalls for use in salons and barber shops; Padded jackets; Padding jackets; Pajama bottoms; shorts and briefs; Pants; Pantsuits; Pocket kerchiefs; Pocket squares; Pockets for clothing; Polo knit tops; Polo shirts; Rain wear; Raincoats; Robes; Rugby shirts; Rugby shoes; Rugby shorts; Rugby tops; Running shoes; Running suits; Sashes; Scarfs; Scarves; Shirt fronts; Shirts; Shirts and short-sleeved shirts; Shirts and slips; Shirts for suits; Shoe accessories, namely, fitted decorative covers for shoes; Short-sleeved or long-sleeved t-shirts; Shorts; Ski jackets; Skull caps; Sleep shirts; Sleeves worn separate and apart from blouses, shirts

An Examiner's Amendment issued on the same day indicated that the Application was amended to reflect this change.

Count One

Fraud, 15 U.S.C. §§ 1051(a) and 1127

13. Opposer repeats and realleges each and every allegation set forth in paragraphs "1" through "12" herein.

14. On information and belief, Opposer alleges that Applicant has not used the mark HUMBLE HUSTLER for each and every good recited in her amended Application within the meaning of "use in commerce" in the Trademark Act, 15 U.S.C. §§ 1051 and 1127. Specifically, Opposer alleges that Applicant has only used the HUMBLE HUSTLER mark in connection with three goods: crop tops, t-shirts, and tank tops. A true and correct screenshot of Applicant's online storefront is attached and incorporated herein as "**Exhibit A**".

15. As applicant has not used the mark in commerce in connection with all of the identified goods since the date alleged in the declaration, the entire application should be void *ab initio* as a fraud on the Patent and Trademark Office.

Count Two

Likelihood of Confusion, 15 U.S.C. § 1052(d)

16. Opposer incorporates by reference each and every allegation set forth in paragraphs "1" through "15" herein.

17. Opposer has priority based on its prior valid and subsisting registrations for its HUSTLER family of marks, including for clothing. Further, Opposer has used its HUSTLER

Marks in commerce before the filing date of the opposed Application Serial No. 86048240, and any date of first use that may be asserted by Applicant.

18. Moreover, Opposer's HUSTLER mark became famous before the filing date of the opposed Application Serial No. 86048240, and any date of first use that may be alleged by Applicant.

19. The goods identified in the Application are identical and/or highly related to the goods and services identified in several of LFP's registrations for the HUSTLER Marks.

20. The goods identified in the Application are likely to be sold and/or distributed through the same channels of trade and to the same class of purchasers as Opposer's goods and/or services sold and/or distributed under its HUSTLER Marks.

21. Applicant's HUMBLE HUSTLER mark so resembles Opposer's prior used and prior registered HUSTLER Marks as to be likely to cause confusion, mistake or deception in the trade and among ordinary consumers and prospective purchasers as to the source, origin or sponsorship of the parties' respective goods under Section 2(d), 15 U.S.C. § 1052(d).

22. Consumers encountering Applicant's Mark in connection with the Opposed Goods are likely to associate Applicant's Mark with Opposer, and are likely to assume, mistakenly, that the Opposed Goods intended to be offered under Applicant's Mark originate with Opposer or that the Opposed Goods are sponsored, endorsed or otherwise authorized by, licensed through or otherwise associated with Opposer.

23. Opposer would be damaged by registration of Applicant's Mark because registration would grant Applicant statutory rights under the Trademark Act of 1946, and would tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

Count Three

Dilution, 15 U.S.C. § 1125(c)(1)

24. Opposer incorporates by reference each and every allegation set forth in paragraphs “1” through “23” herein.

25. Opposer’s HUSTLER Marks are famous and distinctive within the meaning of the Lanham Act.

26. Opposer has engaged in extensive, worldwide advertising, promotion, and use of the distinctive and famous HUSTLER mark since the 1970s, and the mark has received extensive unsolicited media attention during that time. Further, Opposer has had significant sales of Opposer’s goods and services under its HUSTLER mark worldwide.

27. Opposer’s HUSTLER mark became famous prior to the filing date of Application Serial No. 86048240, and prior to the May 1, 2013 date of first use alleged by Applicant.

28. On information and belief, Applicant selected the “HUSTLER” portion of the mark as a direct reference to Opposer’s famous HUSTLER marks. Applicant intends to profit from LFP’s name and goodwill by creating a misleading association between Applicant’s goods and those of Opposer, thereby diluting the HUSTLER Marks, and creating a misleading association between Opposer and Applicant.

29. Applicant’s HUMBLE HUSTLER mark so closely resembles Opposer’s previously used and registered HUSTLER Marks that it is likely to dilute, blur, and/or tarnish the distinctive quality of Opposer’s famous mark in violation of Section 43(c), 15 U.S.C. § 1125(c).

30. If the Application is permitted to register, the registration would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to the HUMBLE HUSTLER

mark. Such registration would cause confusion among consumers as to the separate and distinct sources of Applicant's goods and LFP's goods and the relationship of LFP to Applicant, thereby damaging LFP's goodwill in the HUSTLER Marks, diluting the value thereof, and resulting in irreparable harm to LFP's business and reputation, all to the detriment of LFP who has expended considerable sums and effort in promoting the HUSTLER Marks.

31. Registration of Applicant's highly similar mark would lessen the capacity of Opposer's famous and distinctive HUSTLER Marks to distinguish and identify Opposer's goods from those of others, thereby diluting the distinctive quality of Opposer's HUSTLER Marks in violation of 15 U.S.C. § 1125(c), and causing damage to Opposer within the meaning of 15 U.S.C. § 1063.

32. Registration of Applicant's Mark would result in damage to LFP pursuant to the provisions of 15 U.S.C. §§ 1114, 1115, and 1125, pursuant to the allegations stated above, and registration should be denied pursuant to 15 U.S.C. § 1052(d).

WHEREFORE, LFP prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial No. 86048240 be denied.

Dated: August 4, 2014

Respectfully submitted,

LFP IP, LLC, by its counsel
LIPSITZ GREEN SCIME CAMBRIA LLP

By: Jonathan W. Brown/
Jonathan W. Brown, Esq.
42 Delaware Avenue, Suite 120
Buffalo, NY 14202
(716) 849-1333, Ext. 371

EXHIBIT A



- Showing 16 results
- Humble Hustler™ Defined - Back Pack Chaps \$25 [Select options](#)
 - Humble Hustler™ Defined - Back Pack Hood \$25 [Select options](#)
 - Humble Hustler™ Defined - Unisex Tee \$25 [Select options](#)
 - Humble Hustler™ Defined - Cropped Tank \$25 [Select options](#)
 - Humble Hustler™ Best Cropped Tank - Women \$25 [Select options](#)
 - Humble Hustler™ Best Cropped Tank - Unisex \$25 [Select options](#)
 - Humble Hustler™ Easy Summer Unisex Tee \$25 [Select options](#)
 - Humble Hustler™ Best Men's Cropped Tank \$25 [Select options](#)
 - Humble Hustler™ Old Hometown Green Tank \$25 [Select options](#)
 - Humble Hustler™ Best Men's Cropped Tank - Green \$25 [Select options](#)
 - Humble Hustler™ Old Hometown Green Tank \$25 [Select options](#)
 - Humble Hustler™ Old Hometown Green Tank \$25 [Select options](#)
 - Humble Hustler™ Old Hometown Green Tank \$25 [Select options](#)
 - Humble Hustler™ Old Hometown Green Tank \$25 [Select options](#)
 - Humble Hustler™ Old Hometown Green Tank \$25 [Select options](#)

PRODUCT SEARCH

FILTER BY PRICE

Price \$0 - \$25

- PRODUCT TAGS
- Men's Cropped Tank
 - Women's Cropped Tank
 - Unisex Cropped Tank
 - Unisex Tee
 - Unisex Hood
 - Unisex Chaps

- RECENT PRODUCTS
- Humble Hustler™ Defined - Back Pack Chaps \$25
 - Humble Hustler™ Defined - Back Pack Hood \$25
 - Humble Hustler™ Defined - Unisex Tee \$25
 - Humble Hustler™ Defined - Cropped Tank \$25

CERTIFICATE OF FILING AND SERVICE

I, Lori Vangelov, hereby certify that on August 4, 2014, I caused a true copy of the foregoing Notice of Opposition to be filed electronically with the United States Patent and Trademark Office via ESTTA, and served upon Applicant by depositing said copy with the United States Postal Service, U.S. First Class Mail, postage prepaid, in an envelope addressed to:

Denee Adams
384 Ralph McGill Blvd. NE, #309
Atlanta, Georgia 30312

Dated: August 4, 2014

 /Lori Vangelov/
Lori Vangelov