

ESTTA Tracking number: **ESTTA734142**

Filing date: **03/17/2016**

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	Ace of Spades Holdings, LLC
Granted to Date of previous extension	05/18/2016
Address	1411 Broadway, 39th Floor New York, NY 10018 UNITED STATES

Attorney information	Afschineh Latifi Tucker & Latifi, LLP 160 East 84th Street Suite 5-E New York, NY 10028 UNITED STATES alatifi@tuckerlatifi.com Phone:2124726262
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Applicant Information

Application No	86284735	Publication date	01/19/2016
Opposition Filing Date	03/17/2016	Opposition Period Ends	05/18/2016
Applicant	Sesi, Joseph 42951 Flaunders Ct Sterling Heights, MI 48314 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2011/11/01 First Use In Commerce: 2011/11/01 All goods and services in the class are opposed, namely: Adult entertainment services in the nature of adult cabarets featuring topless dancing

Grounds for Opposition

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

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>Ace of Spades</h1>
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Champagne

U.S. Registration No.	4516769	Application Date	11/14/2012
Registration Date	04/22/2014	Foreign Priority Date	05/15/2012

Word Mark	A
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Design Mark	
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Description of Mark	The mark consists of a spade design with a stylized letter "A" and three shaded-circles, curved lines, and curved lines with vine-like designs.
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Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Alcoholic beverages except beers, including wines, sparkling wines and champagnes
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U.S. Registration No.	4841123	Application Date	03/18/2015
Registration Date	10/27/2015	Foreign Priority Date	NONE

Word Mark	A
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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.	4841135	Application Date	03/18/2015
Registration Date	10/27/2015	Foreign Priority Date	NONE

Word Mark	A
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Design Mark	
Description of	The mark consists of a spade design with a stylized letter "A" and curved

Mark	lineswith vine line designs.
Goods/Services	Class 021. First use: First Use: 2010/03/01 First Use In Commerce: 2010/03/01 Beverage ware, namely, champagne flutes, drinking glasses, cocktail glasses, water glasses and champagne buckets

Attachments	85948064#TMSN.png(bytes) 79122950#TMSN.png(bytes) 86568587#TMSN.png(bytes) 86568700#TMSN.png(bytes) AOS Sesi NOO.pdf(1591065 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	03/17/2016

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

In the matter of Application Serial Nos. 86/284735
Trademarks: ACE OF SPADES GENTLEMENS CLUB
Published: January 19, 2016

Ace of Spades Holdings, LLC

Opposer,

-against-

Opposition No.

App. Serial No. 86/284735

Joseph Sesi

Applicant.

NOTICE OF OPPOSITION

Opposer, Ace of Spades Holdings, LLC ("Opposer"), through its undersigned counsel, is filing this opposition based upon the belief that it will be damaged by the registration of Application Serial No. 86/284735 for the mark ACE OF SPADES GENTLEMENS CLUB (hereinafter "the Infringing Mark") filed by Joseph Sesi ("Applicant") and hereby opposes registration of the Infringing Mark.

As grounds for its opposition, Opposer alleges 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 several U.S. Trademark Registrations for the



Design Mark, namely, Reg. Nos. 4516769 for champagne in Class 33, 4841123 for paper goods in Class 16 and 4841135 for beverage ware in Class 21. In addition, Opposer is the owner of U.S. Registration No. 4733892 for the ACE OF SPADES word mark for champagne in Class 33 along with numerous registrations for various goods and services, such as champagne, entertainment and restaurant services, under the ACE OF SPADES word mark in over 44 countries around the world.

3. Opposer has been using its ACE OF SPADES Logo in connection with champagne since 2006.

4. Opposer is the owner of the renowned and world famous ARMAND DE BRIGNAC Champagne which is also popularly known, among the purchasing public as well as those in the trade and entertainment industry, as ACE OF SPADES champagne. Opposer's 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, including his various entertainment venues, 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. Along these lines, Opposer has spent vast sums of money to protect its trademarks: (i) ARMAND DE BRIGNAC, (ii) ACE OF SPADES; and, (iii)



various famous logos, such as the Stylized "Ace of Spades Design" worldwide in connection with a wide array of goods and services including but not limited to champagne, entertainment and restaurant services. 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 10 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. This recognition is further enhanced since the Ace of Spades champagne is served at some of the most prominent restaurants and nightclubs worldwide, including at Mr. Carter's 40/40 club in New York City.

9. 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.

10. In or about January 2016, Opposer, through a trademark 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 “Adult entertainment” services in the nature of adult cabarets featuring topless dancing” in International Class 41. In its Application, Applicant has disclaimed the words “Gentlemens Club” leaving ACE OF SPADES as the dominant portion of the mark.

11. Applicant seeks to register the Infringing Mark for services in International Class 41. There is no doubt 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 and other products for over 10 years, thus making the mark readily identifiable by the purchasing public with Opposer. In addition, the fact that the ACE OF SPADES mark is readily identified with the famous musician and entrepreneur, Shawn Carter aka Jay Z, it can undoubtedly be said that no matter what category of goods/services the ACE OF SPADES name is attached to, even more so as to any service in the entertainment sector, the consuming public will associate such products or services 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 and the strong connection between the products and the brand with Mr. Carter, there is no doubt that consumers will mistakenly believe that Applicant’s “adult entertainment” club featuring “topless dancing” originate from Opposer, or that these services are somehow sponsored,

authorized or approved by Opposer, when in fact they are not, all to the detriment of and damage to the reputation 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 10 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, not to mention that it'll cause irreparable harm to the Opposer's reputation.

WHEREFORE, Opposer respectfully prays that this Notice of Opposition be sustained and that the registration of Application Serial Nos. 86/284735 be refused, and that the registration of the trademark therein sought, for the services therein specified, be denied and refused.

Dated: New York, New York
March 17, 2016

Respectfully submitted,


Afschineh Latifi, Esq.
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Attorneys for Opposer
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New York, NY 10028
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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 17th day of March, 2016, as follows:

Mr. Joseph Sesi
42951 Flaunders Court
Sterling Heights, Michigan 48314-3932


Afschineh Latifi