

ESTTA Tracking number: **ESTTA808735**

Filing date: **03/22/2017**

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	Holla'back Records, Ent. & Talent Mgt.		
Entity	LLC	Citizenship	GA
Address	255 Newfield Drive Tyrone, GA 30290 UNITED STATES		

Correspondence information	Carla Boone Holla'back Records, Ent. & Talent Mgt. P. O. BOX 970 Tyrone, GA 30290 UNITED STATES bholaback@aol.com Phone:6786342904
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Applicant Information

Application No	86725500	Publication date	03/07/2017
Opposition Filing Date	03/22/2017	Opposition Period Ends	04/06/2017
Applicant	HBMG LLC B1401 Brooklyn, NY 11210 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2012/12/10 First Use In Commerce: 2012/12/13 All goods and services in the class are opposed, namely: Clothing, namely, hats, shirts, and pants
Class 041. First Use: 2012/12/10 First Use In Commerce: 2012/12/13 All goods and services in the class are opposed, namely: Music production services; Entertainment services in the nature of arranging social entertainment events; Music composition services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3789864	Application Date	09/16/2009
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Registration Date	05/18/2010	Foreign Priority Date	NONE
Word Mark	HOLLA'BACK RECORDS, ENTERTAINMENT & MANAGEMENT		
Design Mark	<p>Holla'back Records, Entertainment & Management</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1999/01/11 First Use In Commerce: 1999/01/11 Audio and video recordings featuring Images of Artists; Audio recordings featuring Music; Blank CD-ROMs for sound or video recording; Blank record disks; Blank recordable CD-Rs and DVD-Rs; Blank recordable DVDs; Downloadable MP3 files and MP3 recordings featuring Music; Downloadable MP3 files, MP3 recordings, on-line discussion boards, webcasts and podcasts featuring music, audio books and news broadcasts; Downloadable musical sound recordings; Downloadable video recordings featuring Music and Images of Artists; Electric phonographs; Phonograph record sleeves; Phonograph records featuring music; Phonograph records featuring Artists Music, Images and names</p> <p>Class 025. First use: First Use: 1999/01/11 First Use In Commerce: 1999/01/11 Gloves as clothing; Headbands for clothing; Hoods; Jackets; Tops; Wearable garments and clothing, namely, shirts; Wraps</p> <p>Class 035. First use: First Use: 1999/01/11 First Use In Commerce: 1999/08/01 Entertainment marketing services, namely, marketing, promotion and advertising for independent recording artists</p>		

Attachments	77828293#TMSN.png(bytes) HBMGFINALOPPOSITION.pdf(601361 bytes)
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Signature	/Carla Boone/
Name	Carla Boone
Date	03/22/2017



Holla'back Records, Ent. & Mgt. South, LLC.

P. O. Box 970

Tyrone, GA, 30290

(678) 634-2904

Bholaback@aol.com

March 22, 2017

Pleading of Opposition of HBMG-Holla back Music Group

1. **Holla'back** Records, Entertainment and Management has used this federal Trademark since January 11, 1999.
2. We were registered in various classes , and are actively marketing and promoting our services, from 1999-the present.
3. In accordance with their Trademark application, The **Holla back** Music Group has been in violation of infringing upon this Trademark as of their *First Use Anywhere*" (12/10/12).
4. As stipulated on your very website., “ *“The trademark process, on the other hand, is more complex. As part of the overall examination process, the USPTO will search its database to determine whether registration must be refused because a similar mark is already registered for related products or services (i.e., even identical marks may co-exist if used on goods or services not considered to be related in any way).”*
5. Thus, it is our position that the Trademark Office should have denied this application, immediately, upon submission, due to the fact that the Holla'back Trademark was fully registered when *First Use* was stipulated and such mark violated an existing, identical, registered mark (still within its potential renewal period) within the USPTO.
6. *The fact that the application was filed during the 6 month extension granted for refiling clearly leads one to the belief that HBMG was fully knowledgeable and aware of their infringing upon such Trademark the entire time and were simply waiting for an opportunity to continue to infringe upon this mark.*
7. *My disability prohibited the timely filing of the 6 year extension; yet their first use is a clear violation of a Federal Mark clearly registered with the USPTO and currently refiled for continuation. (Serial number 87380007: Received Your Trademark/Service Mark Application, Principal Register).*

8. *The alleged infringing use on goods and services (music and apparel) directly related, "in every way" (to a brand marketed and promoted from 1999-the present), causes direct confusion with our extensive and on-going marketing campaign of the brand and trademarked name "Holla'back" and affiliation with the goods and services offered by Holla'back Records, Entertainment and Management.*

9. Additionally, the likelihood of confusion is so significant due to the overlapping services within the same city in which my Record label was founded originally in 1998 (Brooklyn, NY), and continues, actively promoting, in the very city HBMG operates.

10. *Upon pulling all previous records registered with the USPTO, it will be clear that First Use of this trademark was clearly established by Holla'back Records...LLC.; thus making their original use and application an infringement and, therefore, invalid.*

11. We are immediately seeking counsel with respect to this alleged infringement and, therefore, officially and adamantly oppose the federal registration request of Holla Back Music Group (HBMG).

A handwritten signature in blue ink, appearing to read 'Carla B. Boone', with a long horizontal flourish extending to the right.

Carla B. Boone
President & CEO
Holla'back Records, Ent. & Talent Mgt.