

ESTTA Tracking number: **ESTTA602460**

Filing date: **05/05/2014**

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	PHE, Inc.
Granted to Date of previous extension	05/04/2014
Address	302 Meadowland Drive Hillsborough, NC 27278 UNITED STATES
Attorney information	Susan Freya Olive Olive & Olive, P.A. 500 Memorial St Durham, NC 27701 UNITED STATES emailboxttab@oliveandolive.com

**Applicant Information**

Application No	85959286	Publication date	11/05/2013
Opposition Filing Date	05/05/2014	Opposition Period Ends	05/04/2014
Applicant	Master Sleep, Inc. 4533 Van Nuys Blvd. Suite 302 Sherman Oaks, CA 91403 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 005. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: FOOD SUPPLEMENTS; VITAMIN SUPPLEMENTS
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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)

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

U.S. Registration No.	1020448	Application Date	08/09/1974
Registration Date	09/16/1975	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 1972/06/14 First Use In Commerce: 1972/06/14 PROPHYLACTICS

U.S. Registration No.	1020449	Application Date	08/09/1974
Registration Date	09/16/1975	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 1972/06/14 First Use In Commerce: 1972/07/28 PROPHYLACTICS		


U.S. Registration No.	1020743	Application Date	08/09/1974
Registration Date	09/16/1975	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1971/11/17 First Use In Commerce: 1971/11/17 RETAIL MAIL ORDER SERVICES SPECIALIZING IN CONTRACEPTIVE PRODUCTS, AND SEX AND BIRTH CONTROL LITERATURE; AND PREGNANCY TESTING SERVICES		

U.S. Registration No.	1020744	Application Date	08/09/1974
Registration Date	09/16/1975	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1971/11/17 First Use In Commerce: 1971/11/17 RETAIL MAIL ORDER SERVICES SPECIALIZING IN CONTRACEPTIVE PRODUCTS, AND SEX AND BIRTH CONTROL LITERATURE


U.S. Registration No.	1123685	Application Date	06/20/1977
Registration Date	08/07/1979	Foreign Priority Date	NONE

Word Mark	ADAM & EVE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 016. First use: First Use: 1971/11/00 First Use In Commerce: 1971/11/00 SHOPPING CATALOGS

U.S. Registration No.	1139193	Application Date	06/20/1977
Registration Date	09/02/1980	Foreign Priority Date	NONE

Word Mark	ADAM & EVE
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 1971/11/00 First Use In Commerce: 1971/11/00 KIT COMPRISED OF VIBRATORY AND SEXUAL STIMULATING MASSAGE APPARATUS, CONDOMS AND MASSAGE OILS AND LUBRICANTS

U.S. Registration No.	1937977	Application Date	05/23/1994
Registration Date	11/28/1995	Foreign Priority Date	NONE
Word Mark	ADAM & EVE CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/02/01 First Use In Commerce: 1994/02/01 television programming Class 042. First use: First Use: 1994/02/01 First Use In Commerce: 1994/02/01 [ retail mail order and catalog sales services in the fields of adult entertainment, sex education, sexuality, massage, and other sexual personal products for adult use, books, pre-recorded audiovisual works, and clothing ]		

U.S. Registration No.	1959674	Application Date	06/01/1994
Registration Date	03/05/1996	Foreign Priority Date	NONE
Word Mark	ADAM & EVE CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/02/01 First Use In Commerce: 1994/02/01		

	television programming Class 042. First use: First Use: 1994/02/01 First Use In Commerce: 1994/02/01 [ retail mail order and catalog services in the fields of adult entertainment, sex education, sexuality, massage, and other sexual personal products for adult use, books, pre-recorded audiovisual works, and clothing ]
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U.S. Registration No.	2337232	Application Date	03/18/1998
Registration Date	04/04/2000	Foreign Priority Date	NONE
Word Mark	ADAMMALE		
Design Mark	<b>ADAMMALE</b>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/12/01 First Use In Commerce: 1997/12/01 Computerized on line ordering services and mail-order catalog services featuring books, clothing, videos and other products pertaining to men or intending to appeal to men		

U.S. Registration No.	2415898	Application Date	01/31/2000
Registration Date	12/26/2000	Foreign Priority Date	NONE
Word Mark	ADAMEVE.COM		
Design Mark	<b>ADAMEVE.COM</b>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1999/12/06 First Use In Commerce: 1999/12/06 computerized on-line ordering services and catalog services in the fields of books, audio-visual works, computer products, clothing, scents, and other products dealing with human sexuality or that are of primarily an erotic, sensual or sexual nature		

U.S. Registration No.	2462066	Application Date	02/05/1998
Registration Date	06/19/2001	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		


Design Mark	<b>ADAM &amp; EVE</b>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1997/10/27 First Use In Commerce: 1997/10/27 video club services		

U.S. Registration No.	2519795	Application Date	10/24/2000
Registration Date	12/18/2001	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		
Design Mark	<b>ADAM &amp; EVE</b>		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 massage oils, lotions and colognes Class 038. First use: First Use: 1998/09/25 First Use In Commerce: 1998/09/25 providing on-line chat rooms for transmission of messages among computer users in the fields of adult entertainment and human sexuality		

U.S. Registration No.	2548158	Application Date	01/07/2000
Registration Date	03/12/2002	Foreign Priority Date	NONE
Word Mark	ADAM & EVE INTERACTIVE		
Design Mark	<b>ADAM &amp; EVE INTERACTIVE</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/09/14 First Use In Commerce: 2001/09/14 PRE-RECORDED DISKS, DVD'S, AND CD-ROM'S, FEATURING ADULT EN-		

	<p>TERAINMENT AND INFORMATION IN THE FIELD OF HUMAN SEXUALITY,[AND COMPUTER PROGRAMS FEATURING VIDEO AND COMPUTER GAME SOFTWARE IN THE FIELDSOF ADULT ENTERTAINMENT AND HUMAN SEXUALITY,] AND INSTRUCTIONAL MATERIALS PROVIDED WITH THE AFORESAID GOODS</p> <p>Class 038. First use: First Use: 2001/10/10 First Use In Commerce: 2001/10/10 [PROVIDING ON-LINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERSCONCERNING HUMAN SEXUALITY AND ADULT ENTERTAINMENT]</p> <p>Class 041. First use: First Use: 2001/10/10 First Use In Commerce: 2001/10/10 [PROVIDING A WEBSITE ON A GLOBAL COMPUTER NETWORK FEATURING COMPUTER GAMES, STORIES, INFORMATION, AND DISCUSSION, ALL FOR ENTERTAINMENT, IN THE FIELD OF ADULT ENTERTAINMENT AND HUMAN SEXUALITY]</p>
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U.S. Registration No.	2560234	Application Date	07/31/2000
Registration Date	04/09/2002	Foreign Priority Date	NONE
Word Mark	TEMPTATIONS PARTIES...FROM ADAM & EVE		
Design Mark	<b>TEMPTATIONS PARTIES...FROM ADAM &amp; EVE</b>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2000/07/25 First Use In Commerce: 2000/07/25 wholesale distributorship services, catalog services, on line retail services, and shop-at-home party services featuring items for adult entertainment clothing, books, audiovisual works, scents, computer products, and other products dealing with human sexuality or that are of primarily an erotic, sensual, or sexual nature		

U.S. Registration No.	2608920	Application Date	10/24/2000
Registration Date	08/20/2002	Foreign Priority Date	NONE
Word Mark	ADAM & EVE		
Design Mark			
Description of Mark	NONE		

Goods/Services	<p>Class 003. First use: First Use: 1995/07/00 First Use In Commerce: 1995/07/00          Massage oils, body lotions [ , body gels for cosmetic use and colognes ]</p> <p>Class 005. First use: First Use: 1995/07/00 First Use In Commerce: 1995/07/00          Topical gels for use as body lubricants and anesthetics for non-surgical use</p> <p>Class 025. First use: First Use: 1994/10/00 First Use In Commerce: 1994/10/00          clothing namely, lingerie and underwear</p> <p>Class 035. First use: First Use: 1994/10/00 First Use In Commerce: 1994/10/00          mail order, catalog and on-line retail services in the field of adult entertainment          and human sexuality products namely products of primarily an erotic, sensual or          sexual nature</p>
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U.S. Registration No.	3443031	Application Date	09/06/2006
Registration Date	06/03/2008	Foreign Priority Date	NONE

Word Mark	ADAN Y EVA
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 2008/03/06 First Use In Commerce: 2000/03/06          Video recordings featuring adult entertainment; pre-recorded disks, dvd's, and          cd-rom's, featuring adult entertainment and information in the field of human          sexuality</p> <p>Class 035. First use: First Use: 2008/03/06 First Use In Commerce: 2008/03/06          Mail order, catalog and online retail store services in the fields of adult entertain-          ment and human sexuality and of products of primarily an erotic, sensual or          sexual nature; wholesale distributorship services, catalog services, on-line retail          services, and shop-at-home party services featuring items for adult entertain-          ment, clothing, books, audiovisual works, scents, computer products, and other          products dealing with human sexuality or that are of primarily an erotic, sensual,          or sexual nature</p>
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U.S. Registration No.	4011771	Application Date	01/12/2011
Registration Date	08/16/2011	Foreign Priority Date	NONE

Word Mark	ADAM & EVE AMERICA'S MOST TRUSTED SOURCE FOR ADULT PRODUCTS
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Design Mark	
Description of Mark	The mark consists of the words "ADAM & EVE" above the words "AMERICA'S MOST TRUSTED SOURCE FOR ADULT PRODUCTS"; both groups of words are bordered on the right by a partial outline suggestive of an apple.
Goods/Services	Class 035. First use: First Use: 2006/10/00 First Use In Commerce: 2006/10/00 Mail order, catalog and online retail store services in the fields of adult entertainment and human sexuality products, namely, products of primarily an erotic, sensual or sexual nature

U.S. Registration No.	4105242	Application Date	07/01/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE

Word Mark	ADAM & EVE
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 003. First use: First Use: 2001/12/18 First Use In Commerce: 2001/12/18          Massage oils; body lotions; body sprays; colognes; cleaners for adult toys</p> <p>Class 005. First use: First Use: 2002/08/20 First Use In Commerce: 2002/08/20          Topical gels for use as body lubricants; topical gels for use as male and female genital sensitizers and desensitizers</p> <p>Class 009. First use: First Use: 2002/03/12 First Use In Commerce: 2002/03/12          Digital media, namely, prerecorded CDs, DVDs, high definition digital discs, and downloadable video recordings featuring adult-oriented material; Downloadable computer wallpaper software</p> <p>Class 010. First use: First Use: 1975/09/16 First Use In Commerce: 1975/09/16          Condoms; adult sexual aids for sexual play, fantasy and enhancement, namely, devices to aid in sexual intercourse and masturbation, namely, reproductions of parts of the male and female anatomy, stimulation devices to aid in sexual arousal and performance, and electric and non-electric massage devices and accessories for massaging portions of the face and body; kits consisting primarily of adult sexual aids</p>
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	<p>Class 016. First use: First Use: 1979/08/07 First Use In Commerce: 1979/08/07 Catalogs in the field of sex toys and adult products; books in the field of human sexuality</p> <p>Class 020. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Pillows, cushions</p> <p>Class 025. First use: First Use: 2002/08/20 First Use In Commerce: 2002/08/20 Apparel, namely, lingerie, tops</p> <p>Class 035. First use: First Use: 1975/09/16 First Use In Commerce: 1975/09/16 Retail store services featuring sex toys and adult products; franchise services, namely, offering business management assistance in the establishment and operation of retail stores featuring sex toys and adult products</p> <p>Class 038. First use: First Use: 2001/12/18 First Use In Commerce: 2001/12/18 Providing on-line and telephonic chat rooms for transmission of messages among computer users in the fields of adult entertainment and human sexuality</p> <p>Class 041. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Entertainment services, namely, providing on-line computer games; entertainment services, namely, providing a website featuring photographs, video and text presentations in the field of adult entertainment, namely, erotica, videos, and live webcams featuring sexual content; provision of non-downloadable films and movies via a video-on-demand service; production and distribution of motion pictures and DVDs</p>
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U.S. Registration No.	2563366	Application Date	10/24/2000
Registration Date	04/23/2002	Foreign Priority Date	NONE
Word Mark	ADAM & EVE PRODUCTIONS		
Design Mark	<b>ADAM &amp; EVE PRODUCTIONS</b>		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 video recordings featuring adult entertainment		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAM & EVE		
Goods/Services	Scented and unscented products, including but not limited to creams, gels, oils, lotions, oils, and soaps for application to the human body; topical creams, lotions, and supplements designed to improve sexual function and/or health; clothing; costumes; nightwear; intimate apparel; dancewear; jewelry; live and recorded musical and adult entertainment in a variety of formats; books and other written materials in the field of human sexuality and/or marital intimacy; products for personal stimulation and massage; restraint devices not intended for medical use; and a wide variety of other products in the fields of personal products, beauty products, human sexuality and adult entertainment. Retail, mail order, telephonic order, shop-at-home party, and online		

	sales services, including but not limited to the sale of products in the fields of personal products, beauty products, human sexuality and adult entertainment, said products including but not limited to candles, scented and unscented products for application to or use on the human body, topical creams, lotions, and supplements designed to improve sexual function and/or health; eyewear, clothing, nightwear, intimate apparel, dancewear, footwear, headwear, leather goods, jewelry, costumes and accessories for adults, bags, novelty items, toys, marital aids, sexual aids, gift items, printed materials; providing live and recorded musical and adult entertainment in a variety of formats; adult entertainment services; educational services in the fields of human sexuality and adult entertainment; provision of a wide variety of downloadable and online products in the fields of human sexuality and adult entertainment, including but not limited to prerecorded entertainment of an audio, audiovisual, and visual nature; reality-based entertainment services; advertising and promotional services; operation and franchising of retail stores featuring the products described hereinabove; catalog and direct mail advertising services; customer loyalty and retention programs; information, advisory and consultancy services relating to the aforementioned.
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAM		
Goods/Services	Goods and services in the fields of personal products, adult entertainment and human sexuality, including scented products and products for topical application		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAM'S		
Goods/Services	Products for personal stimulation and massage, as well as other goods in the fields of personal products, adult entertainment and human sexuality; products and services in the fields of adult entertainment and human sexuality		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAMMALE		
Goods/Services	A wide variety of goods and services in the fields of human sexuality and adult entertainment, including but not limited to scented and unscented products for application to or use on the human body, topical creams, lotions, and supplements designed to improve sexual function and/or health, personal massaging devices and personal stimulation devices; retail, mail order, telephonic order, and online sales services of same		

Attachments	73029145#TMSN.gif( bytes ) 73029146#TMSN.gif( bytes ) 73130911#TMSN.gif( bytes ) 73130908#TMSN.gif( bytes )
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74532017#TMSN.gif( bytes ) 75452456#TMSN.gif( bytes ) 75906373#TMSN.gif( bytes ) 75430409#TMSN.gif( bytes ) 76155971#TMSN.gif( bytes ) 75890919#TMSN.gif( bytes ) 76099844#TMSN.gif( bytes ) 76152765#TMSN.gif( bytes ) 78967728#TMSN.jpeg( bytes ) 85216325#TMSN.jpeg( bytes ) 85361636#TMSN.jpeg( bytes ) 76155970#TMSN.gif( bytes ) Registration 1020448 (Exhibit 1).pdf(43471 bytes ) Registration 1020449 (Exhibit 2).pdf(15829 bytes ) Registration 1020743 (Exhibit 3).pdf(16051 bytes ) Registration 1020744 (Exhibit 4).pdf(61795 bytes ) Registration 1123685 (Exhibit 5).pdf(34668 bytes ) Registration 1139193 (Exhibit 6).pdf(40258 bytes ) Registration 1937977 (Exhibit 7).pdf(12383 bytes ) Registration 1959674 (Exhibit 8).pdf(23003 bytes ) Registration 2337232 (Exhibit 09).pdf(17118 bytes ) Registration 2415898 (Exhibit 10).pdf(20792 bytes ) Registration 2462066 (Exhibit 11).pdf(17262 bytes ) Registration 2519795 (Exhibit 12).pdf(19234 bytes ) Registration 2548158 (Exhibit 13).pdf(14773 bytes ) Registration 2560234 (Exhibit 14).pdf(17879 bytes ) Registration 2563366 (Exhibit 15).pdf(18040 bytes ) Registration 2608920 (Exhibit 16).pdf(31770 bytes ) Registration 3443031 (Exhibit 17).pdf(23319 bytes ) Registration 4011771 (Exhibit 18).pdf(31708 bytes ) Registration 4105242 (Exhibit 19).pdf(26431 bytes ) 20140505 NOO.pdf(61024 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	/sfo/
Name	Susan Freya Olive
Date	05/05/2014

## PHE's Notice of Opposition

### Exhibit 1:

TSDR website printout of Reg. No. 1,020,448  
ADAM & EVE and design

Generated on: This page was generated by TSDR on 2014-02-25 16:01:02 EST

Mark: ADAM & EVE



US Serial Number: 73029145  
US Registration Number: 1020448  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Feb. 20, 2006

Application Filing Date: Aug. 09, 1974  
Registration Date: Sep. 16, 1975

## Mark Information

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Design Search Code(s): 05.09.05 - Apples  
27.01.03 - Punctuation forming plants; Plants composed of letters or numerals; Letters forming plants; Numbers forming plants

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: PROPHYLACTICS  
International Class(es): 010 - Primary Class  
U.S Class(es): 044  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Jun. 14, 1972  
Use in Commerce: Jun. 14, 1972

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: PHE, INC.  
Owner Address: 302 MEADOWLANDS DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: SUSAN FREYA OLIVE  
Attorney Primary Email Address: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
Attorney Email Authorized: Yes

**Correspondent**

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
 OLIVE & OLIVE PA  
 500 MEMORIAL ST  
 POST OFFICE BOX 2049  
 DURHAM, NORTH CAROLINA 27702  
 UNITED STATES

**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Oct. 25, 2007	CASE FILE IN TICRS	
Feb. 20, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293
Feb. 20, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 20, 2006	ASSIGNED TO PARALEGAL	76293
Sep. 15, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 15, 2005	TEAS SECTION 8 & 9 RECEIVED	
Nov. 30, 1995	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 18, 1995	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Dec. 07, 1981	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Sep. 16, 2005

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** SCANNING ON DEMAND

**Date in Location:** Oct. 25, 2007

**Assignment Abstract Of Title Information****Summary**

**Total Assignments:** 2

**Registrant:** POPULATION PLANNING ASSOCIATES, INC.

**Assignment 1 of 2**

**Conveyance:** MERGER 19820920NC

**Reel/Frame:** [0426/0930](#)

**Pages:** 6

**Date Recorded:** Oct. 22, 1982

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [POPULATION PLANNING ASSOCIATES, INC.](#)

**Execution Date:** Oct. 08, 1982

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [P. HARVEY ENTERPRISES, INC.](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

**Correspondent**

**Correspondent Name:** OLIVE AND OLIVE

**Correspondent Address:** 500 MEMORIAL ST.  
 DURHAM, NC

**Domestic Representative - Not Found**

## Assignment 2 of 2

Conveyance: CHANGE OF NAME 19821118

Reel/Frame: [0439/0025](#)

Pages: 3

Date Recorded: Apr. 18, 1983

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [P. HARVEY ENTERPRISES, INC.](#)

Execution Date: Mar. 28, 1983

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [PHE, INC.](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

### Correspondent

Correspondent Name: OLIVE AND OLIVE

Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 15

### Type of Proceeding: Opposition

Proceeding Number: [91215079](#)

Filing Date: Feb 24, 2014

Status: Pending

Status Date: Feb 24, 2014

Interlocutory Attorney: ELIZABETH WINTER

### Defendant

Name: H2G International, Inc.

Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801

Correspondent e-mail: [jflee@jpfirm.us](mailto:jflee@jpfirm.us); [dhsu@jpfirm.us](mailto:dhsu@jpfirm.us)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

### Plaintiff(s)

Name: PHE, Inc.

Correspondent Address: Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES

Correspondent e-mail: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>
ADAMMALE			



## PHE's Notice of Opposition

Exhibit 2:  
TSDR website printout of Reg. No. 1,020,449  
ADAM & EVE

Generated on: This page was generated by TSDR on 2014-02-25 16:04:46 EST

Mark: ADAM & EVE

US Serial Number: 73029155  
Application Filing Date: Aug. 09, 1974  
US Registration Number: 1020449  
Registration Date: Sep. 16, 1975  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Feb. 20, 2006

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## Mark Information

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Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: PROPHYLACTICS  
International Class(es): 010 - Primary Class  
U.S Class(es): 044  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Jun. 14, 1972  
Use in Commerce: Jul. 28, 1972

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: PHE, INC.  
Owner Address: 302 MEADOWLANDS DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: SUSAN FREYA OLIVE

### Correspondent

Correspondent: SUSAN FREYA OLIVE

Name/Address: OLIVE & OLIVE PA  
500 MEMORIAL ST  
POST OFFICE BOX 2049  
DURHAM, NORTH CAROLINA 27702  
UNITED STATES

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 25, 2007	CASE FILE IN TICRS	
Feb. 20, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293
Feb. 20, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 20, 2006	ASSIGNED TO PARALEGAL	76293
Sep. 12, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 15, 2005	TEAS SECTION 8 & 9 RECEIVED	
Nov. 08, 1995	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 18, 1995	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Dec. 07, 1981	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 16, 2005

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Oct. 25, 2007

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: POPULATION PLANNING ASSOCIATES, INC.

### Assignment 1 of 2

Conveyance: MERGER 19820920NC

Reel/Frame: [0426/0930](#)

Pages: 6

Date Recorded: Oct. 22, 1982

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [POPULATION PLANNING ASSOCIATES, INC.](#)

Execution Date: Oct. 08, 1982

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [P. HARVEY ENTERPRISES INC.](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

### Correspondent

Correspondent Name: OLIVE AND OLIVE

Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

Domestic Representative - Not Found

### Assignment 2 of 2

Conveyance: CHANGE OF NAME 19821118

Reel/Frame: [0439/0025](#)

Pages: 3

Date Recorded: Apr. 18, 1983

Supporting Documents: No Supporting Documents Available

#### Assignor

Name: [P. HARVEY ENTERPRISES, INC.](#) Execution Date: Mar. 28, 1983  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found

#### Assignee

Name: [PHE, INC.](#)  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found  
Address: No Assignee Address Found

#### Correspondent

Correspondent Name: OLIVE AND OLIVE  
Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

#### Domestic Representative - Not Found

## Proceedings

#### Summary

Number of Proceedings: 15

#### Type of Proceeding: Opposition

Proceeding Number: [91215079](#) Filing Date: Feb 24, 2014  
Status: Pending Status Date: Feb 24, 2014  
Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: H2G International, Inc.  
Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801  
Correspondent e-mail: [jflee@jpfirm.us;dhsu@jpfirm.us](mailto:jflee@jpfirm.us;dhsu@jpfirm.us)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

#### Plaintiff(s)

Name: PHE, Inc.  
Correspondent Address: Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES  
Correspondent e-mail: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>
ADAMMALE	Renewed	<a href="#">75452456</a>	<a href="#">2337232</a>
ADAMEVE.COM	Renewed	<a href="#">75906373</a>	<a href="#">2415898</a>
ADAM & EVE	Renewed	<a href="#">75430409</a>	<a href="#">2462066</a>

## PHE's Notice of Opposition

Exhibit 3:  
TSDR website printout of Reg. No. 1,020,743  
ADAM & EVE

Generated on: This page was generated by TSDR on 2014-02-25 15:57:01 EST

Mark: ADAM & EVE

US Serial Number: 73029134  
Application Filing Date: Aug. 09, 1974  
US Registration Number: 1020743  
Registration Date: Sep. 16, 1975  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: Feb. 20, 2006

---

## Mark Information

---

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: RETAIL MAIL ORDER SERVICES SPECIALIZING IN CONTRACEPTIVE PRODUCTS, AND SEX AND BIRTH CONTROL LITERATURE; AND PREGNANCY TESTING SERVICES

International Class(es): 042 - Primary Class

U.S Class(es): 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 17, 1971

Use in Commerce: Nov. 17, 1971

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: PHE, INC.  
Owner Address: 302 MEADOWLANDS DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

---

## Attorney/Correspondence Information

---

---

### Attorney of Record

Attorney Name: SUSAN FREYA OLIVE

---

### Correspondent

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
OLIVE & OLIVE PA  
500 MEMORIAL ST  
POST OFFICE BOX 2049  
DURHAM, NORTH CAROLINA 27702  
UNITED STATES

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 24, 2007	CASE FILE IN TICRS	
Feb. 20, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293
Feb. 20, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 20, 2006	ASSIGNED TO PARALEGAL	76293
Sep. 12, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 15, 2005	TEAS SECTION 8 & 9 RECEIVED	
Nov. 28, 1995	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 18, 1995	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Dec. 07, 1981	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Sep. 16, 2005

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** SCANNING ON DEMAND

**Date in Location:** Oct. 24, 2007

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** POPULATION PLANNING ASSOCIATES, INC.

### Assignment 1 of 2

**Conveyance:** MERGER 19820920NC

**Reel/Frame:** [0426/0930](#)

**Pages:** 6

**Date Recorded:** Oct. 22, 1982

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [POPULATION PLANNING ASSOCIATES, INC.](#)

**Execution Date:** Oct. 08, 1982

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

### Assignee

**Name:** [P. HARVEY ENTERPRISES, INC.](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

### Correspondent

**Correspondent Name:** OLIVE AND OLIVE

**Correspondent Address:** 500 MEMORIAL ST.  
DURHAM, NC

Domestic Representative - Not Found

### Assignment 2 of 2

**Conveyance:** CHANGE OF NAME 19821118

**Reel/Frame:** [0439/0025](#)

**Pages:** 3

Date Recorded: Apr. 18, 1983

Supporting Documents: No Supporting Documents Available

#### Assignor

Name: [P. HARVEY ENTERPRISES, INC.](#) Execution Date: Mar. 28, 1983  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found

#### Assignee

Name: [PHE, INC.](#)  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found  
Address: No Assignee Address Found

#### Correspondent

Correspondent Name: OLIVE AND OLIVE  
Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

#### Domestic Representative - Not Found

## Proceedings

#### Summary

Number of Proceedings: 13

#### Type of Proceeding: Opposition

Proceeding Number: [91215079](#) Filing Date: Feb 24, 2014  
Status: Pending Status Date: Feb 24, 2014  
Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: H2G International, Inc.  
Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801  
Correspondent e-mail: [jflee@ipfirm.us;dhsu@ipfirm.us](mailto:jflee@ipfirm.us;dhsu@ipfirm.us)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

#### Plaintiff(s)

Name: PHE, Inc.  
Correspondent Address: Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES  
Correspondent e-mail: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>
ADAMMALE	Renewed	<a href="#">75452456</a>	<a href="#">2337232</a>
ADAMEVE.COM	Renewed	<a href="#">75906373</a>	<a href="#">2415898</a>
ADAM & EVE	Renewed	<a href="#">75430409</a>	<a href="#">2462066</a>



## PHE's Notice of Opposition

### Exhibit 4:

TSDR website printout of Reg. No. 1,020,744  
ADAM & EVE and design

Generated on: This page was generated by TSDR on 2014-02-25 16:03:27 EST

Mark: ADAM & EVE



US Serial Number: 73029146  
US Registration Number: 1020744  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: Feb. 20, 2006

Application Filing Date: Aug. 09, 1974  
Registration Date: Sep. 16, 1975

## Mark Information

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Lining and Stippling Statement: THE DRAWING IS LINED FOR THE COLOR RED BUT NO CLAIM IS MADE TO COLOR.  
Design Search Code(s): 05.09.05 - Apples  
27.01.04 - Punctuation forming objects; Objects composed of letters or numerals; Letters forming objects; Numbers forming objects

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: RETAIL MAIL ORDER SERVICES SPECIALIZING IN CONTRACEPTIVE PRODUCTS, AND SEX AND BIRTH CONTROL LITERATURE

International Class(es): 042 - Primary Class

U.S Class(es): 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 17, 1971

Use in Commerce: Nov. 17, 1971

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: PHE, INC.  
Owner Address: 302 MEADOWLANDS DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

## Attorney/Correspondence Information

Attorney of Record

Attorney Name: SUSAN FREYA OLIVE

Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE  
OLIVE & OLIVE PA  
500 MEMORIAL ST  
POST OFFICE BOX 2049  
DURHAM, NORTH CAROLINA 27702  
UNITED STATES

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 24, 2007	CASE FILE IN TICRS	
Feb. 20, 2006	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293
Feb. 20, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 20, 2006	ASSIGNED TO PARALEGAL	76293
Sep. 12, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Sep. 15, 2005	TEAS SECTION 8 & 9 RECEIVED	
Nov. 30, 1995	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Sep. 18, 1995	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Dec. 07, 1981	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 16, 2005

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Oct. 24, 2007

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: POPULATION PLANNING ASSOCIATES, INC.

### Assignment 1 of 2

Conveyance: MERGER 19820920NC

Reel/Frame: [0426/0930](#)

Pages: 6

Date Recorded: Oct. 22, 1982

Supporting Documents: No Supporting Documents Available

### Assignor

Name: [POPULATION PLANNING ASSOCIATES, INC.](#)

Execution Date: Oct. 08, 1982

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

### Assignee

Name: [P. HARVEY ENTERPRISES, INC.](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

### Correspondent

Correspondent Name: OLIVE AND OLIVE

Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: CHANGE OF NAME 19821118

Reel/Frame: [0439/0025](#)

Pages: 3

Date Recorded: Apr. 18, 1983

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: [P. HARVEY ENTERPRISES, INC.](#) Execution Date: Mar. 28, 1983  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: [PHE, INC.](#)  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

**Correspondent**

Correspondent Name: OLIVE AND OLIVE  
Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

Domestic Representative - Not Found

## Proceedings

**Summary**

Number of Proceedings: 12

**Type of Proceeding: Opposition**

Proceeding Number: [91215079](#) Filing Date: Feb 24, 2014  
Status: Pending Status Date: Feb 24, 2014  
Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: H2G International, Inc.  
Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801  
Correspondent e-mail: [jflee@jpfirm.us;dhsu@jpfirm.us](mailto:jflee@jpfirm.us;dhsu@jpfirm.us)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

**Plaintiff(s)**

Name: PHE, Inc.  
Correspondent Address: Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES  
Correspondent e-mail: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>
ADAMMALE	Renewed	<a href="#">75452456</a>	<a href="#">2337232</a>

## PHE's Notice of Opposition

### Exhibit 5:

TSDR website printout of Reg. No. 1,123,685  
ADAM & EVE and design

Generated on: This page was generated by TSDR on 2014-02-25 16:07:29 EST

Mark: ADAM & EVE



US Serial Number: 73130911  
US Registration Number: 1123685  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Feb. 16, 2009

Application Filing Date: Jun. 20, 1977  
Registration Date: Aug. 07, 1979

## Mark Information

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Design Search Code(s): 05.09.05 - Apples  
27.01.03 - Punctuation forming plants; Plants composed of letters or numerals; Letters forming plants; Numbers forming plants

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: SHOPPING CATALOGS  
International Class(es): 016 - Primary Class  
U.S Class(es): 038  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Nov. 1971  
Use in Commerce: Nov. 1971

## Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

## Current Owner(s) Information

Owner Name: PHE, INC.  
Owner Address: 302 MEADOWLANDS DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Susan Freya Olive  
Docket Number: PHEI0104  
Attorney Primary Email Address: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent: Susan Freya Olive

**Name/Address:** OLIVE & OLIVE PA  
PO BOX 2049  
DURHAM, NORTH CAROLINA 27702  
UNITED STATES

**Phone:** 919-683-5514

**Fax:** 919-688-3781

**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Feb. 16, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	75184
Feb. 16, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 29, 2009	ASSIGNED TO PARALEGAL	75184
Jan. 22, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jan. 28, 2008	CASE FILE IN TICRS	
Nov. 18, 1999	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Nov. 18, 1999	REGISTERED - SEC. 9 GRANTED/CHECK RECORD FOR SEC. 8	
Aug. 05, 1999	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
May 29, 1985	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 15, 1985	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Dec. 06, 1984	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Aug. 07, 2009

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Feb. 16, 2009

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** POPULATION PLANNING ASSOCIATES, INC.

### Assignment 1 of 2

**Conveyance:** MERGER 19820920NC

**Reel/Frame:** [0426/0930](#)

**Pages:** 6

**Date Recorded:** Oct. 22, 1982

**Supporting Documents:** No Supporting Documents Available

### Assignor

**Name:** [POPULATION PLANNING ASSOCIATES, INC.](#)

**Execution Date:** Oct. 08, 1982

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

### Assignee

**Name:** [P. HARVEY ENTERPRISES, INC.](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

### Correspondent

**Correspondent Name:** OLIVE AND OLIVE

**Correspondent Address:** 500 MEMORIAL ST.  
DURHAM, NC

**Domestic Representative - Not Found**

**Assignment 2 of 2**

Conveyance: CHANGE OF NAME 19821118

Reel/Frame: [0439/0025](#)

Pages: 3

Date Recorded: Apr. 18, 1983

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: [P. HARVEY ENTERPRISES, INC.](#)

Execution Date: Mar. 28, 1983

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: [PHE, INC.](#)

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: No Assignee Address Found

**Correspondent**

Correspondent Name: OLIVE AND OLIVE

Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Number of Proceedings: 12

**Type of Proceeding: Opposition**

Proceeding Number: [91215079](#)

Filing Date: Feb 24, 2014

Status: Pending

Status Date: Feb 24, 2014

Interlocutory Attorney: ELIZABETH WINTER

**Defendant**

Name: H2G International, Inc.

Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801

Correspondent e-mail: [jflee@jpfirm.us;dhsu@jpfirm.us](mailto:jflee@jpfirm.us;dhsu@jpfirm.us)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

**Plaintiff(s)**

Name: PHE, Inc.

Correspondent Address: Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES

Correspondent e-mail: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>



## PHE's Notice of Opposition

### Exhibit 6:

TSDR website printout of Reg. No. 1,139,193  
ADAM & EVE and design

Generated on: This page was generated by TSDR on 2014-02-25 16:06:04 EST

Mark: ADAM & EVE



US Serial Number: 73130908  
US Registration Number: 1139193  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Aug. 06, 2010

Application Filing Date: Jun. 20, 1977  
Registration Date: Sep. 02, 1980

## Mark Information

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Design Search Code(s): 05.09.05 - Apples  
27.01.03 - Punctuation forming plants; Plants composed of letters or numerals; Letters forming plants; Numbers forming plants

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: KIT COMPRISED OF VIBRATORY AND SEXUAL STIMULATING MASSAGE APPARATUS, CONDOMS AND MASSAGE OILS AND LUBRICANTS

International Class(es): 010 - Primary Class

U.S Class(es): 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 1971

Use in Commerce: Nov. 1971

## Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

## Current Owner(s) Information

Owner Name: PHE, INC.  
Owner Address: 302 Meadowlands Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Susan Freya Olive

**Correspondent**

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
OLIVE AND OLIVE PA  
500 MEMORIAL ST  
P O BOX 2049  
DURHAM, NORTH CAROLINA 27702  
UNITED STATES

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Aug. 06, 2010	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	59136
Aug. 06, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 21, 2010	TEAS SECTION 8 & 9 RECEIVED	
Feb. 08, 2008	CASE FILE IN TICRS	
Feb. 06, 2001	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Feb. 06, 2001	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 31, 2000	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 04, 1986	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Jan. 13, 1986	REGISTERED - SEC. 8 (6-YR) FILED	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Sep. 02, 2010

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** Not Found

**Date in Location:** Aug. 06, 2010

**Assignment Abstract Of Title Information**

**Summary**

**Total Assignments:** 2

**Registrant:** POPULATION PLANNING ASSOCIATES, INC.

**Assignment 1 of 2**

**Conveyance:** MERGER 19820920NC

**Reel/Frame:** [0426/0930](#)

**Pages:** 6

**Date Recorded:** Oct. 22, 1982

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [POPULATION PLANNING ASSOCIATES, INC.](#)

**Execution Date:** Oct. 08, 1982

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** [P. HARVEY ENTERPRISES, INC.](#)

**Legal Entity Type:** UNKNOWN

**State or Country Where Organized:** No Place Where Organized Found

**Address:** No Assignee Address Found

**Correspondent**

**Correspondent Name:** OLIVE AND OLIVE

**Correspondent Address:** 500 MEMORIAL ST.  
DURHAM, NC

**Domestic Representative - Not Found**

**Assignment 2 of 2**

**Conveyance:** CHANGE OF NAME 19821118

Reel/Frame: [0439/0025](#)

Pages: 3

Date Recorded: Apr. 18, 1983

Supporting Documents: No Supporting Documents Available

#### Assignor

Name: [P. HARVEY ENTERPRISES, INC.](#) Execution Date: Mar. 28, 1983  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found

#### Assignee

Name: [PHE, INC.](#)  
Legal Entity Type: UNKNOWN State or Country Where Organized: No Place Where Organized Found  
Address: No Assignee Address Found

#### Correspondent

Correspondent Name: OLIVE AND OLIVE  
Correspondent Address: 500 MEMORIAL ST.  
DURHAM, NC

#### Domestic Representative - Not Found

## Proceedings

#### Summary

Number of Proceedings: 14

#### Type of Proceeding: Opposition

Proceeding Number: [91215079](#) Filing Date: Feb 24, 2014  
Status: Pending Status Date: Feb 24, 2014  
Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: H2G International, Inc.  
Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801  
Correspondent e-mail: [jflee@jpfirm.us](mailto:jflee@jpfirm.us)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

#### Plaintiff(s)

Name: PHE, Inc.  
Correspondent Address: Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES  
Correspondent e-mail: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>
ADAMMALE	Renewed	<a href="#">75452456</a>	<a href="#">2337232</a>
ADAMEVE.COM	Renewed	<a href="#">75906373</a>	<a href="#">2415898</a>

PHE's Notice of Opposition

Exhibit 7:

TSDR website printout of Reg. No. 1,937,977  
ADAM & EVE CHANNEL

Generated on: This page was generated by TSDR on 2014-02-25 16:10:37 EST

Mark: ADAM & EVE CHANNEL

US Serial Number: 74528412  
US Registration Number: 1937977  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: Mar. 18, 2006  
Publication Date: Sep. 05, 1995

Application Filing Date: May 23, 1994  
Registration Date: Nov. 28, 1995

---

## Mark Information

---

Mark Literal Elements: ADAM & EVE CHANNEL  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)  
Disclaimer: "CHANNEL"

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1020744, 1123685, 1139193, 1158558 and others

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: television programming

International Class(es): 041 - Primary Class

U.S Class(es): 107

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 1994

Use in Commerce: Feb. 01, 1994

For: [ retail mail order and catalog sales services in the fields of adult entertainment, sex education, sexuality, massage, and other sexual personal products for adult use, books, pre-recorded audiovisual works, and clothing ]

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: SECTION 8 - CANCELLED

Basis: 1(a)

First Use: Feb. 01, 1994

Use in Commerce: Feb. 01, 1994

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

**Owner Name:** PHE, Inc.

**Owner Address:** 302 Meadowlands Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive

**Docket Number:** PHEI0112

### Correspondent

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
OLIVE & OLIVE PA  
500 MEMORIAL ST PO BOX 2049  
DURHAM, NORTH CAROLINA 27702-2049  
UNITED STATES

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
May 27, 2011	CASE FILE IN TICRS	
May 02, 2011	CASE FILE IN TICRS	
Mar. 18, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67723
Mar. 18, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Mar. 18, 2006	ASSIGNED TO PARALEGAL	67723
Nov. 11, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Nov. 11, 2005	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Nov. 11, 2005	TEAS SECTION 8 & 9 RECEIVED	
Oct. 05, 2001	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED	
Sep. 12, 2001	REGISTERED - SEC. 8 (6-YR) FILED	
Nov. 28, 1995	REGISTERED-PRINCIPAL REGISTER	
Sep. 05, 1995	PUBLISHED FOR OPPOSITION	
Aug. 04, 1995	NOTICE OF PUBLICATION	
May 25, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 25, 1995	ASSIGNED TO EXAMINER	71998
Apr. 19, 1995	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 27, 1994	NON-FINAL ACTION MAILED	
Oct. 07, 1994	ASSIGNED TO EXAMINER	60749

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Renewal Date:** Nov. 28, 2005

**Change in Registration:** Yes

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** SCANNING ON DEMAND

**Date in Location:** May 27, 2011

## Proceedings

**Summary**

## PHE's Notice of Opposition

### Exhibit 8:

TSDR website printout of Reg. No. 1,959,674  
ADAM & EVE CHANNEL and design



Generated on: This page was generated by TSDR on 2014-02-25 16:15:28 EST

Mark: ADAM & EVE CHANNEL



**US Serial Number:** 74532017  
**Application Filing Date:** Jun. 01, 1994  
**US Registration Number:** 1959674  
**Registration Date:** Mar. 05, 1996  
**Register:** Principal  
**Mark Type:** Service Mark  
**Status:** The registration has been renewed.  
**Status Date:** Nov. 08, 2006  
**Publication Date:** Sep. 12, 1995

---

## Mark Information

---

**Mark Literal Elements:** ADAM & EVE CHANNEL  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Lining and Stippling Statement:** The drawing is lined for the color red but no claim is made to color.  
**Disclaimer:** "CHANNEL"  
**Design Search Code(s):** 05.09.05 - Apples

---

## Related Properties Information

---

**Claimed Ownership of US Registrations:** 1020744, 1123685, 1139193, 1158558 and others

---

## Goods and Services

---

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** television programming

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 01, 1994

**Use in Commerce:** Feb. 01, 1994

**For:** [ retail mail order and catalog services in the fields of adult entertainment, sex education, sexuality, massage, and other sexual personal products for adult use, books, pre-recorded audiovisual works, and clothing ]

**International Class(es):** 042 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Feb. 01, 1994

**Use in Commerce:** Feb. 01, 1994

---

## Basis Information (Case Level)

---

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

---

## Current Owner(s) Information

---

**Owner Name:** PHE, Inc.  
**Owner Address:** Post Office Box 8200  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** SUSAN FREYA OLIVE

**Docket Number:** PHEI0113

### Correspondent

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
OLIVE & OLIVE PA  
500 MEMORIAL ST  
POST OFFICE BOX 2049  
DURHAM, NORTH CAROLINA 27702-2049  
UNITED STATES

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 25, 2008	NOTICE OF DESIGN SEARCH CODE MAILED	
Nov. 08, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70619
Nov. 08, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Oct. 18, 2006	ASSIGNED TO PARALEGAL	70619
Aug. 07, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Aug. 16, 2006	CASE FILE IN TICRS	
Aug. 07, 2006	TEAS SECTION 8 & 9 RECEIVED	
May 14, 2002	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED	
Mar. 05, 2002	REGISTERED - SEC. 8 (6-YR) FILED	
Mar. 05, 2002	REGISTERED - SEC. 8 (6-YR) FILED	
Mar. 05, 2002	PAPER RECEIVED	
Mar. 05, 1996	REGISTERED-PRINCIPAL REGISTER	
Sep. 12, 1995	PUBLISHED FOR OPPOSITION	
Aug. 11, 1995	NOTICE OF PUBLICATION	
May 30, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 23, 1995	ASSIGNED TO EXAMINER	69976
Apr. 13, 1995	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 27, 1994	NON-FINAL ACTION MAILED	
Oct. 18, 1994	ASSIGNED TO EXAMINER	60749

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Renewal Date:** Mar. 05, 2006

**Change in Registration:** Yes

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** POST REGISTRATION

**Date in Location:** Nov. 08, 2006

## Proceedings

### Summary

## PHE's Notice of Opposition

### Exhibit 09:

TSDR website printout of Reg. No. 2,336,232  
ADAMMALE

Generated on: This page was generated by TSDR on 2014-02-25 16:23:09 EST

Mark: ADAMMALE

ADAMMALE

US Serial Number: 75452456      Application Filing Date: Mar. 18, 1998  
US Registration Number: 2337232      Registration Date: Apr. 04, 2000  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: Sep. 23, 2009  
Publication Date: Jan. 11, 2000

---

## Mark Information

---

Mark Literal Elements: ADAMMALE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Computerized on line ordering services and mail-order catalog services featuring books, clothing, videos and other products pertaining to men or intending to appeal to men

International Class(es): 035 - Primary Class

U.S Class(es): 100, 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 01, 1997

Use in Commerce: Dec. 01, 1997

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: PHE, Inc.  
Owner Address: 302 Meadowlands Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: NORTH CAROLINA

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: SUSAN FREYA OLIVE      Docket Number: PHEI0121  
Attorney Primary Email Address: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)      Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: SUSAN FREYA OLIVE  
OLIVE & OLIVE PA  
500 Memorial Street, P.O. Box 2049

DURHAM, NORTH CAROLINA 27702  
UNITED STATES

Phone: 919-683-5514

Fax: 919-688-3781

Correspondent e-mail: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 23, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	65765
Sep. 23, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 10, 2009	ASSIGNED TO PARALEGAL	65765
Sep. 02, 2009	TEAS SECTION 8 & 9 RECEIVED	
Apr. 20, 2006	CASE FILE IN TICRS	
Dec. 23, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Dec. 23, 2005	ASSIGNED TO PARALEGAL	75461
Nov. 11, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 11, 2005	TEAS SECTION 8 & 15 RECEIVED	
Apr. 04, 2000	REGISTERED-PRINCIPAL REGISTER	
Jan. 11, 2000	PUBLISHED FOR OPPOSITION	
Dec. 10, 1999	NOTICE OF PUBLICATION	
Sep. 29, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 08, 1999	ASSIGNED TO EXAMINER	74832
Sep. 20, 1999	EXAMINER'S AMENDMENT MAILED	
Oct. 30, 1998	NON-FINAL ACTION MAILED	
Sep. 24, 1998	ASSIGNED TO EXAMINER	74832

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Apr. 04, 2010

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Sep. 23, 2009

## Proceedings

### Summary

Number of Proceedings: 6

Type of Proceeding: Opposition

Proceeding Number: [91215079](#)

Filing Date: Feb 24, 2014

Status: Pending

Status Date: Feb 24, 2014

Interlocutory Attorney: ELIZABETH WINTER

### Defendant

Name: H2G International, Inc.

Correspondent Address: JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801

Correspondent e-mail: [jflee@jpfirm.us](mailto:jflee@jpfirm.us); [dhsu@jpfirm.us](mailto:dhsu@jpfirm.us)

Associated marks

## PHE's Notice of Opposition

### Exhibit 10:

TSDR website printout of Reg. No. 2,415,898  
ADAMEVE.com



**Correspondent**

**Correspondent Name/Address:** Susan Freya Olive  
 OLIVE & OLIVE, P.A.  
 500 MEMORIAL STREET  
 POST OFFICE BOX 2049  
 DURHAM, NORTH CAROLINA 27702  
 UNITED STATES

**Phone:** (919) 683-5514

**Fax:** (919) 688-3781

**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jul. 01, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	70131
Jul. 01, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 30, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	70131
Jun. 29, 2010	TEAS SECTION 8 & 9 RECEIVED	
Nov. 08, 2006	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	60234
Oct. 31, 2006	ASSIGNED TO PARALEGAL	60234
Aug. 30, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 30, 2006	TEAS SECTION 8 & 15 RECEIVED	
Jul. 31, 2006	CASE FILE IN TICRS	
Dec. 26, 2000	REGISTERED-PRINCIPAL REGISTER	
Oct. 03, 2000	PUBLISHED FOR OPPOSITION	
Sep. 01, 2000	NOTICE OF PUBLICATION	
Jun. 20, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 19, 2000	ASSIGNED TO EXAMINER	73708

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Dec. 26, 2010

**TM Staff and Location Information****TM Staff Information - None****File Location**

**Current Location:** Not Found

**Date in Location:** Jul. 01, 2010

**Proceedings****Summary**

**Number of Proceedings:** 12

**Type of Proceeding: Opposition**

**Proceeding Number:** [91215079](#)

**Filing Date:** Feb 24, 2014

**Status:** Pending

**Status Date:** Feb 24, 2014

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** H2G International, Inc.

**Correspondent Address:** JEN-FENG LEE  
 LAW OFFICES OF J.F. LEE  
 17800 CASTLETON ST STE 560  
 CITY OF INDUSTRY CA , 91748-6801

**Correspondent e-mail:** [jflee@jpfirm.us](mailto:jflee@jpfirm.us); [dhsu@jpfirm.us](mailto:dhsu@jpfirm.us)

**Associated marks**



## PHE's Notice of Opposition

### Exhibit 11:

TSDR website printout of Reg. No. 2,462,066  
ADAM & EVE

Generated on: This page was generated by TSDR on 2014-02-25 17:25:37 EST

Mark: ADAM & EVE

**ADAM & EVE**

US Serial Number: 75430409      Application Filing Date: Feb. 05, 1998  
US Registration Number: 2462066      Registration Date: Jun. 19, 2001  
Register: Principal  
Mark Type: Service Mark  
Status: The registration has been renewed.  
Status Date: Sep. 28, 2010  
Publication Date: Dec. 15, 1998      Notice of Allowance Date: Aug. 03, 1999

---

## Mark Information

---

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1020448, 1020449, 1020743, 1020744, 1123685, 1139193, 1158558, 1937977, 1959674 and others

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: video club services  
International Class(es): 035 - Primary Class      U.S Class(es): 100, 101, 102  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: Oct. 27, 1997      Use in Commerce: Oct. 27, 1997

---

## Basis Information (Case Level)

---

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: PHE, Inc.  
Owner Address: 302 Meadowlands Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: NORTH CAROLINA

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: SUSAN FREYA OLIVE      Docket Number: PHEI0122

### Correspondent

**Correspondent Name/Address:** David Groves, VP  
PHE, Inc.  
302 Meadowlands Drive  
HILLSBOROUGH, NORTH CAROLINA 27278  
UNITED STATES

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Sep. 28, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75184
Sep. 28, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Sep. 24, 2010	TEAS SECTION 8 & 9 RECEIVED	
Mar. 17, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75184
Mar. 17, 2007	ASSIGNED TO PARALEGAL	75184
Jan. 17, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jan. 17, 2007	TEAS SECTION 8 & 15 RECEIVED	
Oct. 25, 2006	CERTIFICATE OF CORRECTION ISSUED	
Oct. 19, 2006	ASSIGNED TO PARALEGAL	65765
Sep. 26, 2006	SEC 7 REQUEST FILED	
Oct. 18, 2006	CASE FILE IN TICRS	
Sep. 26, 2006	PAPER RECEIVED	
Aug. 23, 2006	FAX RECEIVED	
Jun. 19, 2001	REGISTERED-PRINCIPAL REGISTER	
Mar. 29, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 20, 2001	ASSIGNED TO EXAMINER	72153
Mar. 15, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Feb. 03, 2001	USE AMENDMENT FILED	
Sep. 27, 2000	EXTENSION 2 GRANTED	
Aug. 03, 2000	EXTENSION 2 FILED	
Apr. 05, 2000	EXTENSION 1 GRANTED	
Feb. 03, 2000	EXTENSION 1 FILED	
Aug. 03, 1999	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 23, 1999	NOTICE OF ALLOWANCE CANCELLED	
Mar. 09, 1999	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 15, 1998	PUBLISHED FOR OPPOSITION	
Nov. 13, 1998	NOTICE OF PUBLICATION	
Oct. 14, 1998	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 21, 1998	EXAMINER'S AMENDMENT MAILED	
Sep. 11, 1998	ASSIGNED TO EXAMINER	72153

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Jun. 19, 2011

**Change in Registration:** Yes

**Correction made to Registration:** In the statement, Column 2, line 1, "1,020,274" should be deleted.

**TM Staff and Location Information**

**TM Staff Information - None**  
**File Location**

## PHE's Notice of Opposition

### Exhibit 12:

TSDR website printout of Reg. No. 2,519,795  
ADAM & EVE

Generated on: This page was generated by TSDR on 2014-02-25 17:13:52 EST

Mark: ADAM & EVE

ADAM & EVE

US Serial Number: 76155971      Application Filing Date: Oct. 24, 2000  
US Registration Number: 2519795      Registration Date: Dec. 18, 2001  
Register: Principal  
Mark Type: Trademark, Service Mark  
Status: The registration has been renewed.  
Status Date: Jul. 25, 2011  
Publication Date: Sep. 25, 2001

---

## Mark Information

---

Mark Literal Elements: ADAM & EVE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1020448, 1020449, 1020743, 1020744, 1123685, 1139193, 1158558, 1937977, 1959674 and others

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: massage oils, lotions and colognes

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 1998

Use in Commerce: Feb. 1998

For: providing on-line chat rooms for transmission of messages among computer users in the fields of adult entertainment and human sexuality

International Class(es): 038 - Primary Class

U.S Class(es): 100, 101, 104

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 25, 1998

Use in Commerce: Sep. 25, 1998

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: PHE, Inc.  
Owner Address: 302 Meadowland Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: NORTH CAROLINA

---

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive **Docket Number:** PHEI0125  
**Attorney Primary Email Address:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Susan Freya Olive  
Olive & Olive, P.A.  
500 MEMORIAL STREET  
DURHAM, NORTH CAROLINA 27701  
UNITED STATES  
**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 25, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Jul. 25, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 21, 2011	TEAS SECTION 8 & 9 RECEIVED	
Mar. 16, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	75461
Mar. 14, 2007	ASSIGNED TO PARALEGAL	75461
Feb. 02, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 02, 2007	TEAS SECTION 8 & 15 RECEIVED	
Jan. 03, 2007	CASE FILE IN TICRS	
Dec. 18, 2001	REGISTERED-PRINCIPAL REGISTER	
Sep. 25, 2001	PUBLISHED FOR OPPOSITION	
Sep. 05, 2001	NOTICE OF PUBLICATION	
Jun. 29, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 10, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Apr. 27, 2001	NON-FINAL ACTION MAILED	
Apr. 11, 2001	ASSIGNED TO EXAMINER	63031
Apr. 11, 2001	ASSIGNED TO EXAMINER	78473

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Dec. 18, 2011

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** Not Found

**Date in Location:** Jul. 25, 2011

## Proceedings

### Summary

**Number of Proceedings:** 12

#### Type of Proceeding: Opposition

**Proceeding Number:** [91215079](#)

**Filing Date:** Feb 24, 2014

**Status:** Pending

**Status Date:** Feb 24, 2014

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

## PHE's Notice of Opposition

### Exhibit 13:

TSDR website printout of Reg. No. 2,548,158  
ADAM & EVE INTERACTIVE

Generated on: This page was generated by TSDR on 2014-02-25 16:29:31 EST

Mark: ADAM & EVE INTERACTIVE

ADAM & EVE INTERACTIVE

**US Serial Number:** 75890919  
**Application Filing Date:** Jan. 07, 2000  
**US Registration Number:** 2548158  
**Registration Date:** Mar. 12, 2002  
**Register:** Principal  
**Mark Type:** Trademark, Service Mark  
**Status:** The registration has been renewed.  
**Status Date:** Mar. 27, 2012  
**Publication Date:** Mar. 13, 2001  
**Notice of Allowance Date:** Jun. 05, 2001

---

## Mark Information

---

**Mark Literal Elements:** ADAM & EVE INTERACTIVE  
**Standard Character Claim:** No  
**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)  
**Disclaimer:** "INTERACTIVE"

---

## Goods and Services

---

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** PRE-RECORDED DISKS, DVD'S, AND CD-ROM'S, FEATURING ADULT ENTERTAINMENT AND INFORMATION IN THE FIELD OF HUMAN SEXUALITY, [AND COMPUTER PROGRAMS FEATURING VIDEO AND COMPUTER GAME SOFTWARE IN THE FIELDS OF ADULT ENTERTAINMENT AND HUMAN SEXUALITY,] AND INSTRUCTIONAL MATERIALS PROVIDED WITH THE AFORESAID GOODS

**International Class(es):** 009 - Primary Class

**U.S Class(es):** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 14, 2001

**Use in Commerce:** Sep. 14, 2001

**For:** [PROVIDING ON-LINE CHAT ROOMS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING HUMAN SEXUALITY AND ADULT ENTERTAINMENT]

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Oct. 10, 2001

**Use in Commerce:** Oct. 10, 2001

**For:** [PROVIDING A WEBSITE ON A GLOBAL COMPUTER NETWORK FEATURING COMPUTER GAMES, STORIES, INFORMATION, AND DISCUSSION, ALL FOR ENTERTAINMENT, IN THE FIELD OF ADULT ENTERTAINMENT AND HUMAN SEXUALITY]

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** SECTION 8 - CANCELLED

**Basis:** 1(a)

**First Use:** Oct. 10, 2001

**Use in Commerce:** Oct. 10, 2001

---

## Basis Information (Case Level)

---

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

---

## Current Owner(s) Information

---



**Owner Name:** PHE, Inc.  
**Owner Address:** 302 Meadowlands Drive  
Hillshorough, NORTH CAROLINA 27278  
UNITED STATES  
**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

---

## Attorney/Correspondence Information

---

### Attorney of Record

**Attorney Name:** Susan Freya Olive  
**Attorney Primary Email Address:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Docket Number:** PHEI0117  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial Street  
DURHAM, NORTH CAROLINA 27701  
UNITED STATES  
**Phone:** 919-683-5514  
**Fax:** 919-688-3781  
**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Mar. 27, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 27, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68335
Mar. 27, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68335
Mar. 26, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68335
Mar. 07, 2012	TEAS SECTION 8 & 9 RECEIVED	
Nov. 17, 2007	REGISTERED - PARTIAL SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Nov. 08, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 17, 2007	ASSIGNED TO PARALEGAL	68973
Nov. 08, 2007	TEAS SECTION 8 & 15 RECEIVED	
Mar. 23, 2007	CASE FILE IN TICRS	
Mar. 12, 2002	REGISTERED-PRINCIPAL REGISTER	
Jan. 16, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Dec. 12, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Nov. 20, 2001	USE AMENDMENT FILED	
Jun. 05, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 13, 2001	PUBLISHED FOR OPPOSITION	
Feb. 28, 2001	NOTICE OF PUBLICATION	
Dec. 22, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 30, 2000	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 16, 2000	NON-FINAL ACTION MAILED	
Jun. 07, 2000	ASSIGNED TO EXAMINER	76517

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Mar. 12, 2012

**Change in Registration:** Yes

---

## PHE's Notice of Opposition

### Exhibit 14:

TSDR website printout of Reg. No. 2,560,234  
TEMPTATIONS PARTIES...FROM ADAM & EVE



Attorney Primary Email [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
Address:

Attorney Email Yes  
Authorized:

#### Correspondent

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
OLIVE & OLIVE, P.A.  
500 MEMORIAL STREET  
Post Office Box 2049  
DURHAM, NORTH CAROLINA 27702  
UNITED STATES

**Phone:** 919 683 5514

**Fax:** 919 688 3781

**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Correspondent e-mail** Yes  
**Authorized:**

#### Domestic Representative - Not Found

### Prosecution History

Date	Description	Proceeding Number
Oct. 23, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 31, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 31, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Mar. 31, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Mar. 28, 2012	TEAS SECTION 8 & 9 RECEIVED	
Mar. 26, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 06, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 16, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED	66607
Jun. 28, 2007	ASSIGNED TO PARALEGAL	66607
May 31, 2007	REGISTERED - SEC. 8 (6-YR) FILED	
May 31, 2007	REGISTERED - SEC. 8 (6-YR) FILED	
May 31, 2007	TEAS SECTION 8 RECEIVED	
May 14, 2007	CASE FILE IN TICRS	
Apr. 09, 2002	REGISTERED-PRINCIPAL REGISTER	
Oct. 31, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 30, 2001	ASSIGNED TO EXAMINER	78353
Oct. 23, 2001	STATEMENT OF USE PROCESSING COMPLETE	
Oct. 05, 2001	USE AMENDMENT FILED	
Aug. 14, 2001	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 22, 2001	PUBLISHED FOR OPPOSITION	
May 09, 2001	NOTICE OF PUBLICATION	
Feb. 20, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 07, 2001	EXAMINER'S AMENDMENT MAILED	
Jan. 29, 2001	ASSIGNED TO EXAMINER	78353

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Renewal Date:** Apr. 09, 2012

### TM Staff and Location Information

**TM Staff Information - None**  
**File Location**

**Current Location:** Not Found

**Date in Location:** Mar. 31, 2012

### Assignment Abstract Of Title Information

#### Summary

**Total Assignments:** 2

**Registrant:** PHE, Inc.

---

**Assignment 1 of 2**

---

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [4191/0412](#)

**Pages:** 3

**Date Recorded:** Apr. 23, 2010

**Supporting Documents:** [assignment-tm-4191-0412.pdf](#)

**Assignor**

**Name:** [PHE, INC.](#)

**Execution Date:** Mar. 16, 2010

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

**Assignee**

**Name:** [TEMPTATIONS PARTIES, INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

**Address:** 302 MEADOWLAND DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278

**Correspondent**

**Correspondent Name:** SUSAN FREYA OLIVE

**Correspondent Address:** 500 MEMORIAL STREET  
PO BOX 2049  
DURHAM, NC 27702

**Domestic Representative - Not Found****Assignment 2 of 2**

---

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Reel/Frame:** [5130/0911](#)

**Pages:** 3

**Date Recorded:** Oct. 14, 2013

**Supporting Documents:** [assignment-tm-5130-0911.pdf](#)

**Assignor**

**Name:** [TEMPTATIONS PARTIES INC.](#)

**Execution Date:** Oct. 07, 2013

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

**DBA, AKA, TA, Formerly:** FORMERLY PHEELING ROMANTIC, INC.;  
TEMPTATION PARTIES, INC.

**Assignee**

**Name:** [PHE INC.](#)

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

**Address:** 302 MEADOWLANDS DRIVE  
HILLSBOROUGH, NORTH CAROLINA 27278

**Correspondent**

**Correspondent Name:** VEDIA JONES-RICHARDSON, OLIVE & OLIVE,PA

**Correspondent Address:** 500 MEMORIAL STREET  
POST OFFICE BOX 2049  
DURHAM, NC 27702-2049

**Domestic Representative - Not Found****Proceedings**

---

**Summary**

**Number of Proceedings:** 12

**Type of Proceeding: Opposition**

**Proceeding Number:** [91215079](#)

**Filing Date:** Feb 24, 2014

**Status:** Pending

**Status Date:** Feb 24, 2014

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** H2G International, Inc.

**Correspondent Address:** JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801

**Correspondent e-mail:** [jflee@jpfirm.us](mailto:jflee@jpfirm.us); [dhsu@jpfirm.us](mailto:dhsu@jpfirm.us)

**Associated marks**

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## PHE's Notice of Opposition

### Exhibit 15:

TSDR website printout of Reg. No. 2,563,366  
ADAM & EVE PRODUCTIONS

Generated on: This page was generated by TSDR on 2014-02-25 17:21:34 EST

Mark: ADAM & EVE PRODUCTIONS

ADAM & EVE PRODUCTIONS

US Serial Number: 76155970      Application Filing Date: Oct. 24, 2000  
US Registration Number: 2563366      Registration Date: Apr. 23, 2002  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Aug. 13, 2011  
Publication Date: Jan. 29, 2002

---

## Mark Information

---

Mark Literal Elements: ADAM & EVE PRODUCTIONS  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)  
Disclaimer: "PRODUCTIONS"

---

## Related Properties Information

---

Claimed Ownership of US Registrations: 1020448, 1020449, 1020743, 1020744, 1123685, 1139193, 1158558, 1937977, 1959674 and others

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: video recordings featuring adult entertainment  
International Class(es): 009 - Primary Class      U.S Class(es): 021, 023, 026, 036, 038  
Class Status: ACTIVE  
Basis: 1(a)  
First Use: May 1996      Use in Commerce: May 1996

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: PHE, Inc.  
Owner Address: 302 Meadowland Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: NORTH CAROLINA

---

## Attorney/Correspondence Information

---

### Attorney of Record

Attorney Name: Susan Freya Olive      Docket Number: PHEI0116  
Attorney Primary Email: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)      Attorney Email: Yes

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial Street  
DURHAM, NORTH CAROLINA 27701  
UNITED STATES

**Phone:** 919-683-5514

**Fax:** 919-688-3781

**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Aug. 13, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Aug. 13, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	75461
Aug. 13, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75461
Jul. 18, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59807
Jun. 20, 2007	ASSIGNED TO PARALEGAL	59807
May 29, 2007	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 29, 2007	TEAS SECTION 8 & 15 RECEIVED	
May 09, 2007	CASE FILE IN TICRS	
Apr. 23, 2002	REGISTERED-PRINCIPAL REGISTER	
Jan. 29, 2002	PUBLISHED FOR OPPOSITION	
Jan. 09, 2002	NOTICE OF PUBLICATION	
Oct. 24, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 24, 2001	EXAMINERS AMENDMENT MAILED	
May 15, 2001	NON-FINAL ACTION MAILED	
May 02, 2001	ASSIGNED TO EXAMINER	63031
Apr. 09, 2001	ASSIGNED TO EXAMINER	72620

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Apr. 23, 2012

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** Not Found

**Date in Location:** Aug. 13, 2011

**Proceedings**

**Summary**

**Number of Proceedings:** 12

**Type of Proceeding: Opposition**

**Proceeding Number:** [91215079](#)

**Filing Date:** Feb 24, 2014

**Status:** Pending

**Status Date:** Feb 24, 2014

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** H2G International, Inc.

**Correspondent Address:** JEN-FENG LEE  
LAW OFFICES OF J.F. LEE



## PHE's Notice of Opposition

### Exhibit 16:

TSDR website printout of Reg. No. 2,608,920  
ADAM & EVE and design

Generated on: This page was generated by TSDR on 2014-02-25 17:26:47 EST

Mark: ADAM & EVE



**US Serial Number:** 76152765  
**US Registration Number:** 2608920  
**Register:** Principal  
**Mark Type:** Trademark, Service Mark  
**Status:** The registration has been renewed.  
**Status Date:** Jul. 31, 2012  
**Publication Date:** May 28, 2002

**Application Filing Date:** Oct. 24, 2000  
**Registration Date:** Aug. 20, 2002

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## Mark Information

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**Mark Literal Elements:** ADAM & EVE  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Color(s) Claimed:** Color is not claimed as a feature of the mark.  
**Design Search Code(s):** 05.09.05 - Apples  
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

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## Related Properties Information

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**Claimed Ownership of US Registrations:** 1020448, 1020449, 1020743, 1020744, 1123685, 1139193, 1158558, 1937977, 1959674 and others

---

## Goods and Services

---

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Massage oils, body lotions [ , body gels for cosmetic use and colognes ]

**International Class(es):** 003 - Primary Class  
**U.S Class(es):** 001, 004, 006, 050, 051, 052  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Jul. 1995  
**Use in Commerce:** Jul. 1995

**For:** Topical gels for use as body lubricants and anesthetics for non-surgical use

**International Class(es):** 005 - Primary Class  
**U.S Class(es):** 006, 018, 044, 046, 051, 052  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Jul. 1995  
**Use in Commerce:** Jul. 1995

**For:** clothing namely, lingerie and underwear

**International Class(es):** 025 - Primary Class  
**U.S Class(es):** 022, 039  
**Class Status:** ACTIVE  
**Basis:** 1(a)  
**First Use:** Oct. 1994  
**Use in Commerce:** Oct. 1994

**For:** mail order, catalog and on-line retail services in the field of adult entertainment and human sexuality products namely products of primarily an erotic, sensual or sexual nature

**International Class(es):** 035 - Primary Class  
**U.S Class(es):** 100, 101, 102  
**Class Status:** ACTIVE

Basis: 1(a)

First Use: Oct. 1994

Use in Commerce: Oct. 1994

## Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	No
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 66A:	No	Currently 66A:	No		
Filed No Basis:	No	Currently No Basis:	No		

## Current Owner(s) Information

Owner Name: PHE, Inc.  
Owner Address: P. O. Box 8200  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES  
Legal Entity Type: CORPORATION  
State or Country Where Organized: NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Susan Freya Olive  
Docket Number: PHEI0115  
Attorney Primary Email Address: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Susan Freya Olive  
OLIVE & OLIVE PA  
POST OFFICE BOX 2049  
500 MEMORIAL STREET  
DURHAM, NORTH CAROLINA 27702-2049  
UNITED STATES  
Phone: 919-683-5514  
Fax: 919-688-3781  
Correspondent e-mail: [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 31, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 31, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	64591
Jul. 31, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	64591
Jul. 31, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	64591
Jul. 19, 2012	TEAS SECTION 8 & 9 RECEIVED	
Sep. 02, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	64591
Aug. 21, 2008	ASSIGNED TO PARALEGAL	64591
Aug. 14, 2008	TEAS SECTION 8 & 15 RECEIVED	
Nov. 19, 2007	CASE FILE IN TICRS	
Aug. 20, 2002	REGISTERED-PRINCIPAL REGISTER	
May 28, 2002	PUBLISHED FOR OPPOSITION	
May 08, 2002	NOTICE OF PUBLICATION	
Mar. 06, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 06, 2002	ASSIGNED TO EXAMINER	63031
Mar. 06, 2002	REINSTATED	
Dec. 06, 2001	ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE	
Mar. 30, 2001	NON-FINAL ACTION MAILED	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Aug. 20, 2012

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** Not Found

**Date in Location:** Jul. 31, 2012

## Proceedings

### Summary

**Number of Proceedings:** 14

### Type of Proceeding: Opposition

**Proceeding Number:** [91215079](#)

**Filing Date:** Feb 24, 2014

**Status:** Pending

**Status Date:** Feb 24, 2014

**Interlocutory Attorney:** ELIZABETH WINTER

### Defendant

**Name:** H2G International, Inc.

**Correspondent Address:** JEN-FENG LEE  
LAW OFFICES OF J.F. LEE  
17800 CASTLETON ST STE 560  
CITY OF INDUSTRY CA , 91748-6801

**Correspondent e-mail:** [jflee@jpfirm.us;dhsu@jpfirm.us](mailto:jflee@jpfirm.us;dhsu@jpfirm.us)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

### Plaintiff(s)

**Name:** PHE, Inc.

**Correspondent Address:** Susan Freya Olive  
Olive & Olive, P.A.  
500 Memorial St  
Durham NC , 27701  
UNITED STATES

**Correspondent e-mail:** [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
ADAM & EVE	Renewed	<a href="#">73029145</a>	<a href="#">1020448</a>
ADAM & EVE	Renewed	<a href="#">73029155</a>	<a href="#">1020449</a>
ADAM & EVE	Renewed	<a href="#">73029134</a>	<a href="#">1020743</a>
ADAM & EVE	Renewed	<a href="#">73029146</a>	<a href="#">1020744</a>
ADAM & EVE	Renewed	<a href="#">73130911</a>	<a href="#">1123685</a>
ADAM & EVE	Renewed	<a href="#">73130908</a>	<a href="#">1139193</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74528412</a>	<a href="#">1937977</a>
ADAM & EVE CHANNEL	Renewed	<a href="#">74532017</a>	<a href="#">1959674</a>
ADAMMALE	Renewed	<a href="#">75452456</a>	<a href="#">2337232</a>
ADAMEVE.COM	Renewed	<a href="#">75906373</a>	<a href="#">2415898</a>
ADAM & EVE	Renewed	<a href="#">75430409</a>	<a href="#">2462066</a>
ADAM & EVE	Renewed	<a href="#">76155971</a>	<a href="#">2519795</a>
ADAM & EVE INTERACTIVE	Renewed	<a href="#">75890919</a>	<a href="#">2548158</a>

## PHE's Notice of Opposition

### Exhibit 17:

TSDR website printout of Reg. No. 3,443,031  
ADAN Y EVA



**Owner Address:** PO Box 8200  
302 Meadowlands Drive  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive  
**Attorney Primary Email Address:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Docket Number:** PHEI0131  
**Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** Susan Freya Olive  
OLIVE & OLIVE, P.A.  
500 MEMORIAL STREET  
PO BOX 2049  
DURHAM, NORTH CAROLINA 27702-2049  
UNITED STATES  
**Phone:** (919) 683-5514  
**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Fax:** (919) 688-3781  
**Correspondent e-mail Authorized:** No

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 03, 2008	REGISTERED-PRINCIPAL REGISTER	
Apr. 26, 2008	LAW OFFICE REGISTRATION REVIEW COMPLETED	76529
Apr. 26, 2008	ASSIGNED TO LIE	76529
Apr. 25, 2008	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 17, 2008	STATEMENT OF USE PROCESSING COMPLETE	71034
Mar. 27, 2008	USE AMENDMENT FILED	71034
Mar. 27, 2008	TEAS STATEMENT OF USE RECEIVED	
Sep. 13, 2007	EXTENSION 1 GRANTED	98765
Sep. 13, 2007	EXTENSION 1 FILED	98765
Sep. 13, 2007	TEAS EXTENSION RECEIVED	
Mar. 27, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 02, 2007	PUBLISHED FOR OPPOSITION	
Dec. 13, 2006	NOTICE OF PUBLICATION	
Nov. 13, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Nov. 09, 2006	ASSIGNED TO LIE	77075
Nov. 06, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 03, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 03, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Nov. 03, 2006	EXAMINERS AMENDMENT -WRITTEN	81848
Nov. 02, 2006	ASSIGNED TO EXAMINER	81848
Sep. 11, 2006	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 26, 2008

## Proceedings

### Summary

## PHE's Notice of Opposition

### Exhibit 18:

TSDR website printout of Reg. No. 4,011,771  
ADAM & EVE AMERICA'S MOST TRUSTED  
SOURCE FOR ADULT PRODUCTS and design





**Attorney of Record**

**Attorney Name:** Susan Freya Olive **Docket Number:** PHEI0140  
**Attorney Primary Email Address:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com) **Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
 OLIVE & OLIVE, P.A.  
 PO BOX 2049  
 DURHAM, NORTH CAROLINA 27702-2049  
 UNITED STATES  
**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com) **Correspondent e-mail Authorized:** No

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Aug. 16, 2011	REGISTERED-PRINCIPAL REGISTER	
May 31, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 31, 2011	PUBLISHED FOR OPPOSITION	
Apr. 26, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	73797
Apr. 22, 2011	ASSIGNED TO LIE	73797
Apr. 07, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 31, 2011	ASSIGNED TO EXAMINER	76840
Jan. 19, 2011	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Jan. 18, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 15, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information****TM Staff Information - None****File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION **Date in Location:** Aug. 16, 2011

**Proceedings****Summary**

**Number of Proceedings:** 10

**Type of Proceeding: Opposition**

**Proceeding Number:** [91215079](#) **Filing Date:** Feb 24, 2014  
**Status:** Pending **Status Date:** Feb 24, 2014  
**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** H2G International, Inc.  
**Correspondent Address:** JEN-FENG LEE  
 LAW OFFICES OF J.F. LEE  
 17800 CASTLETON ST STE 560  
 CITY OF INDUSTRY CA , 91748-6801  
**Correspondent e-mail:** [jflee@ipfirm.us](mailto:jflee@ipfirm.us); [dhsu@ipfirm.us](mailto:dhsu@ipfirm.us)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

**Plaintiff(s)**

**Name:** PHE, Inc.  
**Correspondent Address:** Susan Freya Olive  
 Olive & Olive, P.A.  
 500 Memorial St  
 Durham NC , 27701  
 UNITED STATES

## PHE's Notice of Opposition

### Exhibit 19:

TSDR website printout of Reg. No. 4,105,242  
ADAM & EVE

Generated on: This page was generated by TSDR on 2014-02-25 17:49:20 EST

Mark: ADAM & EVE

ADAM & EVE

US Serial Number: 85361636  
Application Filing Date: Jul. 01, 2011  
US Registration Number: 4105242  
Registration Date: Feb. 28, 2012  
Register: Principal  
Mark Type: Trademark, Service Mark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Feb. 28, 2012  
Publication Date: Dec. 13, 2011

---

## Mark Information

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Mark Literal Elements: ADAM & EVE  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

---

## Related Properties Information

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Claimed Ownership of US Registrations: 1020448, 1020743, 1020744 and others

---

## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Massage oils; body lotions; body sprays; colognes; cleaners for adult toys

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 18, 2001

Use in Commerce: Dec. 18, 2001

For: Topical gels for use as body lubricants; topical gels for use as male and female genital sensitizers and desensitizers

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 20, 2002

Use in Commerce: Aug. 20, 2002

For: Digital media, namely, prerecorded CDs, DVDs, high definition digital discs, and downloadable video recordings featuring adult-oriented material; Downloadable computer wallpaper software

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Mar. 12, 2002

Use in Commerce: Mar. 12, 2002

For: Condoms; adult sexual aids for sexual play, fantasy and enhancement, namely, devices to aid in sexual intercourse and masturbation, namely, reproductions of parts of the male and female anatomy, stimulation devices to aid in sexual arousal and performance, and electric and non-electric massage devices and accessories for massaging portions of the face and body; kits consisting primarily of adult sexual aids

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 16, 1975

Use in Commerce: Sep. 16, 1975

For: Catalogs in the field of sex toys and adult products; books in the field of human sexuality

International Class(es): 016 - Primary Class

U.S Class(es): 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 07, 1979

**Use in Commerce:** Aug. 07, 1979

**For:** Pillows, cushions

**International Class(es):** 020 - Primary Class

**U.S Class(es):** 002, 013, 022, 025, 032, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Apr. 01, 2008

**Use in Commerce:** Apr. 01, 2008

**For:** Apparel, namely, lingerie, tops

**International Class(es):** 025 - Primary Class

**U.S Class(es):** 022, 039

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 20, 2002

**Use in Commerce:** Aug. 20, 2002

**For:** Retail store services featuring sex toys and adult products; franchise services, namely, offering business management assistance in the establishment and operation of retail stores featuring sex toys and adult products

**International Class(es):** 035 - Primary Class

**U.S Class(es):** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Sep. 16, 1975

**Use in Commerce:** Sep. 16, 1975

**For:** Providing on-line and telephonic chat rooms for transmission of messages among computer users in the fields of adult entertainment and human sexuality

**International Class(es):** 038 - Primary Class

**U.S Class(es):** 100, 101, 104

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 18, 2001

**Use in Commerce:** Dec. 18, 2001

**For:** Entertainment services, namely, providing on-line computer games; entertainment services, namely, providing a website featuring photographs, video and text presentations in the field of adult entertainment, namely, erotica, videos, and live webcams featuring sexual content; provision of non-downloadable films and movies via a video-on-demand service; production and distribution of motion pictures and DVDs

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 1996

**Use in Commerce:** May 1996

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** PHE, Inc.

**Owner Address:** 302 Meadowland Dr.  
Hillsborough, NORTH CAROLINA 27278  
UNITED STATES

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** NORTH CAROLINA

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive

**Docket Number:** PHEI0141

**Attorney Primary Email Address:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** SUSAN FREYA OLIVE  
 OLIVE & OLIVE, P.A.  
 PO BOX 2049  
 DURHAM, NORTH CAROLINA 27702-2049  
 UNITED STATES

**Correspondent e-mail:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
Feb. 28, 2012	REGISTERED-PRINCIPAL REGISTER	
Dec. 13, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 13, 2011	PUBLISHED FOR OPPOSITION	
Nov. 23, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 04, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Nov. 01, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 30, 2011	EXAMINER'S AMENDMENT ENTERED	77976
Oct. 28, 2011	ASSIGNED TO LIE	77976
Oct. 28, 2011	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 28, 2011	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 28, 2011	EXAMINERS AMENDMENT -WRITTEN	76582
Oct. 20, 2011	ASSIGNED TO EXAMINER	76582
Jul. 09, 2011	NOTICE OF PSEUDO MARK MAILED	
Jul. 08, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 05, 2011	NEW APPLICATION ENTERED IN TRAM	

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 28, 2012

**Proceedings****Summary**

**Number of Proceedings:** 9

**Type of Proceeding: Opposition**

**Proceeding Number:** [91215079](#)

**Filing Date:** Feb 24, 2014

**Status:** Pending

**Status Date:** Feb 24, 2014

**Interlocutory Attorney:** ELIZABETH WINTER

**Defendant**

**Name:** H2G International, Inc.

**Correspondent Address:** JEN-FENG LEE  
 LAW OFFICES OF J.F. LEE  
 17800 CASTLETON ST STE 560  
 CITY OF INDUSTRY CA , 91748-6801

**Correspondent e-mail:** [jflee@jpfirm.us](mailto:jflee@jpfirm.us); [dhsu@jpfirm.us](mailto:dhsu@jpfirm.us)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADAMOUR	Opposition Pending	<a href="#">85891869</a>	

**Plaintiff(s)**

**Name:** PHE, Inc.

**Correspondent Address:** Susan Freya Olive  
 Olive & Olive, P.A.  
 500 Memorial St  
 Durham NC , 27701

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Before the Trademark Trial and Appeal Board**

IN THE MATTER OF Trademark Application of Master Sleep, Inc.  
For Registration of ADAM’S SECRET, Serial No. 85959286  
Published for Opposition in the Official Gazette on November 5, 2013

PHE, Inc.,  Plaintiff-Opposer  vs  Master Sleep, Inc.,  Defendant-Applicant	<b>OPPOSITION TO REGISTRATION OF MARK</b>
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Attorney Docket No.: PHEI9125

PHE, Inc., a corporation of the State of North Carolina with a principal place of business in Hillsborough, North Carolina, and business address at 302 Meadowlands Dr., Hillsborough, North Carolina, believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer is the owner of many marks consisting in whole or substantial part of the term ADAM, said term appearing in English or in a foreign equivalent (collectively the “ADAM Marks”) as well as numerous marks consisting of the mark ADAM & EVE and/or consisting in whole or substantial part of one or more of the terms ADAM and EVE in English or their foreign equivalents (collectively, the “ADAM & EVE Marks”).
2. Since long prior to the filing date of Applicant’s application and any other priority date to which Applicant might be entitled, Opposer has provided goods and services to the public under its ADAM Marks, its ADAM & EVE Marks, and closely associated variants, (all such marks collectively referred to as Opposer’s “Marks”), and has sold and/or provided directly and through licensed affiliates and franchisees, in commerce, a multitude of products and services under its Marks

including a wide variety of products in the fields of human sexuality and intimate relations, including a wide variety of products designed to be used on or applied to the human body.

3. Use of the Marks by Opposer commenced at least as early as 1971, and Opposer's Marks have been used in interstate and foreign commerce, both directly and through licensed affiliates and franchisees of Opposer, continuously since that time.

4. Opposer was one of the first companies in the United States to make products relating to human sexuality safely and reliably available to the general public throughout the country, and it continues to do so. Since its inception and continuing to the present time, Opposer has taken great care to offer only safe and lawful products and services to consumers, and since it began operating, consumers have come to expect that any and all products and services offered by Opposer continue to be safe and lawful.

5. Applicant seeks registration of a mark that includes the term "ADAM" as a dominant portion thereof. Registration is sought pursuant to Section 1(b) of the Trademark Act (15 USC §1051(b)) for use of the mark in connection with food and vitamin supplements in International Class 005.

6. The other term of Applicant's mark is the term "secret," a term that aptly describes products provided in a confidential and discrete fashion—which is the manner in which Opposer has shipped its products since inception to those who would prefer not to have their use of Opposer's products generally known.

7. Products described as "food and vitamin supplements" encompass products for use in the fields of human sexuality and intimate relations. For example, food and vitamin supplements may be sold as "male enhancement" pills; and the National Institute of Health even provides a "fact sheet" on one such supplement ingredient, yohimbe that includes, among other things, the following information:

The amount of yohimbine in dietary supplements may vary; some yohimbe products have been found to contain very little yohimbine. A drug form of yohimbine—yohimbine hydrochloride—has been studied for erectile dysfunction. Yohimbe bark has traditionally



been used in Africa as an aphrodisiac (to increase sexual desire). Currently it is used as a folk or traditional remedy for sexual dysfunction, including erectile dysfunction in men. As a dietary supplement, the dried bark of the yohimbe tree is made into tea and taken by mouth. An extract of the bark is also put into capsules and tablets.

8. The many products that Opposer sells in connection with Opposer’s Marks include a wide variety of goods in International Class 005, and among those goods are a variety of supplements, as well as numerous other products for use in connection with human sexuality; as well as retail sales services associated with the sale of such products to consumers.

9. Despite Applicant’s asserted desire to use an ADAM mark in connection with goods similar or identical to those sold by Opposer, Applicant is not currently affiliated with, licensed by, or otherwise associated with Opposer. Neither has it sought such a license. Opposer is not connected with the goods proposed to be sold or provided by Applicant under the mark sought to be registered.

10. Opposer owns the following United States Trademark Registrations, among others, for its ADAM Marks, each of which includes the term ADAM or a foreign equivalent thereof, and its ADAM & EVE Marks. Each of the marks listed below was lawfully issued and is valid and subsisting (copies of the electronic records provided by the United States Trademark Office for each registration are attached hereto as Exhibits 1 through 19 and are incorporated herein by reference and for purpose of reliance):

Registration No.	Issue Date	Mark
1,020,448	09/16/1975	ADAM & EVE and design
1,020,449	09/16/1975	ADAM & EVE
1,020,743	09/19/1975	ADAM & EVE
1,020,744	09/16/1975	ADAM & EVE and design
1,123,685	08/07/1979	ADAM & EVE and design
1,139,193	09/02/1980	ADAM & EVE and design
1,937,977	11/28/1995	ADAM & EVE CHANNEL
1,959,674	03/05/1996	ADAM & EVE CHANNEL and design
2,337,232	04/04/2000	ADAMMALE
2,415,898	12/26/2000	ADAMEVE.com
2,462,066	06/19/2001	ADAM & EVE
2,519,795	12/18/2001	ADAM & EVE

Registration No.	Issue Date	Mark
2,548,158	03/02/2002	ADAM & EVE INTERACTIVE
2,560,234	04/09/2002	TEMPTATION PARTIES...FROM ADAM & EVE
2,563,366	04/23/2002	ADAM & EVE PRODUCTIONS
2,608,920	08/20/2002	ADAM & EVE and design
3,443,031	06/03/2008	ADAN Y EVA
4,011,771	08/16/2011	ADAM & EVE AMERICA'S MOST TRUSTED SOURCE FOR ADULT PRODUCTS
4,105,242	02/28/2012	ADAM & EVE

11. Opposer's ADAM Marks include, in addition to these registered marks, the terms ADAM, ADAM'S, and ADAMMALE used for a variety of goods and services related to human sexuality, sexual prowess and facilitating sexual activity between consenting adults, including many of the same goods and services as are identified in the registrations listed in Paragraph 9 above as well as those described in Paragraph 7 above.

12. Opposer's provision and promotion of its services and products to the public under its ADAM Marks and ADAM & EVE Marks for over forty years has caused the public to associate those marks and the goods and services provided thereunder with Opposer. Through those efforts, Opposer now has built substantial goodwill in its Marks that inures to the benefit of Opposer.

13. The ADAM portion of Applicant's mark is substantially similar to Opposer's Marks and identical to the ADAM portion of Opposer's ADAM Marks and ADAM & EVE Marks; the goods described in Applicant's application are substantially similar to goods with which Opposer's Marks are used, including goods provided and/or sold under Opposer's ADAM, ADAMMALE and ADAM & EVE Marks; and the goods are presumptively provided in the same channels of commerce.

14. In its application, Applicant does not restrict its goods (for example, to exclude supplements intended for use in connection with human sexuality, sexual prowess and/or facilitating sexual activity between consenting adults), nor restrict its channels of trade (for example, to exclude channels of trade and marketing directed to consumers of sex products and other products affiliated with human sexuality,

sexual prowess and facilitating sexual activity between consenting adults). Accordingly, it must be presumed that the products for which Applicant seeks to register the ADAM'S SECRET mark are identical to those that are currently sold by Opposer, and that have been sold by Opposer since long prior to any priority date to which Applicant might be entitled.

15. The likelihood of consumer confusion would be enhanced if Applicant were permitted to register and use its ADAM'S SECRET mark in this unrestricted manner, in substantially the same channels of trade, and in connection with substantially the same type of products as are currently sold under Opposer's well known ADAM and ADAM & EVE Marks.

16. Opposer had achieved and has maintained, since prior to the filing date of Applicant's intent-to-use application, a preeminent position in the adult products market and substantial recognition in the market in general. For example, it has regularly been ranked among the top mail-order companies, not solely among those selling adult products, but also when ranked against stalwarts such as Lands End, for well over a decade.

17. Opposer has established standards for the licensing of its marks to ensure that products and services bearing Opposer's marks protect the integrity and reputation of the company, maintain and build upon the goodwill of the company, and promote the company's mission and goals. Consistent with its policies and in order to prevent tarnishment of its brand, Opposer does not permit use of confusingly similar marks associated with goods or services of uncertain quality, unregulated by Opposer and likely to cause confusion.

18. Opposer's excellent and well-known reputation are such that a connection with Opposer and Opposer's goods and services is likely to be presumed when Applicant's mark sought to be registered is used on the goods identified in the application. For example, consumers would be likely to believe that any supplements produced by Applicant under the mark ADAM'S SECRET that are marketed for use in

connection with human sexuality—for example, as improving sexual performance or stamina—were associated with, endorsed by, or otherwise connected to Opposer.

19. In view of the forgoing and, among other things, the strong similarity between the mark that Applicant seeks to register and Opposer's Marks, the fact that Opposer's use of its Marks, including its ADAM, ADAMMALE and ADAM & EVE Marks, significantly precedes any priority date to which Applicant is entitled, and the overlap of goods provided under the respective marks and in the same presumptive channels of commerce, it is alleged that Applicant's mark, as currently applied for, identified, and described, so resembles Opposer's Marks as to be likely to cause confusion and to cause mistake.

20. Moreover, registration and/or use of Applicant's mark as sought in Applicant's application is likely to interfere with Opposer's use and exploitation of Opposer's Marks, harming the goodwill associated with Opposer's Marks which presently inures to the benefit of Opposer.

WHEREFORE, Opposer requests that Applicant's application be denied.

This 5<sup>th</sup> day of May, 2014.

**OLIVE & OLIVE, P.A.**  
Attorneys for Opposer

*/Susan Freya Olive/*

Susan Freya Olive  
NC Bar No. 7252  
P. O. Box 2049  
Durham, North Carolina 27702  
Telephone: (919) 683-5514  
Email: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the Notice of Opposition filed herein, together with any and all attachments thereto, has been served this date upon Applicant by depositing a copy of the same in the United States mail, first class postage prepaid, addressed to Applicant's counsel at the address of record, to wit:

Alex Patel  
Patel & Almedia, P.C.  
16839 Ventura Blvd, Suite 360  
Encinco, CA 91436

with a courtesy copy to his email: [paulo@paiplaw.com](mailto:paulo@paiplaw.com) [alex@paiplaw.com](mailto:alex@paiplaw.com)

This 5<sup>th</sup> day of May, 2014.

*/ Susan Freya Olive*

Susan Freya Olive  
**Olive & Olive, P.A.**  
Attorneys for Opposer

P. O. Box 2049  
Durham, North Carolina 27702  
Telephone: (919) 683-5514  
Email: [emailboxTTAB@oliveandolive.com](mailto:emailboxTTAB@oliveandolive.com)