

ESTTA Tracking number: **ESTTA635619**

Filing date: **10/28/2014**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Interactive Life Forms, LLC		
Entity	Limited Liability Company	Citizenship	Texas
Address	7000 Burleson Road, Building C Austin, TX 78744 UNITED STATES		

Name	Mr. Steve Shubin		
Entity	Individual	Citizenship	UNITED STATES
Address	7000 Burleson Road, Building C Austin, TX 78744 UNITED STATES		

Attorney information	Kristin Jordan Harkins Conley Rose, P.C. 5601 Granite Parkway, Suite 500 Plano, TX 75024 UNITED STATES dallaslit@dfw.conleyrose.com Phone:972-731-2288		
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Applicant Information

Application No	86281553	Publication date	10/28/2014
Opposition Filing Date	10/28/2014	Opposition Period Ends	11/27/2014
Applicant	GQ Associates PO Box 31 Glastonbury, CT 06415 UNITED STATES		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Accessories for personal massage, namely, massage oils
Class 010. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Adult sexual stimulation aids, namely, vibrators, dildos, artificial penises, artificial vaginas, benwa balls, love dolls, penis enlargers, masturbation sleeves that allow for the collection of humansperm, masturbation devices in the nature of artificial penises and artificial vaginas, rings for stimulating the penis, anal beads, anal plugs, nipple clamps, reproductions of parts of the male and female anatomy, electric and non-electric massage apparatus and accessories for personal massage and stimulation, namely, massage mitts and electric vibrating massager; kits consisting primarily of adult sexual stimulation aids; Condoms
Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Online retail and retail store services, fea-

turing adult entertainment and adult novelties, prerecorded video tapes, DVDs, books, adult toys and novelties, underwear, lingerie, erotic clothing and costumes, adult sexual inspired gifts, body care preparations, beauty care preparations, body lotions, massage oils, shaving products, personal lubricants, anesthetics for non-surgical use, adult sexual aids, adult games, cleaning products, condoms; Catalog ordering services featuring adult entertainment and adult novelties, prerecorded video tapes, DVDs, books, adult toys and novelties, underwear, lingerie, erotic clothing and costumes, adult sexual inspired gifts, body care preparations, beauty care preparations, body lotions, massage oils, shaving products, personal lubricants, anesthetics for non-surgical use, adult sexual aids, adult games, cleaning products, condoms

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2225503	Application Date	11/07/1997
Registration Date	02/23/1999	Foreign Priority Date	NONE
Word Mark	FLESHLIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1997/06/17 First Use In Commerce: 1997/06/17 ADULT NOVELTY DEVICE FOR DISCREET COLLECTION OF HUMAN SPERM		

U.S. Registration No.	3479109	Application Date	06/22/2007
Registration Date	08/05/2008	Foreign Priority Date	NONE
Word Mark	FLESHLIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1998/11/01 First Use In Commerce: 1998/11/01 Adult sexual aids, namely, masturbationsleeves that allow for the discreet collection of human sperm		

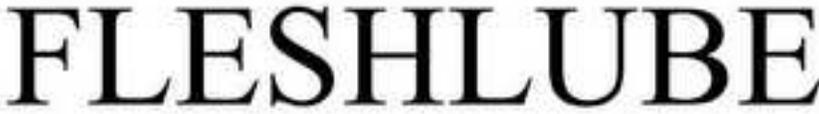
U.S. Registration No.	3479433	Application Date	09/11/2007
Registration Date	08/05/2008	Foreign Priority Date	NONE
Word Mark	FLESHLIGHT GIRLS		

Design Mark	FLESHLIGHT GIRLS		
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2007/05/21 First Use In Commerce: 2007/05/21 Adult sexual aids, namely, masturbationsleeves that allow for the discreet collection of human sperm		

U.S. Registration No.	3497865	Application Date	06/22/2007
Registration Date	09/09/2008	Foreign Priority Date	NONE
Word Mark	FLESHJACK		
Design Mark	FLESHJACK		
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2007/04/26 First Use In Commerce: 2007/04/26 Adult sexual aids, namely, masturbationsleeves that allow for the discreet collection of human sperm		

U.S. Registration No.	3497866	Application Date	06/22/2007
Registration Date	09/09/2008	Foreign Priority Date	NONE
Word Mark	FLESHJACK		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2007/04/26 First Use In Commerce: 2007/04/26 Adult sexual aids, namely, masturbationsleeves that allow for the discreet collection of human sperm

U.S. Registration No.	3826173	Application Date	05/05/2009
Registration Date	07/27/2010	Foreign Priority Date	NONE
Word Mark	FLESHLUBE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2009/05/20 First Use In Commerce: 2009/05/20 Water-based personal lubricants		

U.S. Registration No.	3955795	Application Date	03/12/2010
Registration Date	05/03/2011	Foreign Priority Date	NONE
Word Mark	FLESHWASH		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2010/06/17 First Use In Commerce: 2010/06/17 LIQUID SOAP; ADULT TOY CLEANER

Attachments	77213782#TMSN.png(bytes) 77276105#TMSN.png(bytes) 77213165#TMSN.png(bytes) 77213769#TMSN.png(bytes) 77729459#TMSN.png(bytes) 77957476#TMSN.png(bytes) Fleshmates Notice of Opposition.pdf(470625 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	/kristinjordanharkins/
Name	Kristin Jordan Harkins
Date	10/28/2014

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

In re U.S. Trademark Application Serial No. 86/281,553 for the mark FLESHMATES, filed on May 14, 2014, published on October 28, 2014, and having the current owner of record GQ Associates.

Interactive Life Forms, LLC	§	
	§	
and	§	
	§	
Steve Shubin,	§	
	§	
Opposers,	§	
	§	
vs.	§	Opposition No. _____
	§	
GQ Associates,	§	
	§	
Applicant.	§	

NOTICE OF OPPOSITION

Commissioner:

Opposers Interactive Life Forms, LLC (hereafter “ILF”) and Steve Shubin (hereafter “Shubin”), believe that they will be damaged by registration of the mark FLESHMATES, shown in U.S. Trademark Application Serial No. 86/281,553, and hereby oppose the same under the provisions of the Trademark Act of 1946, § 1063 of Title 15 of the United States Code. Opposer ILF is a Texas limited liability company and Opposer Shubin is an individual, both having their places of business at 7000 Burleson Road, Bldg. C, Austin, Texas 78744. Opposers design and sell adult toys, including masturbatory tools. Opposers, and/or their legal predecessors in interest, have been selling such products since at least as early as 1996.

Opposers allege the following as grounds for the opposition:

1. The opposed U.S. Trademark Application Serial No. 86/281,553 for the mark FLESHMATES was filed on May 14, 2014 by GQ Associates (“Applicant”).

2. The application seeks registration of the FLESHMATES mark for the following goods and services:

INTERNATIONAL CLASS 003:

Accessories for personal massage, namely, massage oils;

INTERNATIONAL CLASS 010:

Adult sexual stimulation aids, namely, vibrators, dildos, artificial penises, artificial vaginas, benwa balls, love dolls, penis enlargers, masturbation sleeves that allow for the collection of human sperm, masturbation devices in the nature of artificial penises and artificial vaginas, rings for stimulating the penis, anal beads, anal plugs, nipple clamps, reproductions of parts of the male and female anatomy, electric and non-electric massage apparatus and accessories for personal massage and stimulation, namely, massage mitts and electric vibrating massager; kits consisting primarily of adult sexual stimulation aids; Condoms; and

INTERNATIONAL CLASS 035:

Online retail and retail store services, featuring adult entertainment and adult novelties, prerecorded video tapes, DVDs, books, adult toys and novelties, underwear, lingerie, erotic clothing and costumes, adult sexual inspired gifts, body care preparations, beauty care preparations, body lotions, massage oils, shaving products, personal lubricants, anesthetics for non-surgical use, adult sexual aids, adult games, cleaning products, condoms; Catalog ordering services featuring adult entertainment and adult novelties, prerecorded video tapes, DVDs, books, adult toys and novelties, underwear, lingerie, erotic clothing and costumes, adult sexual inspired gifts, body care preparations, beauty care preparations, body lotions, massage oils, shaving products, personal lubricants, anesthetics for non-surgical use, adult sexual aids, adult games, cleaning products, condoms.

The opposed application is based on Applicant’s intent to use the mark.

3. Opposers are the owners and licensees of, and have developed rights with respect to, certain trademarks that are used in connection with the sale of products, including:

FLESHLIGHT which is registered under U.S. Trademark Registration No. 2,225,503 and issued on the Principal Register on February 23, 1999.

The registration relates to:

INTERNATIONAL CLASS 010:

Adult novelty device for discreet collection of human sperm.

4. Use of the FLESHLIGHT mark which is registered under U.S. Trademark Registration No. 2,225,503 (“the ‘503 registration”) began at least as early as June 17, 1997 in interstate commerce on or in connection with the recited products, and such use has been continuous and continues to date. Pursuant to 15 U.S.C. § 1065, the right to use the FLESHLIGHT mark of the ‘503 Registration in commerce on or in connection with its recited products is incontestable.

5. Opposers are also the owners and licensees of, and have developed rights with respect to, certain trademarks that are used in connection with the sale of products, including:

FLESHLIGHT (stylized) which is registered under U.S. Trademark Registration No. 3,479,109 and issued on the Principal Register on August 5, 2008.

The registration relates to:

INTERNATIONAL CLASS 010:

Adult sexual aids, namely, masturbation sleeves that allow for the discreet collection of human sperm.

6. Use of the FLESHLIGHT mark which is registered under U.S. Trademark Registration No. 3,479,109 (“the ‘109 registration”) began at least as early as November 1, 1998 in interstate commerce on or in connection with the recited products, and such use has been continuous and continues to date. Pursuant to 15 U.S.C. § 1065, the right to use the FLESHLIGHT mark of the ‘109 Registration in commerce on or in connection with its recited products is incontestable.

7. Opposers are also the owners and licensees of, and have developed rights with respect to, certain trademarks that are used in connection with the sale of products, including:

FLESHLIGHT GIRLS which is registered under U.S. Trademark Registration No. 3,479,433 and issued on the Principal Register on August 5, 2008.

The registration relates to:

INTERNATIONAL CLASS 010:

Adult sexual aids, namely, masturbation sleeves that allow for the discreet collection of human sperm.

8. Use of the FLESHLIGHT GIRLS mark which is registered under U.S. Trademark Registration No. 3,479,433 (“the ‘433 registration”) began at least as of May 21, 2007 in interstate commerce on or in connection with the recited products, and such use has been continuous and continues to date. Pursuant to 15 U.S.C. § 1065, the right to use the FLESHLIGHT GIRLS mark of the ‘433 Registration in commerce on or in connection with its recited products is incontestable.

9. Opposers are also the owners and licensees of, and have developed rights with respect to, certain trademarks that are used in connection with the sale of products, including:

FLESHJACK which is registered under U.S. Trademark Registration No. 3,497,865 and issued on the Principal Register on September 9, 2008.

The registration relates to:

INTERNATIONAL CLASS 010:

Adult sexual aids, namely, masturbation sleeves that allow for the discreet collection of human sperm.

10. Use of the FLESHJACK mark which is registered under U.S. Trademark Registration No. 3,497,865 (“the ‘865 registration”) began at least as early as April 26, 2007 in interstate commerce on or in connection with the recited products, and such use has been continuous and continues to date. Pursuant to 15 U.S.C. § 1065, the right to use the FLESHJACK

mark of the '865 Registration in commerce on or in connection with its recited products is incontestable.

11. Opposers are also the owners and licensees of, and have developed rights with respect to, certain trademarks that are used in connection with the sale of products, including:

FLESHJACK (stylized) which is registered under U.S. Trademark Registration No. 3,497,866 and issued on the Principal Register on September 9, 2008.

The registration relates to:

INTERNATIONAL CLASS 010:

Adult sexual aids, namely, masturbation sleeves that allow for the discreet collection of human sperm.

12. Use of the FLESHJACK mark which is registered under U.S. Trademark Registration No. 3,497,866 ("the '866 registration") began at least as early as April 26, 2007 in interstate commerce on or in connection with the recited products, and such use has been continuous and continues to date. Pursuant to 15 U.S.C. § 1065, the right to use the FLESHJACK mark of the '866 Registration in commerce on or in connection with its recited products is incontestable.

13. In addition to the five incontestable marks above, Opposers are also the owners and licensees of, and have developed rights with respect to, certain trademarks that are used in connection with the sale of products, including:

FLESHLUBE

U.S. Trademark Registration No. 3,826,173 ("the '173 Registration")

Issued on the Principal Register on July 27, 2010

INTERNATIONAL CLASS 005: Water-based personal lubricants; and

FLESHWASH

U.S. Trademark Registration No. 3,955,795 ("the '795 Registration")

Issued on the Principal Register on May 3, 2011

INTERNATIONAL CLASS 003: Liquid soap; adult toy cleaner.

14. Opposers' rights with respect to the above five incontestable FLESHLIGHT, FLESHLIGHT GIRLS and FLESHJACK marks of the '503 Registration, '109 Registration, '433 Registration, '865 Registration and '866 Registration, and the FLESHLUBE and FLESHWASH marks of the '173 Registration and the '795 Registrations predate any rights Applicant can claim to its FLESHMATES mark represented by Applicant's opposed intent-to-use trademark application.

15. The application filing dates of the above incontestable FLESHLIGHT, FLESHLIGHT GIRLS and FLESHJACK marks are November 7, 1997 for the '503 Registration, June 22, 2007 for the '109 Registration, September 11, 2007 for the '433 Registration, June 22, 2007 for the '865 Registration and June 22, 2007 for the '866 Registration; and for the FLESHLUBE and FLESHWASH marks are May 5, 2009 for the '173 Registration and May 3, 2010 for the '795 Registration. These dates are long prior to the May 14, 2014 filing date of Applicant's opposed intent-to-use trademark application.

16. Opposers benefit from a number of channels of trade in connection with the goods recited in the '503 Registration, '109 Registration, '433 Registration, '865 Registration and '866 Registration, including brick and mortar stores, and online stores such as those found on Amazon.com, and the FLESHLIGHT.COM and FLESHJACK.COM websites (websites owned and operated by Opposers).

17. With respect to the activities of Opposers, Opposers' FLESHLIGHT.COM and FLESHJACK.COM websites are instructive. Offered for sale are at least the following:

Creams, gels, balms, massaging oils, vibrators, dildos, artificial penises, artificial vaginas, benwa balls, penis enlargers, masturbation sleeves that allow for the collection of human sperm, masturbation devices in the nature of artificial penises and artificial vaginas, rings

for stimulating the penis, anal stimulators, anal plugs, reproductions of parts of the male and female anatomy, electric and non-electric massage apparatus and accessories for personal massage and stimulation including electric vibrating massagers, kits consisting primarily of adult sexual stimulation aids, and condoms.

In short, the above comprise just about every good in Class 3 and Class 10 listed in Applicant's opposed application. With respect to Class 35 in Applicant's opposed application, Opposers' FLESHLIGHT.COM and FLESHJACK.COM websites are online retail services, and Opposers' FLESHLIGHTDISTRIBUTION.COM website supports retail store services – and, again, with respect to just about everything listed in Applicant's opposed application.

18. Opposers registered marks constitute a Family of Marks having FLESH as the recognizable common characteristic, i.e. the family surname. Opposers have been, prior to the filing date of the opposed application, extensively advertising and promoting their goods under their Family of FLESH Marks, and their use and promotion of the marks together are such that consumers associate not only Opposers' individual marks, but also the common characteristics of the Family of FLESH Marks, with Opposers. Accordingly, consumers are likely to mistakenly believe that the products to be offered under the mark of the opposed application, which incorporates Opposer' FLESH family surname, as originating with Opposers.

19. Applicant's goods identified in its opposed application are identical, similar or related to the goods recited in the '503 Registration, '109 Registration, '433 Registration, '865 Registration, '866 Registration, '173 Registration and '795 Registration cited by Opposers (collectively "Opposers' Family of FLESH Marks").

20. Upon information and belief, Applicant's goods would be sold in the same channels of trade and to the same class of purchasers as the goods recited in the foregoing seven

(7) registrations of Opposers' Family of FLESH Marks. Consumers and prospective consumers of Applicant's goods are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's goods to be sold under the mark opposed herein, emanate from or are in some way sponsored by or affiliated with Opposers, all to Opposers irreparable damage through loss and/or dilution of that part of its goodwill, which is symbolized by the above incontestable FLESHLIGHT, FLESHLIGHT GIRLS and FLESHJACK marks of the '503 Registration, '109 Registration, '433 Registration, '865 Registration and '866 Registration, and the FLESHLUBE and FLESHWASH marks of the '173 Registration and '795 Registration.

21. Opposers note that products sold in connection with its FLESHLIGHT marks have been extremely successful and popular in the marketplace, with over 7 million of such products having been sold.

22. Opposers further note that over the years, Opposers' Family of FLESH Marks have been extensively used and promoted, and continue to be used and promoted. Considerable effort and expense has been expended in promoting Opposers' Family of FLESH Marks and the products offered and sold in connection therewith. As a result, substantial rights have been developed in Opposers' Family of FLESH Marks which have acquired great value as an identification of products sold in connection therewith. Through the advertising, marketing and sale of their products offered under Opposers' Family of FLESH Marks, there has been built up, at great expense and effort, valuable and significant goodwill symbolized by Opposers' Family of FLESH Marks.

23. Upon information and belief, Applicant knew or should have known the goods recited in opposed U.S. Trademark Application Serial No. 86/281,553 would be sold in the same

channels of trade and to the same class of purchasers as the goods recited in the foregoing seven (7) registrations of Opposers' Family of FLESH Marks.

24. Applicant's opposed FLESHMATES mark so resembles Opposers' FLESHLIGHT, FLESHLIGHT GIRLS, FLESHJACK, FLESHLUBE and FLESHWASH marks of the '503 Registration, the '109 Registration, the '433 Registration, the '865 Registration, the '866 Registration, the '173 Registration and the '795 Registration as to be likely, when applied to Applicant's goods, to cause confusion, to cause mistake or to deceive with respect to Opposers' FLESHLIGHT, FLESHLIGHT GIRLS, FLESHJACK, FLESHLUBE and FLESHWASH marks, and Opposers will be damaged by the registration sought by Applicant.

25. Applicant's opposed FLESHMATES mark so resembles Opposers' FLESHLIGHT, FLESHLIGHT GIRLS, FLESHJACK, FLESHLUBE and FLESHWASH marks of the '503 Registration, the '109 Registration, the '433 Registration, the '865 Registration, the '866 Registration, the '173 Registration and the '795 Registration as to be likely, when applied to Applicant's goods, to dilute Opposers' FLESHLIGHT, FLESHLIGHT GIRLS, FLESHJACK, FLESHLUBE and FLESHWASH marks, and Opposers will be damaged by the registration sought by Applicant.

WHEREFORE, Opposers pray that registration of the mark shown in U.S. Trademark Application Serial No. 86/281,553 be refused and that this Notice of Opposition be sustained in favor of Opposers.

Authorization is hereby granted to the U.S. Patent and Trademark Office to deduct the filing fee for the present opposition in the amount of \$1800.00 (for all three classes of the opposed application) from Conley Rose Deposit Account No. 501515. Should any additional fees be due, please also charge them to Deposit Account No. 501515.

Respectfully submitted,

Dated: October 28, 2014

By: Kristin Jordan Hopkins

Kristin Jordan Hopkins
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ATTORNEYS FOR OPPOSERS

CERTIFICATE OF TRANSMISSION UNDER TBMP 110

I HEREBY CERTIFY that a true and correct copy of this document, *Notice of Opposition*, opposing registration of U.S. Trademark Application Serial No. 86/281,553 for the mark FLESHMATES, is being filed electronically through <http://esta.uspto.gov> via the Trademark Trial and Appeal Board Electronic Filing System.

On the 28th day of October, 2014.

Teresa Ryan

Teresa Ryan

CERTIFICATE OF SERVICE UNDER TBMP 113

I HEREBY CERTIFY that a true and correct copy of the foregoing *Notice of Opposition*, opposing registration of U.S. Trademark Application Serial No. 86/281,553 for the mark FLESHMATES, is being sent by First Class U.S. Mail, postage prepaid, to counsel for Applicant, GQ Associates, as follows:

Kuscha Hatami
Raj Abhyanker P.C. dba Legalforce
1580 W El Camino Real Ste 13
Mountain View, California 94040-2463
United States

On the 28th day of October, 2014.



Danielle Lehrman