

ESTTA Tracking number: **ESTTA671856**

Filing date: **05/12/2015**

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	Ace of Spades Holdings LLC
Granted to Date of previous extension	05/13/2015
Address	1411 Broadway, 39th Floor New York, NY 10018 UNITED STATES

Attorney information	Afschineh Latifi Tucker & Latifi, LLP 160 East 84th Street New York, NY 10028 UNITED STATES alatifi@tuckerlatifi.com Phone:212-472-6262
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**Applicant Information**

Application No	85845667	Publication date	01/13/2015
Opposition Filing Date	05/12/2015	Opposition Period Ends	05/13/2015
Applicant	Hollis Cameron 2829 Ulric Sreet San Diego, CA 92111 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Coloring books; Comic books; Series of fiction books
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**Grounds for Opposition**

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)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application No.	86568587	Application Date	03/18/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	A		

Design Mark	
Description of Mark	The mark consists of a spade design with a stylized letter "A" and curved lines with vine-like designs.
Goods/Services	Class 016. First use: First Use: 2008/09/04 First Use In Commerce: 2008/09/04 Paper goods, namely, folders, calendars, posters and office stationery

U.S. Registration No.	4733892	Application Date	05/31/2013
Registration Date	05/12/2015	Foreign Priority Date	NONE
Word Mark	ACE OF SPADES		
Design Mark	<h1 data-bbox="492 1310 1300 1440">Ace of Spades</h1>		
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Champagne		

Attachments	86568587#TMSN.png( bytes ) 85948064#TMSN.png( bytes ) Ace Of Spades NOO.pdf(2283759 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	/Afschineh Latifi/
Name	Afschineh Latifi
Date	05/12/2015

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

In the matter of Application Serial Nos. 85/845667  
Trademarks: ACE OF SPADES  
Published: January 13, 2015

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Ace of Spades Holdings, LLC

Opposer,

-against-

Hollis Cameron

Applicant.

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Opposition No.

**NOTICE OF OPPOSITION**

Opposer, Ace of Spades Holdings, LLC ("Opposer"), believes that it will be damaged by the registration of Application Serial No. 85/845667 for the mark ACE OF SPADES (hereinafter "the Infringing Mark") and hereby opposes registration of the mark by Hollis Cameron ("Applicant").

As grounds for opposition, it is alleged that:

1. Opposer is a Delaware limited liability company with an office and place of business located at 1411 Broadway, New York, New York 10018.
2. Opposer is the owner of U.S. Application Serial Nos. 86/568587 for the Ace of Spades Logo for paper goods in International Class 16 and Application Serial

No. 85/948064 for the ACE OF SPADES word mark for champagne and numerous registrations for various goods under the ACE OF SPADES mark in over 44 countries around the world.

3. Opposer has been using its ACE OF SPADES Logo in connection with paper products since as early as September 2008.

4. Opposer is the owner of the renowned and world famous ARMAND DE BRIGNAC Champagne which is also popularly known as ACE OF SPADES champagne. The champagne bottles are all embossed with an ACE OF SPADES logo and are immediately identified by consumers worldwide with the famous songwriter, musical artist, record producer, entrepreneur and business mogul, Mr. Shawn Carter, professionally known as Jay Z, who is the owner of Opposer.

5. Separate and apart from being a world famous musical artist, as a result of his many successful business ventures, Mr. Carter has become one of the most prominent, respected, popular and venerated artists, celebrities and business executives of our time. If there is one word with which to describe Mr. Carter, it's the word icon. Mr. Carter has received and continues to receive tremendous unsolicited press on a daily basis for his music and his various other ventures, including his restaurant/nightclubs and newly acquired champagne line, Ace of Spades. In addition, Mr. Carter expends large sums of money annually to protect his name and all his famous trademarks worldwide to ensure the integrity and fame associated with his products, businesses and name.

6. Furthermore, Opposer has expended large sums of money to protect its ARMAND DE BRIGNAC, ACE OF SPADES and various famous logos, such



as the Stylized “Ace of Spades Design”, , worldwide including in the United States. Being produced by the world famous Champagne Cattier, Armand de Brignac, Ace of Spades champagne has become one of the most well-known champagnes in the world. The fact that Mr. Carter is now the face of the product has catapulted the ACE OF SPADES champagne line, along with all the other products sold under the ACE OF SPADES family of marks to astronomical fame.

7. As a result of the continuous unsolicited media coverage Opposer has been receiving over the past 9 years for its Ace of Spades champagne and related product lines, consumers readily identify Opposer’s Ace of Spades mark and logo with Opposer and Mr. Carter.

8. Opposer’s Ace of Spades products have gained not only tremendous nationwide fame and notoriety but in actuality the fame associated with Opposer’s Ace of Spades mark and products is worldwide. Customers worldwide routinely ask for a glass of “Ace of Spades” when referring to Opposer’s Armand de Brignac champagne.

9. In or about January 2015, Opposer, through a watch service it has in place for its Ace of Spades marks, was alerted to the filing of an Application for the Infringing Mark by Applicant for “coloring books; comic books; series of fiction books” in International Class 16 based on intent to use. In an attempt to amicably resolve the matter, a request for an extension of time to oppose the Application was filed in the TTAB so that Applicant, through its counsel, could send a letter to Applicant requesting the voluntary abandonment of the Application, which was sent on February 11, 2015. A copy of the letter is attached hereto and identified as *Exhibit 1*.

10. An e-mail response from Applicant was finally received on April 2, 2015 essentially refusing to abandon Application Serial No. 85/845667, leaving Opposer no choice but to commence the instant proceeding.

11. Applicant seeks to register the Infringing Mark for goods in International Class 16. Separate and apart from the fact that Opposer has made the ACE OF SPADES mark famous through its uninterrupted and continuous use of the mark as used in connection with a champagne line for over 9 years, thus making the mark readily identifiable by the purchasing public with Opposer, Opposer has also been distributing and selling a line of paper products in Class 16 for almost 7 years and beverage ware in Class 21 for over 5 years in the United States under its Ace of Spades logo. Suffice it to say that no matter what category of goods the ACE OF SPADES name is attached to, the consuming public associates such products as those that are sponsored by or associated with Opposer.

12. Therefore, as a result of the tremendous unsolicited press as well as the paid advertisements for the **ACE OF SPADES** product lines as well as the strong connection between the products and the brand with Mr. Carter, there is no doubt that consumers will be led to the mistaken belief that Applicant's line of paper products originate from Opposer, or that these products are somehow sponsored, authorized or approved by Opposer, when in fact they are not, all to the detriment of Opposer.

13. The registration by Applicant of the Infringing Mark will dilute and impair Opposer's rights in its Ace of Spades mark, which it has spent over 9 years cultivating, promoting and making famous in the United States and worldwide. If Applicant is permitted to register its Infringing Mark, such registration will eventually

result in the inability of Opposer's Ace of Spades mark and logo to function as an indicator of origin of its goods and services and will also create confusion in the marketplace as to the source of its goods and services.

WHEREFORE, Opposer respectfully prays that this Notice of Opposition be sustained and that the registration of Application Serial Nos. 85/845667 be rejected, and that the registration of the trademark therein sought, for the goods therein specified, be denied and refused.

Dated: New York, New York  
May 12, 2015

Respectfully submitted,

  
Afshineh Latifi, Esq.  
Tucker & Latifi, LLP  
*Attorneys for Opposer*  
160 East 84<sup>th</sup> Street  
New York, NY 10028  
(212) 472-6262  
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**CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing Notice of Opposition was served by first class mail, postage prepaid, upon Applicant, this 12<sup>th</sup> day of May, 2015, as follows:

Hollis Cameron  
4685 Convoy Street, #210  
San Diego, CA 92111

AND

Hollis Cameron  
2829 Ulric Street  
San Diego, CA 92111

  
Afschineh Latifi

**TUCKER & LATIFI, LLP**  
COUNSELORS AT LAW

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February 11, 2015

**BY FEDERAL EXPRESS & E-MAIL**

Mr. Hollis Cameron  
2829 Ulric Street  
San Diego, CA 92111

**Re: ACE OF SPADES / ARMAND DE BRIGNAC – Trademark Infringement**

Dear Mr. Cameron:

This firm is intellectual property counsel to Ace of Spades Holdings, LLC, the owner of the renowned and world famous ARMAND DE BRIGNAC Champagne which is also popularly known as the ACE OF SPADES champagne. The champagne bottles are all embossed with the ACE OF SPADES logo and are immediately identified by consumers worldwide with the famous songwriter, musical artist, record producer, entrepreneur and business mogul, Mr. Shawn Carter known as Jay Z who is the owner of Ace of Spades Holdings, LLC.

Separate and apart from being a world famous musical artist, as a results of his many successful business ventures, Mr. Carter has become one of the most prominent, respected, popular and venerated artists, celebrities and business executives of our time. If there is one word with which to describe Mr. Carter, it's the word icon. Mr. Carter has received and continues to receive tremendous unsolicited press on a daily basis for his music and his various other ventures, including his restaurant/nightclubs and newly acquired champagne line, Ace of Spades. In addition, Mr. Carter expends large sums of money annually to protect his name and all his famous trademarks worldwide to ensure the integrity and fame associated with his products, businesses and name.

Furthermore, Ace of Spades Holdings has expended large sums of money to protect its ARMAND DE BRIGNAC, ACE OF SPADES and various famous logos, such



as the Stylized A Design, , worldwide including in the United States. In addition, to the ACE OF SPADES champagne being produced by the world famous Champagne Cattier, the fact that Mr. Carter is the face of the product has catapulted the of ACE OF SPADES champagne line to astronomical fame.

**Exhibit 1**

Mr. Hollis Cameron  
February 11, 2015  
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It has recently come to our attention that you have filed an application in the United States Patent & Trademark Office (“PTO”) for the mark ACE OF SPADES for “coloring books, comic books and a series of fiction books” in International Class 16 based on intent to use. The Application is covered under App. Serial No. 85/845667 and was recently published on January 13, 2015.

As you may be aware, International Class 16 covers a wide range of paper products including coasters, table cloths, napkins and related products which are easily used by a beverage company in restaurant and night clubs and our client already owns Registrations for its ACE OF SPADES and ARMAND DE BRIGNAC marks for restaurant services worldwide. In fact, our client is already producing an array of paper products using its famous ACE OF SPADES logo as well as the ARMAND DE BRIGNAC mark.

More importantly, because of the iconic figure associated and identified with the ACE OF SPADES champagne by the purchasing public and the media, consumers may assume that the coloring, comic and fiction books you propose to produce under the ACE OF SPADES mark are somehow associated with or sponsored by Mr. Carter or Ace of Spades Holdings, when in fact they are not and thus creating a likelihood of confusion in the marketplace.

Prior to filing a *Notice of Opposition* in the Trademark Trial & Appeal Board (“TTAB”) against your App. Serial No. 85/845667 causing you to incur legal fees, we are providing you with an opportunity to voluntarily abandon / withdraw your Application in order to avoid the costs associated with appearing in the TTAB proceeding.

Please provide us with a copy of the filed *Request for Express Abandonment* of your Application Serial No. 85/845667 by no later than February 18, 2015 or feel free to contact me to resolve this matter.

We look forward to your prompt compliance with our client’s demands above.

Sincerely,

  
AFSCHINEH LATIFF

cc: Mr. Shawn Carter