

ESTTA Tracking number: **ESTTA689224**

Filing date: **08/12/2015**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Kaveh Harounian
Granted to Date of previous extension	08/12/2015
Address	1500 S. Los Angeles St. # 5 Los Angeles, CA 90015 UNITED STATES

Name	Vice Clothing, Inc.		
Entity	Corporation	Citizenship	California
Address	1500 South Los Angeles Street, #5 Los Angeles, CA 90015 UNITED STATES		

Attorney information	Robert Berliner and Sarah Silbert Berliner & Associates 555 West Fifth St., 31st Floor Los Angeles, CA 90013 UNITED STATES ssilbert@berliner-ip.com, rberliner@berliner-ip.com, lwerk@berliner-ip.com, william.steffin@usaiplaw.com, armin.azod@usaiplaw.com Phone:213-533-4171
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**Applicant Information**

Application No	86445916	Publication date	04/14/2015
Opposition Filing Date	08/12/2015	Opposition Period Ends	08/12/2015
Applicant	Myvice LLC. 850 S. Broadway #300 Los Angeles, CA 90014 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 2010/10/01 First Use In Commerce: 2012/07/01 All goods and services in the class are opposed, namely: Dress shirts; Footwear; Hats; Headwear;Pants; Sweat pants; Sweat shirts; T-shirts; Underwear
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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. Registration No.	3053079	Application Date	10/23/2003
Registration Date	01/31/2006	Foreign Priority Date	NONE
Word Mark	VICE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/09/01 First Use In Commerce: 1994/09/01 Clothing for men, women, and children, namely, shirts, T-shirts, sport shirts, polo shirts, sweatshirts, sweaters, jerseys, sport coats, pants, jeans, jogging suits, hats, and caps		

Attachments	Notice of Opposition MY VICE.pdf(128331 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	/Sarah Silbert/
Name	Sarah Silbert
Date	08/12/2015

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

Kaveh Harounian and Vice Clothing, Inc.

Plaintiffs,

vs.

Myvice LLC,

Defendant.

In the Matter of Application Serial No.  
86/445,916

Published in the Official Gazette April 14,  
2015

Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION BY KAVEH  
HAROUNIAN AND VICE CLOTHING,  
INC.**

Kaveh Harounian and Vice Clothing, Inc. (collectively, "Vice Clothing") hereby oppose Application Serial No. 86/445,916, filed by Myvice LLC ("Applicant"), seeking registration of the mark "My Vice."

As grounds of opposition, it is alleged that:

1. Plaintiff Kaveh Harounian is an individual residing in Los Angeles, California. Mr. Harounian is the owner of Registration No. 3,053,079 for the word mark VICE<sup>®</sup> for "[c]lothing for men, women, and children, namely, shirts, T-shirts, sport shirts, polo shirts, sweatshirts, sweaters, jerseys, sport coats, pants, jeans, jogging suits, hats, and caps" (the "VICE<sup>®</sup> Registration"). Mr. Harounian is also the principal of plaintiff Vice Clothing, Inc., a corporation organized and existing under the laws of the state of California with a principal place of business at 1500 South Los Angeles Street, #5, Los Angeles, California, 90015. Vice Clothing, Inc. is the exclusive licensee of the VICE<sup>®</sup> mark.

2. The VICE<sup>®</sup> Registration is valid and subsisting, in full force and effect, and is incontestable pursuant to 15 U.S.C. § 1065. The VICE<sup>®</sup> Registration is conclusive evidence of Registrant's exclusive right to use the VICE<sup>®</sup> mark for the goods and services referenced therein

as well as for related goods and services. A true and correct copy of a current printout of information from the electronic database records of the USPTO showing the current status and title of the VICE® Registration is attached hereto as Exhibit A.

3. On information and belief, Applicant is a limited liability company whose business address is: 850 S. Broadway, #300, Los Angeles, California, 90014.

4. Applicant has filed an application, Serial No. 86/445,916, pursuant to 15 U.S.C. § 1051(a), to register the mark “My Vice” (“Proposed Mark”) in International Class 25 for goods described as “Dress shirts; Footwear; Hats; Headwear; Pants; Sweat pants; Sweat shirts; T-shirts; Underwear.”

5. Applicant’s Proposed Mark is confusingly similar to Vice Clothing’s registered VICE® mark. Applicant has incorporated the entire VICE® mark into its Proposed Mark, adding only the term “My” to the mark. Otherwise, Applicant’s Proposed Mark is identical to Vice Clothing’s registered mark. The addition of the descriptive, subordinate word “My” to Vice Clothing’s registered VICE® mark is insufficient to create a new or different commercial impression when used in connection with identical or closely-related goods.

6. Vice Clothing would be damaged by the registration and use of the Proposed Mark within the meaning of Section 1063 of Title 15, United States Code. Among other things, the registration and use by Applicant of the Proposed Mark on the goods described in Application Serial No. 86/445,916 is likely to: (i) give rise to the mistaken belief by members of the public that Applicant’s goods originate from or are in some way associated with Vice Clothing, the VICE mark and/or the goods that Vice Clothing offers under the VICE mark and/or (ii) cause members of the public to be confused and deceived as to source, origin, affiliation and sponsorship of Applicant’s goods offered under the Proposed Mark. Vice Clothing believes that Applicant’s registration and use of the Proposed Mark for the goods set forth above will damage Vice Clothing’s established good will and reputation.



# EXHIBIT A

STATUS		DOCUMENTS		<a href="#">Back to Search</a>	Print
<b>Generated on:</b>	This page was generated by TSDR on 2015-08-11 13:08:07 EDT				
<b>Mark:</b>	VICE	No Image exists for this case.			
<b>US Serial Number:</b>	78317722	<b>Application Filing Date:</b>	Oct. 23, 2003		
<b>US Registration Number:</b>	3053079	<b>Registration Date:</b>	Jan. 31, 2006		
<b>Register:</b>	Principal				
<b>Mark Type:</b>	Trademark				
<b>Status:</b>	A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see Trial and Appeal Board web page.				
<b>Status Date:</b>	May 14, 2015				
<b>Publication Date:</b>	Nov. 08, 2005				
<b>▲ Mark Information</b> <span style="float: right;"><a href="#">▼ Expand All</a></span>					
<b>▲ Related Properties Information</b>					
<b>▲ Goods and Services</b>					
<b>▲ Basis Information (Case Level)</b>					
<b>▼ Current Owner(s) Information</b>					
<b>Owner Name:</b>	Harounian, Kaveh				
<b>Owner Address:</b>	1500 South Los Angeles Street, # 5 Los Angeles, CALIFORNIA 90015 UNITED STATES				
<b>Legal Entity Type:</b>	INDIVIDUAL	<b>Citizenship:</b>	UNITED STATES		
<b>▲ Attorney/Correspondence Information</b>					
<b>▲ Prosecution History</b>					
<b>▼ Maintenance Filings or Post Registration Information</b>					
<b>Affidavit of Continued Use:</b>	Section 8 - Accepted				
<b>Affidavit of Incontestability:</b>	Section 15 - Accepted				
<b>Renewal Date:</b>	Jan. 31, 2016				
<b>▲ TM Staff and Location Information</b>					
<b>▼ Assignment Abstract Of Title Information - None recorded</b>					
<b>▲ Proceedings - Click to Load</b>					

