

ESTTA Tracking number: **ESTTA718137**

Filing date: **01/04/2016**

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	Trendsettah USA, Inc.
Granted to Date of previous extension	01/02/2016
Address	25950 Acero Aves, Ste 210 Mission Viejo, CA 92691 UNITED STATES

Attorney information	Aaron M. Cohn, Esq. Cohn Law P.A. 2699 S. Bayshore Dr. 7th Flr Miami, FL 33132 UNITED STATES aaron@cohnlawpa.com, thilmoe@hilmoelaw.com Phone:(786) 600-4655
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**Applicant Information**

Application No	86662681	Publication date	11/03/2015
Opposition Filing Date	01/04/2016	Opposition Period Ends	01/02/2016
Applicant	Anger, David 114 Vanderbilt St Brooklyn, NY 11218 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 034. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Smoking pipes
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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.	4440797	Application Date	01/27/2012
Registration Date	11/26/2013	Foreign Priority Date	NONE
Word Mark	LOUD		

Design Mark	<h1>Loud</h1>
Description of Mark	NONE
Goods/Services	Class 034. First use: First Use: 2013/06/01 First Use In Commerce: 2013/06/01 cigars; tobacco

Attachments	85527530#TMSN.png( bytes ) Loudbone Opposition.pdf(88889 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	/Aaron M. Cohn/
Name	Aaron M. Cohn, Esq.
Date	01/04/2016

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

Opposition to Registration  
Serial No. 86662681  
For the Mark: LOUDBONE

TRENDSETTAH USA, INC., a California corporation	)	
Opposer,	)	Opposition No. _____
v.	)	
DAVID ANGER,	)	
Applicant.	)	
	)	

**NOTICE OF OPPOSITION**

*In the matter of Trademark Application Serial Number 86662681 for the mark LOUDBONE filed on June 15, 2015 and published for opposition on November 3, 2015.*

TRENDSETTAH USA, INC. (“TSI” or “Opposer”), believes that it will be damaged by registration of the trademark LOUDBONE for smoking pipes, which application is pending under Serial Number 86662681. Pursuant to 15 U.S.C. §1063 and 37 C.F.R. §§2.101 *et seq.*, TSI opposes same.

In support thereof, TSI alleges as follows:

1. The basis for this opposition is that Applicant’s mark LOUDBONE so resembles Opposer’s mark LOUD for related goods (i.e., cigars, tobacco) as to be likely, when used on or in connection with the goods of Applicant, to cause confusion, or mistake, or to deceive. *See* 15 U.S.C. §1052(d).

2. On information and belief, Applicant DAVID ANGER is an individual seeking to register LOUDBONE as a mark for smoking pipes. His application was filed June 15, 2015 on the basis of Applicant's intent to use the mark in commerce.

3. Opposer TSI is a California corporation with offices at 25950 Acero Rd., Ste 200, Mission Viejo, CA 92691. TSI has been engaged in the production and sales of cigars, including small cigars referred to as cigarillos, for years, and, during that time, has used the mark LOUD in connection with the sale of many cigars.

4. In addition, TSI is the owner of United States Trademark Registration Number 4440797 for the trademark LOUD, which was assigned to TSI by TSI's president and former licensor of the mark, Akrum Alrahib.

5. Priority is not at issue in this opposition proceeding because the priority established by TSI's federal registration dates back to 2013, while Applicant's application is an intent-to-use application filed in 2015.

6. The LOUD mark is inherently distinctive when used in connection with cigars. Indeed, among other things, the LOUD mark has acquired great commercial strength and distinctiveness by virtue of the use and promotion of the mark and the substantially exclusive nature of such use, and the commercial success of the products bearing that mark.

7. The goods of applicant listed in its application, smoking pipes, are closely related to the goods of Opposer sold under the LOUD mark.

8. As applied to smoking pipes, the mark LOUDBONE is likely to cause confusion, mistake, or to deceive as to that product or products' affiliation, origin, or sponsorship with Opposer and its cigars and/or cigarillos sold under the LOUD mark. *See* 15 U.S.C. §1052(d). Members of the relevant public, on seeing Applicant's mark LOUDBONE on smoking pipes,

would reasonably assume – in error – that those products are related to Opposer and its cigars sold under the LOUD trademark.

9. If Applicant is permitted to register LOUDBONE for the goods identified in the application opposed herein, public confusion is likely to result, which deprives TSI of control over its own reputation. Further, such confusion is likely to injure TSI, as any defect in Applicant’s goods bearing the LOUDBONE mark may reflect poorly on TSI’s reputation for its cigars bearing the mark LOUD.

WHEREFORE, for the forgoing reasons, TRENDSETTAH USA, INC. prays that application for registration of the mark LOUDBONE under Serial Number 86662681 for the goods identified therein be refused and that this Opposition be sustained.

Dated: January 4, 2016

Respectfully submitted,

COHN LAW P.A.  
*Attorney for Opposer*  
2699 S Bayshore Drive, 7<sup>th</sup> Floor  
Miami, FL 33133  
Telephone: (786) 600-4655

/Aaron M. Cohn/  
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**CERTIFICATE OF SERVICE**

I hereby certify that the forgoing NOTICE OF OPPOSITION was filed via the Board's ESTTA system and served upon the Applicant by delivering a true and correct copy of same to Applicant, via U.S. Mail, on January 4, 2016, at the following address:

David Anger  
114 Vanderbilt St.  
Brooklyn, NY 11218

/Aaron M. Cohn/  
Aaron M. Cohn, Esq.