

ESTTA Tracking number: **ESTTA669782**

Filing date: **04/30/2015**

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	Amusement Art, LLC		
Entity	Limited Liability Company	Citizenship	California
Address	1110 Seward Street Los Angeles, CA 90038 UNITED STATES		

Attorney information	Michaelangelo G Loggia 1110 Seward Street Los Angeles, CA 90038 UNITED STATES michael@iawworld.com Phone:323-465-2626 x101		
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Applicant Information

Application No	86309114	Publication date	03/31/2015
Opposition Filing Date	04/30/2015	Opposition Period Ends	04/30/2015
Applicant	Alliance Defending Freedom 15100 N. 90th St. Scottsdale, AZ 85260 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/12/03 First Use In Commerce: 2014/01/06 All goods and services in the class are opposed, namely: Public advocacy to promote awareness of social and legal issues related to human rights and civil liberties
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Applicant Information

Application No	86309730	Publication date	03/31/2015
Opposition Filing Date	04/30/2015	Opposition Period Ends	04/30/2015
Applicant	Alliance Defending Freedom 15100 N. 90th St. Scottsdale, AZ 85260 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/12/03 First Use In Commerce: 2014/01/06 All goods and services in the class are opposed, namely: Public advocacy to promote awareness of social and legal issues related to human rights and civil liberties
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Grounds for Opposition

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

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LIFE IS BEAUTIFUL		
Goods/Services	International Class 35: Promoting public interest and awareness of social and legal issues related to human rights and civil liberties		

Attachments	Life Is Beautiful Platform - Class 35 - Opposition.pdf(2773378 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	/Michaelangelo Loggia/
Name	Michaelangelo G Loggia
Date	04/30/2015

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

In the Matter of Trademark Application Serial No. 86309730 and 86309730

For the mark LIFE IS BEAUTIFUL PLATFORM

Published in the Official Gazette on March 31, 2015

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Amusement Art, LLC,

Opposer,

v.

Opposition No.:

Alliance Defending Freedom
Corporation,

Applicant.

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Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

NOTICE OF OPPOSITION

Amusement Art, LLC, a California limited liability company, located and doing business at 1110 Seward Street Los Angeles, CA 90038 (“Opposer”), believes that it will be damaged by registration by ALLIANCE DEFENDING FREEDOM CORPORATION (“Applicant”) of the mark LIFE IS BEAUTIFUL PLATFORM shown in Application Serial No. 86309114 and 86309730 and hereby opposes the same.

The grounds for the opposition are as follows:

1. Applicant filed trademark applications assigned Application Serial No. 86309114 and 86309730 in the United States Patent and Trademark Office (“PTO”) on June 13, 2014 (“the Application”) to register the mark LIFE IS BEAUTIFUL PLATFORM (“the Applicant’s Mark”) for use in connection with “public advocacy to promote awareness of social and legal issues related to human rights and civil liberties” in International Class 35 (“the Applicant’s Services”).
2. The Applications filed by Applicant on June 13, 2014 (“the Applicant’s Filing Date”) was based on Applicant’s alleged use of the Applicant’s Mark with the Applicant’s Services on December 3, 2013 (“the Applicant’s Alleged First Use Date”).
3. Application Serial No. 86309114 for the Applicant’s Mark was published for opposition in the *Official Gazette* at page TM 1521 of the March 31, 2015 issue. Application Serial No. 86309730 for the Applicant’s Mark was published for opposition in the *Official Gazette* at page TM 1531 of the March 31, 2015 issue.
4. Opposer and its predecessors in title have, since June 2008, used the mark LIFE IS BEAUTIFUL in public spaces, including without limitation, in art exhibits, billboards, promotional display on buildings, display posters, catalogs, and murals to promote awareness of social and legal issues related to human rights and civil liberties (collectively, “Services”). Websites of third parties and photographs include information about Opposer’s Services, as attached in EXHIBIT A, among others (“Third Party Websites”).
5. The Opposer has used the Opposer’s Mark in association with the Opposer’s Services in commerce since at least as early as June 13, 2008 and the Opposer’s Mark is currently in use in commerce with Opposer’s Services.
6. The Opposer’s First Use Date for the Opposer’s Mark is earlier than the Applicant’s Alleged First Use Date for the Applicant’s Mark.
7. Priority is not an issue in this case because the Opposer’s First Use Date for the Opposer’s Mark precede the Applicant’s Alleged First Use Date for the Applicant’s Mark.
8. Applicant’s Mark LIFE IS BEAUTIFUL PLATFORM is identical or nearly identical to the Opposer’s Mark LIFE IS BEAUTIFUL. The word “PLATFORM” included in Applicant’s Mark merely describes an ingredient, quality, characteristic, function, feature, purpose, or use of Applicant’s Services, and thus its presence or absence is of little note to consumers and is an unregistrable component of the mark. The Applicant’s LIFE IS BEAUTIFUL PLATFORM

Mark is confusingly similar in sound, meaning, and appearance to the Opposer's LIFE IS BEAUTIFUL Mark. The Applicant's registration and use of the LIFE IS BEAUTIFUL PLATFORM Mark would likely create confusion, mistake, or deception in the minds of prospective purchasers as to the origin or source of the Opposer's Service associated with the LIFE IS BEAUTIFUL Mark.

9. The Applicant's Services are closely related to and/or are in the natural zone of expansion of the Opposer's Service. The Opposer's Services of promoting public interest and awareness of social and legal issues related to human rights and civil liberties are advertised on-line on Third Party Websites. For example, Opposer was involved in the creation of a mural to bring awareness to gay and lesbian social and legal issues for the *Los Angeles LGBT Center*. In addition, Opposer participated in an art show to bring awareness of social issues including consumerism and celebrity. The Applicant's Services including public advocacy to promote awareness of social and legal issues related to human rights and civil liberties, are the same or substantially similar to those social and legal awareness services provided by the Opposer.
10. The Opposer's Services and the Applicant's Services travel in the same channels of trade and are viewed by the same customers including those who seek to bring awareness and advocate for social issues. Applicant's Services are therefore substantially similar to the Opposer's Services with which the Opposer's Mark is used.
11. Purchasers familiar with the Opposer's Services in public advocacy and awareness of social and legal issues are likely to mistakenly believe that the Applicant's Services are sponsored by, authorized, endorsed, affiliated with or otherwise approved by the Opposer because the LIFE IS BEAUTIFUL PLATFORM Mark sought to be registered and used by the Applicant is identical to or confusingly similar to the Opposer's LIFE IS BEAUTIFUL Mark.
12. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.
13. WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. 86309114 and 86309730 be refused and that this Opposition be sustained in favor of Opposer.

DATED: April 29, 2015

AMUSEMENT ART, LLC
A California Limited Liability Company
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/Michaelangelo Loggia/

MICHAELANGELO G. LOGGIA

Attorney for Opposer

Amusement Art, LLC

EXHIBIT A

WEBSITES OF THIRD PARTIES TO EXHIBIT A

1. <http://thelosangelesbeat.com/2011/12/mr-brainwashes-life-is-beautiful/>
2. <http://www.tnz.com/2014/11/09/mr-brainwash-vegas-life-is-beautiful-heart-lawsuit/>
3. <http://www.laweekly.com/arts/mr-brainwash-bombs-la-2153944>
4. <http://lasvegasweekly.com/as-we-see-it/2014/nov/12/life-beautiful-legal-trouble-banksy-prank-lawsuit/>
5. <http://grafftours.com/mr-brainwash-streetart-brooklyn/>
6. http://en.wikipedia.org/wiki/Mr._Brainwash
7. <http://www.suckatashproductions.com/blog/2011/01/mr-brainwash/>

EXHIBIT A

Item #1



Item #2



EXHIBIT A

Item #3



Item #4



Item #5

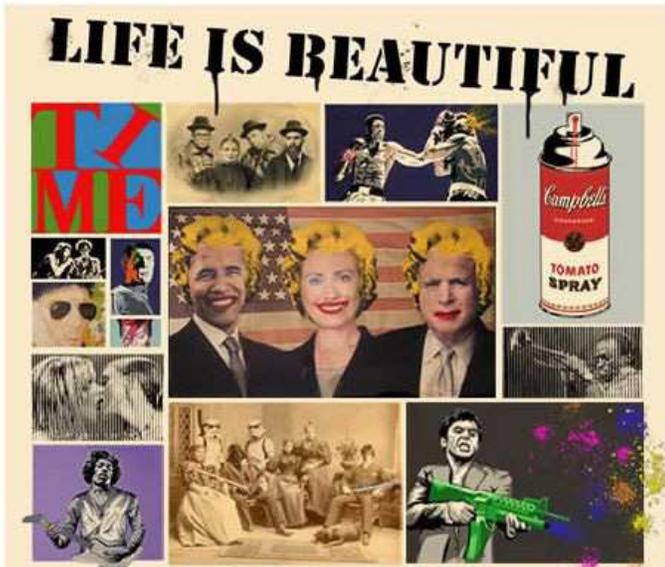


EXHIBIT A

Item #6



Item #7



Item #8



Item #9



EXHIBIT A

Item #10



Item #11



Item #12



Item #13

