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**TTAB**

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

In the matter of trademark application, Serial No. 86827146

TRADEMARK: For the mark "Blue Lives Matter"

Published in the Official Gazette on October 4<sup>th</sup>, 2016.

Mark Drawing Type: 4 – Standard Character Mark

**TEA KAY MEDIA LLC,  
a Limited Liability Company**

v.

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

**Theresa J Meyer, DBA PoliceTees.com, Individual:**

**NOTICE OF OPPOSITION**

**TEA KAY MEDIA LLC, a Limited Liability Company, formerly Hold The Line LLC.**

Principle Place of Business: 217 Oak Lee Drive, Suite 10-601, Ranson, WV 25438

LLC registered address: Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801

On June 3, 2016, Tea Kay Media LLC was formed and assumed all ownership and rights to Hold The Line LLC. Hold The Line LLC began operations December 2014 and was registered 2015.

The above-identified Opposer believes that it will be damaged by the registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for the opposition are:

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300.00 OP





1. Trademark Act §2(d), 15 U.S.C. § 1052(d): Likelihood to cause Confusion, Mistake, or to Deceive: The mark applied for by Theresa J. Meyer, DBA PoliceTees.com (“PoliceTees”), “Blue Lives Matter”, is exactly and/or nearly exact as the same mark used by TEA KAY MEDIA LLC. **See Exhibit A.** It is the same in sound, appearance, meaning, commercial impression, goods, and services.
  - a. Tea Kay Media LLC, a Delaware LLC, providing services and goods, began as Hold The Line LLC, using the mark on December 21, 2014, with its first commercial sale of the mark on December 24, 2014. **See Exhibit B and C.** Hold The Line began using the Blue Lives Matter logo on December 21, 2014, in direct response to the “Black Lives Matter” articles being widely reported and used.
  - b. Hold The Line LLC was first to use the term “Blue Lives Matter” in said logo form, and many were using and reporting nationally on the term and its usage. Also, the term “Blue” was first for years and has been in widespread use to define the police and law enforcement community. For example, movies like *Blue Thunder* and *The Thin Blue Line*, along with TV series like *Blue Bloods*, have clearly made the term “Blue” a word of common usage.
  - c. The term “Lives Matter” is a vague and generally used concept from the inception of the English translation of human principles. Hold The Line LLC advertised its use of “Blue Lives Matter” on December 21, 2014, and had its first commercial sale on December 24, 2014, but it does not seek to monopolize a term used by many to benefit a group it seeks to defend and provide a platform to support an idea; a common right, a common goal, a common use of a common phrase.
  - d. What is clear, PoliceTees intentionally seeks to deceive the USPTO by claiming it began discussing the term “Blue Lives Matter” in the beginning of 2014, a clear deception since the phrase/usage did not begin until after “Black Lives Matter” was used widely, near the end of 2014. PoliceTees doesn’t claim to have used the term commercially until the Spring of 2015, months after many already used it.



- e. Many groups were using the term/phrase “Blue Lives Matter” in articles and in commerce, selling t-shirts, with the same logo, prior to PoliceTees, a fact that must have been intentionally withheld from the USPTO through an improper search of the term/phrase prior to PoliceTee’s trademark application.
  - f. PoliceTees deceptive conduct, along with their lack of a good faith search to determine the usage of the term they seek to Trademark clearly should preclude any attempt they make to trademark “Blue Lives Matter”.
  - g. The trademark sought by PoliceTees could deceive others who would mistake their logo/mark for the logo/mark of Tea Kay Media LLC.
2. Trademark Act §2(e): Merely Descriptive and Deceptively Misdescriptive: The term “Blue Lives Matter” is merely descriptive of a belief held by many civilians and law enforcement individuals toward the law enforcement community, i.e., the police (blue lives). The deceptive nature of the “Blue Lives Matter” usage in this case is that the public is deceived by PoliceTees into believing it is a police-type organization, a group established by police for the purpose of supporting police causes.
- a. Several groups, perhaps many, like TEA KAY MEDIA LLC, were founded by law enforcement members and its purpose is to promote and support the law enforcement community, like Blue Lives Matter NYC. PoliceTees is not founded by law enforcement officials and its purpose is merely to make a few dollars selling t-shirts to unsuspecting good-intentioned citizens.
  - b. TEA KAY MEDIA LLC does a service to the general public by providing an information resource and platform for law enforcement individuals and the community to read, review, and comment; its sale of t-shirts, using the Blue Lives Matter logo, is a fund-raising source but a source used to facilitate the continuation of the website and news reporting, not merely to make money.
  - c. The good-intentioned purchasing of “Blue Lives Matter” products from PoliceTees by an unsuspecting general public does a disservice to society, much

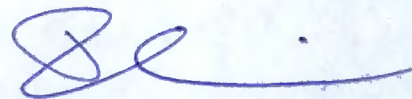


the same as the donations made to aid Haiti and its citizens but none of the money made it to the intended recipients.

3. Tea Kay Media LLC, formerly Hold The Line LLC, holds a common law trademark superior to any claim of PoliceTees, as do many. Hold The Line LLC first advertised its logo, Blue Lives Matter, on Facebook, December 21, 2014, and its first sale of a t-shirt with that logo was three days later, December 24, 2014. The t-shirts were sold on [www.teespring.com](http://www.teespring.com). **See Exhibit B to C.**
4. Tea Kay Media LLC will be damaged, an economic loss, by the granting of the “Blue Lives Matter” logo, a logo Hold The Line originated in form for its own t-shirt sales, to PoliceTees. PoliceTees could attempt to deny Tea Kay Media LLC the use of the mark.
5. Tea Kay Media LLC uses its logo, a logo that PoliceTees virtually copied, to raise funds to support the operation of its informational publication it provides to the general public for free, and which provides a valuable platform for the law enforcement community to voice its opinions and for others to comment. **See Exhibit D.**

For the above-listed reasons and due to the bad faith nature of the withholding of the common usage of the term sought to be trademarked, Tea Kay Media LLC believes it will be damaged and it opposes the trademark application of PoliceTees and requests the trademark application of PoliceTees, Theresa J Meyer, DBA PoliceTees.com, be denied with prejudice.

November 1, 2016



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Daniel J. Mazaheri, Esquire  
PA BAR ID#85561  
2201 New Holland Pike  
Lancaster, PA 17601  
(717) 951-2322

**CERTIFICATE OF SERVICE FOR THE NOTICE OF OPPOSITION**

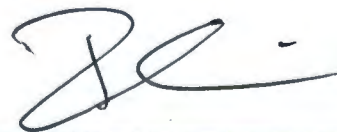
I, Daniel J. Mazaheri, Esquire, attorney for the Opposition, do certify that I mailed the Notice of Opposition on November 1<sup>st</sup>, 2016, via the United States Postal Service (“USPS”), using First Class Mail and Priority Mail Express, to the United States Patent and Trademark Office (“USPTO”) and to the persons at the addresses listed below. The method of service fully fulfills the service requirements of 37 CFR §§2.197 and 2.198

Mary C. Bonnema, Esquire  
McGarry Bair PC  
32 Market Avenue SW, Suite 500  
Grand Rapids MI 49503

Teresa J Meyer, DBA PoliceTees.com  
7493 Oakshore Drive  
Portage, MI 49024

Commissioner for Trademarks  
Trademark Trial and Appeal Board, Madison East  
P.O. Box 1451  
Alexandria, VA 22313-1451

November 1, 2016



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Daniel J. Mazaheri, Esquire  
PA BAR ID#85561  
2201 New Holland Pike  
Lancaster, PA 17601  
(717) 951-2322


**CERTIFICATE OF MAILING**

I, Daniel J. Mazaheri, Esquire, hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage as First-class mail, in an envelope addresses to:

Commissioner for Trademarks  
Trademark Trial and Appeal Board, Madison East  
P.O. Box 1451  
Alexandria, VA 22313-1451

on November 1, 2016.

November 1, 2016

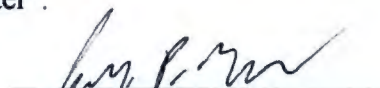


\_\_\_\_\_  
Daniel J. Mazaheri, Esquire  
PA BAR ID#85561  
2201 New Holland Pike  
Lancaster, PA 17601  
(717) 951-2322

**DESIGNATION OF POWER OF ATTORNEY**

Tea Kay Media LLC, the Opposition in this action, hereby appoints Daniel J. Mazaheri, Esquire, as its true and lawful attorney to oppose the application of Theresa J Meyer, DBA PoliceTees.com for the trademark "Blue Lives Matter".

October 31, 2016

  
\_\_\_\_\_  
Joseph P. Murphy, President  
Tea Kay Media LLC

# EXHIBIT A

Logo – “Blue Lives Matter”

First used commercially December 21, 2014,

First T-shirt sale with logo on December 24, 2014.







# EXHIBIT B

Printout indicating December 21, 2014, as date "Blue Lives Matter"  
was first uploaded onto website, and used as logo.

# BLUE LIVES MATTER

**Blue Lives Matter**  
Page created December 21, 2014

Sunday, December 21, 2014 at 8:25am

Like Comment Share

225 shares

**Melissa Macintosh** Thanks to all officers for putting their life on the line every day. We want to thank you for the protection you give us every day we should pay for God's protection on these men and women.

**Lena Chavez** These men protect us and risk their lives every single day to do so deserve our respect and support as well as our thanks and prayers for their safety on and off the job.

**Robert Marshall Rice** Do you know the history of the Police and its origin?  
and by the way, I respect all lawful people no matter the profession they choose.

**Judge Jeanine Piro Fan Club**  
UNFORTUNATELY, THE JUDGE WILL NOT BE RUNNING FOR RE-ELECTION

**Judge Jeanine Piro for the first woman President** 76,827 members

**Sponsored** Create Ad

**\$88.00 at Amazon**  
amazon.com  
Museum of Modern Art (MOA) Group LED, 18" x 18" Metal Design Desk Light - 48 94



# EXHIBIT C

Receipt indicating ongoing Facebook Campaign for “Blue Lives Matter”,

Dated December 28, 2014, for Hold The Line LLC.

Account: Account #1 | Campaign: Post "Blue Lives Matter Show your Supp...  
**Ad Set: Post: "Blue Lives Matter Show your Support=>..."**

Filters: Delivery: Any x | Save Filter | Clear

Performance | Demographics | Placement

**No Results Found**  
 There aren't any results that match your filter

Ad Set: Off  
 Create Rule

Delivery: Deleted

Amount Spent Today  
 \$0.00 spent today  
 \$71.13 total spent of \$271.13 budget

Schedule  
 Dec 28, 2014 11:44am - Jan 28, 2015 11:44am

Bidding & Optimization  
 Ad delivery optimized for impressions  
 Manual bid: \$2.75 per 1,000 impressions  
 You'll get charged per impression (CPM)

Ads in this Ad Set | + Create Ad

Ad Name	Delivery	Reach	Frequency	Cost per 1,000 People Reached	Impressions	CPM (Cost per 1,000 Impressions)
Post "Blue Lives Matter" - Post Engagement Post "Blue Lives Matter Show your Support=>..." > Post "Blue Lives Matter Show your Support=>..."	Deleted	--	--	--	--	--
Post "Blue Lives Matter" - Post Engagement Post "Blue Lives Matter Show your Support=>..." > Post "Blue Lives Matter Show your Support=>..."	Deleted	--	--	--	--	--
Post: blue.matters/posts/330628027129978 to all Post: "Blue Lives Matter Show your Support=>..." > Post: "Blue Lives Matter Show your Support=>..."	Deleted	--	--	--	--	--
Results from 3 Ads		People	Per Person	Per 1,000 People Reached	Total	Per 1,000 Impressions

12



# EXHIBIT D

TeeSpring website Tshirt that has been list for sale by Hold The Line LLC,  
now Tea Kay Media LLC, since December 24, 2014.

**Woohoo! Your design is live. Let's get the word out.**

[Advertise this campaign](#)

## **Blue Lives Matter**





