

ESTTA Tracking number: **ESTTA670014**

Filing date: **05/01/2015**

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	Las Gemelas Entertainment, LLC
Granted to Date of previous extension	05/06/2015
Address	8008 4th Avenue North Bergen, NJ 07047 UNITED STATES
Attorney information	Michael Culver Millen White Zelano & Branigan PC 2200 Clarendon Blvd.Suite 1400 Arlington, VA 22201 UNITED STATES culver@mwzb.com, docketing@mwzb.com Phone:703-243-6333

Applicant Information

Application No	86183132	Publication date	01/06/2015
Opposition Filing Date	05/01/2015	Opposition Period Ends	05/06/2015
Applicant	Farago, Victoria Han 11th Floor New York, NY 10005 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2011/04/23 First Use In Commerce: 2013/04/23 All goods and services in the class are opposed, namely: Computer application software for mobile phones, portable media players, handheld computers, namely, software for providing children instruction regarding story telling 3D animation
Class 016. First Use: 2011/04/23 First Use In Commerce: 2013/04/23 All goods and services in the class are opposed, namely: Printed pamphlets, brochures, manuals, books, booklets, leaflets, informational flyers, informational sheets and newsletters, adhesive backed stickers and kits comprising one or more of the foregoing material in the field of children's education, namely, general instruction at the primary, secondary and college level

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4429359	Application Date	01/23/2012
Registration Date	11/05/2013	Foreign Priority Date	NONE
Word Mark	LULU & LALA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 2013/08/16 First Use In Commerce: 2013/08/16 Endorsement services by celebrities, namely, promoting the goods and services of others</p> <p>Class 041. First use: First Use: 2013/08/16 First Use In Commerce: 2013/08/16 Entertainment services namely, live, televised and movie appearances by a professional entertainer; Entertainment services, namely, arranging, organizing, conducting and hosting parties; Entertainment services, namely, personal appearances by a media celebrity, model and actress; fan clubs; Entertainment in the nature of providing an informational and entertainment web site in the fields of entertainment; Entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment and popular culture; Providing online interviews featuring celebrities in the field of television, movie and pop culture entertainment for entertainment purposes; Entertainment in the nature of live radio personality performances; Entertainment in the nature of lived and recorded musical and dance performances</p>		

Attachments	85523229#TMSN.png(bytes) Notice of Opposition 05-01-2015.pdf(925718 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	/michaelculver/
Name	Michael Culver
Date	05/01/2015

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

Las Gemalas Entertainment, LLC)	
)	
Opposer)	
)	
v.)	Opposition No. _____
)	Mark: LuLu&LaLa
Victoria Han Farago)	App. Serial No. 86/183,132
)	
Applicant)	
_____)	

NOTICE OF OPPOSITION

Las Gemalas Entertainment, LLC (“Opposer”), a company organized and existing under the laws of New Jersey with a principal place of business at 8008 4th Avenue, North Bergen, New Jersey 07047, will be damaged by registration of the mark LuLu&LaLa shown in Serial No. 86/183,132 (“the Application”), and hereby opposes its registration.

The grounds for opposition are as follows:

1. Opposer is a company wholly-owned by the twin sisters Marissa and Marianela Gonzalez.
2. Opposer has adopted and used the mark and identity of LULU & LALA, as well as its Hispanic equivalent “Lulu y Lala” and its spoken word equivalent “Lulu and Lala” for entertainment and endorsement services. With respect to this mark and identity, Opposer’s first use, and first use in commerce, for entertainment services began at least as early as September 2009. Opposer’s first use, and first use in commerce, for endorsement services began at least as early as September 2010.
3. Opposer has registered the mark LULU & LALA with the U.S. Patent and trademark Office (“USPTO”) as Registration No. 4429359, issued November 5, 2013 based on Application

No. 85523229 filed January 23, 2012, for endorsement services by celebrities, namely, promoting the goods and services of others, in Class 35; and entertainment services namely, live, televised and movie appearances by a professional entertainer; entertainment services, namely, arranging, organizing, conducting and hosting parties; entertainment services, namely, personal appearances by a media celebrity, model and actress; fan clubs; entertainment in the nature of providing an informational and entertainment web site in the fields of entertainment; entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment and popular culture; providing online interviews featuring celebrities in the field of television, movie and pop culture entertainment for entertainment purposes; entertainment in the nature of live radio personality performances; and entertainment in the nature of lived (sic, live) and recorded musical and dance performances, in Class 41.

4. As proof of status and title, attached as Exhibit A hereto and incorporated by reference herein are true and correct printouts of the TEAS and assignment records for the foregoing registration from the USPTO's online databases.

5. Opposer has expended time and effort in promoting and advertising Opposer's services identified by its mark and identity. As a result, Opposer has established an enviable reputation, acquired substantial goodwill, and attained distinctiveness in its mark, and its identity is well known or famous, throughout the United States.

6. Applicant filed the application to register LuLu&LaLa on February 3, 2014 to identify, as published, computer application software for mobile phones, portable media players, handheld computers, namely, software for providing children instruction regarding story telling 3D animation, in class 9; and printed pamphlets, brochures, manuals, books, booklets, leaflets, informational flyers, informational sheets and newsletters, adhesive backed stickers and kits

comprising one or more of the foregoing material in the field of children's education, namely, general instruction at the primary, secondary and college level, in Class 16.

7. The Application was refused registration by the USPTO under Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a), for falsely suggesting a connection with Opposer's identity. In response, Applicant stated the following:

Any similarities between the names of the main characters featured in LuLu&LaLa and the famous television/radio personalities, Marissa and Marianela Gonzalez are purely coincidental. The origin of the character's names comes from an expression in the Korean language commonly used to express feelings of being amused or excited. When translating the expression into English, the pronunciation is LuLu&LaLa however it does not have any correlation to Marissa and Marianela Gonzalez.

8. Setting aside the ampersand ("&"), the wording of Applicant's mark and the above-mentioned Korean expression both would be pronounced as "loo loo lah lah."

9. Contrary to Applicant's above-quoted statement, the referenced Korean expression does not have an ampersand ("&") or the equivalent (such as "and").

10. Opposer's use and/or constructive use rights for the mark and identity LULU & LALA, and its equivalents, are prior to any rights of Applicant to the mark LuLu&LaLa.

11. Applicant's mark LuLu&LaLa is identical, or essentially identical, to Opposer's mark and identity LULU & LALA.

12. In view of the identicalness between Opposer's LULU & LALA mark and identity and the mark LuLu&LaLa that is the subject of the Application, and the relationship between Opposer's services as identified by its mark and identity and the goods identified in the Application, it is likely that members of the public will erroneously believe that Applicant's goods originate with, or are in some manner connected or associated with, or sponsored by, Opposer, all to the harm of Opposer's goodwill and reputation.

13. As recognized by the media and public, Applicant's mark LuLu&LaLa will point uniquely and unmistakably to Opposer.
14. Applicant is not connected with, or authorized by, Opposer with respect to the use and registration of Applicant's mark.
15. Applicant's mark LuLu&LaLa so resembles Opposer's mark LULU & LALA when used in connection with Applicant's goods as to be likely to cause confusion or mistake or to deceive, and is therefore precluded from registration under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
16. Opposer's identity is sufficiently well known or famous that members of the public will falsely assume a connection between Opposer and Applicant with respect to the goods of the Application.
17. Because the mark of the Application falsely suggests a connection with Opposer, registration is therefore precluded by Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a).
18. If Applicant is granted registration of the subject mark, it would obtain a *prima facie* exclusive right to use of its mark that would cause damage and injury to Opposer.

WHEREFORE, Opposer respectfully requests that this opposition be granted, and that Application No. 86/183,132 be denied registration.

Date: May 1, 2015

Las Gemelas Entertainment, LLC
By: 
Michael Culver
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Tel: 703-243-6333
Fax: 703-243-6410
Email: culver@mwzb.com

Attorneys for Opposer

Certificate of Service

This is to certify that a copy of the foregoing Notice of Opposition with Exhibit A was served this 1st day of May 2015 by first-class mail, postage prepaid, on the following:

Victoria Han Farago
11th Floor
76 Beaver Street
New York, NY 10005

By: Michael Lubner

Attorney for Opposer

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

Las Gemelas Entertainment, LLC)
)
 Opposer)
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 v.)
)
 Victoria Han Farago)
)
 Applicant)
 _____)

Opposition No. _____
Mark: LuLu&LaLa
App. Serial No. 86/183,132

NOTICE OF OPPOSITION

Exhibit A



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LULU & LALA

Word Mark LULU & LALA
Goods and Services IC 035. US 100 101 102. G & S: Endorsement services by celebrities, namely, promoting the goods and services of others. FIRST USE: 20130816. FIRST USE IN COMMERCE: 20130816

IC 041. US 100 101 107. G & S: Entertainment services namely, live, televised and movie appearances by a professional entertainer; Entertainment services, namely, arranging, organizing, conducting and hosting parties; Entertainment services, namely, personal appearances by a media celebrity, model and actress; fan clubs; Entertainment in the nature of providing an informational and entertainment web site in the fields of entertainment; Entertainment services, namely, providing information by means of a global computer network in the fields of celebrities, entertainment and popular culture; Providing online interviews featuring celebrities in the field of television, movie and pop culture entertainment for entertainment purposes; Entertainment in the nature of live radio personality performances; Entertainment in the nature of lived and recorded musical and dance performances. FIRST USE: 20130816. FIRST USE IN COMMERCE: 20130816

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85523229

Filing Date January 23, 2012

Current Basis 1A

Original Filing Basis 1B

Published for Opposition January 1, 2013

4429359

**Registration
Number****Registration
Date** November 5, 2013**Owner** (REGISTRANT) Las Gemelas Entertainment, LLC LIMITED LIABILITY COMPANY NEW JERSEY
8008 4th Avenue North Bergen NEW JERSEY 07047**Attorney of
Record** Jeffrey A. Smith**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Other Data** The names shown in the mark identify living individuals whose consent is of record.**Live/Dead
Indicator** LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 85523229

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5
Web interface last modified: July 25, 2014 v.2.5

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