

ESTTA Tracking number: **ESTTA951089**

Filing date: **01/30/2019**

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	The Executors of the Estate of Les Paul
Granted to Date of previous extension	01/30/2019
Address	236 West 30th Street7th Floor New York, NY 10001 UNITED STATES

Attorney information	Daniel E. Kattman; Heidi R. Thole Reinhart Boerner Van Deuren s.c. 1000 N. Water Street Milwaukee, WI 53202 UNITED STATES tmadmin@reinhartlaw.com 4142988185
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**Applicant Information**

Application No	87978388	Publication date	10/02/2018
Opposition Filing Date	01/30/2019	Opposition Period Ends	01/30/2019
Applicant	Gibson Brands, Inc. 309 Plus Park Boulevard Nashville, TN 37217 UNITED STATES		



**Goods/Services Affected by Opposition**

Class 035. First Use: 2005/02/05 First Use In Commerce: 2005/02/05 All goods and services in the class are opposed, namely: Organizing and conducting charity auctions for charitable fundraising purposes
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
Applicant not rightful owner of mark for identified goods or services	Trademark Act Section 1
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)
Other	Abandonment; Trademark Act Section 1

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5193825	Application Date	08/26/2015
Registration Date	05/02/2017	Foreign Priority Date	NONE
Word Mark	LES PAUL		
Design Mark			
Description of Mark	The mark consists of the words "LES PAUL" in a stylized signature font.		
Goods/Services	<p>Class 035. First use: First Use: 2009/08/12 First Use In Commerce: 2009/08/12 Advertising and marketing in the fields of community educational and municipal events of others regarding historic figures; promoting public awareness of the importance of particular historic figures</p> <p>Class 041. First use: First Use: 2009/08/12 First Use In Commerce: 2009/08/12 Providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibitions and live music concerts for entertainment purposes; providing a website featuring information on historic figures</p> <p>Class 045. First use: First Use: 2009/08/12 First Use In Commerce: 2009/08/12 Licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts</p>		
U.S. Application No.	86737890	Application Date	08/26/2015
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LES PAUL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/08/12 First Use In Commerce: 2009/08/12		

	<p>Advertising and marketing in the fields of community educational and municipal events of others regarding historic figures; promoting public awareness of the importance of particular historic figures</p> <p>Class 041. First use: First Use: 2009/08/12 First Use In Commerce: 2009/08/12          Providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibitions and live music concerts for entertainment purposes; providing a website featuring information on historic figures</p> <p>Class 045. First use: First Use: 2009/08/12 First Use In Commerce: 2009/08/12          Licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts</p>
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	LES PAUL		
Goods/Services	music education and programming, museum and educational services, charitable giving and partnerships, organizing charitable events and programs, promoting, sponsoring, and funding scholarships and awards, and licensing intellectual property acquired by Les Paul during his lifetime		

Related Proceedings	91235405; 92066440
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Attachments	86737896#TMSN.png( bytes ) 86737890#TMSN.png( bytes ) Notice of Opposition SN 87978388.pdf(197664 bytes )
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Signature	/hrt/
Name	Heidi R. Thole
Date	01/30/2019

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

THE EXECUTORS OF THE ESTATE OF LES PAUL,	)	
	)	
Opposer,	)	Trademark: LES PAUL
	)	Serial No.: 87/978,388
v.	)	Filing Date: February 06, 2018
	)	Publication Date: October 02, 2018
GIBSON BRANDS, INC.,	)	
	)	
Applicant.	)	

**NOTICE OF OPPOSITION**

The Executors of the Estate of Les Paul (the “Estate of Les Paul”) believe the Estate of Les Paul would be damaged by the registration of trademark application Serial No. 87/978,388 for LES PAUL. The Estate of Les Paul, by and through its undersigned counsel, hereby oppose trademark application Serial No. 87/978,388 and allege the following as grounds for the opposition:

1. On information and belief, Gibson Brands, Inc. (“Gibson” or “Applicant”), is a corporation organized under the laws of Delaware and having a principal place of business at 309 Plus Park Boulevard, Nashville, Tennessee, 37217.
2. On February 06, 2018, Applicant filed trademark application Serial No. 87/786,126 for LES PAUL (the “Alleged Mark”) for “organizing and conducting charity auctions for charitable fundraising purpose” in Class 35 and “entertainment services in the nature of live musical performance” in Class 41.
3. On July 13, 2018, Applicant filed a request to divide application Serial No. 87/786,126.

4. On August 27, 2018, the Trademark Office issued a Notice of Divisional Request Completed. The Trademark Office processed the request to divide such that child application Serial No. 87/978,388 for LES PAUL contained the services “organizing and conducting charity auctions for charitable fundraising purposes” in Class 35 (“Applicant’s Services”) (the “Application”).

5. Applicant seeks to register the Application.

6. The Application published in the Trademark Gazette on October 02, 2018.

7. On October 30, 2018, The Estate of Les Paul filed a thirty day request for extension of time to oppose the Application before the Trademark Trial and Appeal Board (“TTAB”). That same day, the TTAB granted The Estate of Les Paul’s request to extend time to oppose until December 01, 2019.

8. On November 28, 2018, the Estate of Les Paul filed a request for an additional sixty days to oppose the Application. That same day, the TTAB granted the request, allowing the Estate of Les Paul until January 30, 2019 to oppose this Application.

9. This Notice of Opposition is timely filed.

10. The Executors of the Estate of Les Paul represent the Estate of Lester William Polfuss, the individual known throughout his life as “Les Paul” (“Les Paul”).

11. As a professional signer and performer, Lester William Polfuss adopted the stage name “Les Paul” in the 1930s.

12. After adopting the stage name “Les Paul”, Lester William Polfuss was known professionally and personally as “Les Paul” for the remainder of his life.

13. Les Paul’s musical inventions revolutionized the music industry in the twentieth century. Les Paul developed a solid-body electric guitar and was a key player in the mass

popularization of the electric guitar. Les Paul's other musical inventions, innovations, and developments include overdubbing, tape delay, phasing effects and multitrack recording. For his significant innovations and contributions to the music industry, Les Paul has been inducted to both the Rock and Roll Hall of Fame and the National Inventors Hall of Fame.

14. Les Paul was also a world famous musician. Les Paul professionally played music and entertained audiences for nearly seventy years.

15. Prior to his passing on August 12, 2009, Les Paul used his name LES PAUL in connection with entertainment, concerts, music education and programming, museum and educational services, charitable giving and partnerships, organizing charitable events and programs, promoting, sponsoring, and funding scholarships and awards, and licensing intellectual property acquired by Les Paul during his lifetime.

16. After his passing, the Estate of Les Paul, through itself and its licensees, continued to use the LES PAUL name in connection with preserving the memory of Les Paul and in connection with music education and programming, museum and educational services, charitable giving and partnerships, organizing charitable events and programs, promoting, sponsoring, and funding scholarships and awards, and licensing intellectual property acquired by Les Paul during his lifetime.

17. The Estate of Les Paul owns trademark Registration No. 5193825 for LES PAUL and Design (the "LES PAUL Logo") for "advertising and marketing in the fields of community education and municipal events of others regarding historic figures; promoting awareness of the importance of particular historic figures" in Class 35; "providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibits and

live music concerts for entertainment purposes; providing a website featuring information on historic figures” in Class 41; “licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts” in Class 45 (“the ‘825 Registration Services”) (the “‘825 Registration”). A true and correct copy of the ‘825 Registration Certificate is attached hereto as **Exhibit A**.

18. The ‘825 Registration is valid, in good standing, and constitutes prima facie evidence of Opposer’s ownership of the mark and Opposer’s exclusive right to use the LES PAUL Logo in connection with the ‘825 Registration Services. A true and correct print out of a status report for the ‘825 Registration from the United States Patent and Trademark Office Trademark Status and Document Retrieval Database is attached hereto as **Exhibit B**.

19. The Estate of Les Paul also owns trademark application Serial No. 86737890 for LES PAUL (the “LES PAUL Trademark”) for “advertising and marketing in the fields of community education and municipal events of others regarding historic figures; promoting awareness of the importance of particular historic figures” in Class 35; “providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibits and live music concerts for entertainment purposes; providing a website featuring information on historic figures” in Class 41; “licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts” in Class 45 (the “‘890 Services”) (the “ ‘890 Application”). A print out of a status report for the ‘890 Application from the United States Patent and Trademark Office Trademark Status and Document Retrieval Database is attached hereto as **Exhibit C**.

20. In addition to the '825 Registration and the '890 Application, Opposer uses the LES PAUL Logo and LES PAUL Trademark in connection with in music education and programming, museum and educational services, charitable giving and partnerships, organizing charitable events and programs, promoting, sponsoring, and funding scholarships and awards, and licensing intellectual property acquired by Les Paul during his lifetime.

21. Opposer currently uses, and has used prior to the Application filing date or any priority date on which the Applicant can rely, the LES PAUL trademark for music education and programming, museum and educational services, charitable giving and partnerships, organizing charitable events and programs, promoting, sponsoring, and funding scholarships and awards, and licensing intellectual property acquired by Les Paul during his lifetime (collectively, with the '825 Registration Services and the '890 Services, the "Opposer's Services".

22. Upon information and belief, Applicant is unable to establish, with respect to Applicant's alleged use of the Alleged Mark for Applicant's Services, priority of rights in the United States.

23. Applicant's alleged use of the Alleged Mark for the Applicant's Services was and continues to be without consent, authorization, or approval of Les Paul or the Estate of Les Paul.

#### **Claim I: Non-Use**

24. Opposer incorporates by reference paragraphs 1-21 of this Notice of Opposition as if more fully set forth herein.

25. The Application was filed, approved, and published solely based on Applicant's claims that the Alleged Mark was used in commerce for Applicant's Services.



26. As part of the application, Applicant submitted screen captures of three different articles/websites, which Applicant identified as “snapshot of mark used in charity campaigns” (the “Specimen of Use”

27. Upon information and belief, each of the charity campaigns described in the Specimen of Use were organized and conducted by a third party unrelated to Applicant.

28. Upon information and belief, the Specimen of Use does not demonstrate Applicant’s actual use of the Alleged Mark in connection with organizing and conducting charity auctions for charitable fundraising purpose.

29. Upon information and belief, Applicant is not using and has not used the Alleged Mark in Connection with Applicant’s Services, and therefore is not entitled to federal registration under Section 1 of the Trademark Act.

30. Opposer therefore requests that the Application be denied registration.

### **Claim II: Non-Ownership**

31. Opposer incorporates by reference paragraphs 1-30 of this Notice of Opposition as if more fully set forth herein.

32. Applicant filed the Application claiming to be the lawful owner of the “LES PAUL” trademark for Applicant’s Services.

33. Upon information and belief, Applicant is not, and was not at the time of filing parent application Serial No. 87/786,126 or the request to divide, the owner of the LES PAUL trademark in connection with the Applicant’s Services.

34. Under 15 USC 1051(a)(1), only the owner of a trademark may seek registration of the trademark on the federal Principal Register.

35. Since the Applicant was not the owner of the trademark as of the Application filing date, the application should be declared *void ab initio*.

### **Claim III: Non-Ownership**

36. Opposer incorporates by reference paragraphs 1-35 of this Notice of Opposition as if more fully set forth herein.

37. Applicant filed the Application claiming to be the lawful owner of the “LES PAUL” trademark for Applicant’s Services.

38. Applicant filed the Application claiming first use of “LES PAUL” for Applicant’s Services at least as early February 05, 2005.

39. Les Paul was alive on Applicant’s alleged first date of use, February 05, 2005.

40. At no time did Les Paul grant Applicant the right to use the name LES PAUL in connection with Applicant’s Services.

41. Upon information and belief, Applicant is not, and was not at the time alleged first use, the owner of the LES PAUL trademark in connection with the Applicant’s Services.

42. Since the Applicant was not the owner of the trademark at the time the application was filed or at the time of alleged first use, the application should be declared *void ab initio*.

### **Claim IV: Abandonment**

43. Opposer incorporates by reference paragraphs 1-42 of this Notice of Opposition as if more fully set forth herein.

44. If, in the alternative, Applicant has ever used the LES PAUL as a trademark in connection with Applicant’s Services, Applicant has not used the LES PAUL mark in connection with the Applicant’s Services for more than three years.

45. On information and belief, Applicant does not intend to use LES PAUL as a trademark in connection with the Applicant's Services.

46. Accordingly, Applicant has abandoned any putative trademark rights in LES PAUL for Applicant's Services, and therefore the Application is not entitled to registration on the Principal Register.

#### **Claim V: Likelihood of Confusion**

47. Opposer incorporates by reference paragraphs 1-46 of this Notice of Opposition as if more fully set forth herein.

48. Upon information and belief, the Applicant's Services and the Opposer's Services are substantially similar, offered through substantially the same, similar or related trade channels, and/or offered to the substantially the same, similar or related consumers.

49. The Alleged Mark so closely resembles Opposer's Les Paul Logo and LES PAUL trademark as to be likely to cause confusion, or to cause mistake, or to deceive with respect to the source or origin of Applicant's Services, and/or with respect as to whether Opposer is associated with, approves, sponsors, or is otherwise connected to Applicant or Applicant's Services.

50. The Alleged Mark, if used in connection with the Applicant's Services, so closely resembles the Opposer's Marks as to cause confusion, or to cause mistake, or to deceive with respect to the source or origin of Applicant's Services, and/or with respect as to whether Opposer is associated with, approves, sponsors, or is otherwise connected to Applicant or Applicant's Services.

51. Opposer would be further damages by registration of the Alleged Mark for Applicant's Services because trademark registration on the Principal Register would constitute prima facie evidence of Applicant's exclusive right to use the Alleged Mark for Applicant's

Services, which would be inconsistent with and detrimental to Opposer's prior rights in the Opposer's Marks.

**Claim VI: Fraud**

52. Opposer incorporates by reference paragraphs 1-52 of this Notice of Opposition as if more fully set forth herein.

53. As of the Application filing date, Applicant did not own the trademark "LES PAUL" for the services identified in the Application.

54. As of the Application filing date, Applicant was not using the LES PAUL mark in connection with Applicant's Services.

55. Applicant has not made a genuine use of the mark LES PAUL in connection with Applicant's Services.

56. Applicant made false statements as to its ownership of the mark and Applicant's use of the LES PAUL mark for Applicant's Services, as well as the first use dates of that mark, with intent to procure a registration to which Applicant was not entitled.

57. Applicant was successful in procuring favorable examination, allowance, and publication of the Application due to the false statements made to the Trademark Office.

58. Applicant's false statements were made knowingly and with intent to deceive the Trademark Office.

59. Applicant made knowing, false statements as to the ownership and use of the mark "LES PAUL" for the services identified in the Application, with the intent to procure a registration to which the Applicant was not entitled.

60. Opposer requests that the Application be denied registration.

WHEREFORE, Opposer respectfully requests that the Application be rejected, registration of LES PAUL as a trademark for Applicant's Services be denied to the Applicant, and the opposition sustained in Opposer's favor.

Date: January 30, 2019

Respectfully Submitted,

**Reinhart Boerner Van Deuren s.c.**  
Attorneys for Opposer

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Daniel E. Kattman  
Heidi R. Thole  
1000 N. Water Street  
Suite 1700  
Milwaukee, Wisconsin 53202  
Email: [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)  
Telephone: (414) 298-1000

**EXHIBIT A**

# United States of America

United States Patent and Trademark Office

*Les Paul*

**Reg. No. 5,193,825**

**Registered May 02, 2017**

**Int. Cl.: 35, 41, 45**

**Service Mark**

**Principal Register**

The Executors of the Estate of Les Paul (NEW JERSEY ESTATE)  
236 West 30th Street, 7th Floor  
New York, NY 10001

CLASS 35: Advertising and marketing in the fields of community educational and municipal events of others regarding historic figures; promoting public awareness of the importance of particular historic figures

FIRST USE 8-12-2009; IN COMMERCE 8-12-2009

CLASS 41: Providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibitions and live music concerts for entertainment purposes; providing a website featuring information on historic figures

FIRST USE 8-12-2009; IN COMMERCE 8-12-2009

CLASS 45: Licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts

FIRST USE 8-12-2009; IN COMMERCE 8-12-2009

The mark consists of the words "LES PAUL" in a stylized signature font.

OWNER OF U.S. REG. NO. 2971532

The Name "LES PAUL" does not identify a living individual.

SER. NO. 86-737,896, FILED 08-26-2015  
KATHLEEN MARY VANSTON, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

**EXHIBIT B**



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Mark: LES PAUL



US Serial Number: 86737896

Application Filing Date: Aug. 26, 2015

US Registration Number: 5193825

Registration Date: May 02, 2017

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Cancellation/Invalidation Pending

This trademark application has been registered with the Office, but it is currently undergoing a challenge which may result in its removal from the registry.

Status: A cancellation proceeding is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jul. 11, 2017

Publication Date: Feb. 14, 2017

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## Mark Information

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Mark Literal Elements: LES PAUL

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Description of Mark: The mark consists of the words "LES PAUL" in a stylized signature font.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Name Portrait Consent: The Name "LES PAUL" does not identify a living individual.

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## Related Properties Information

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Claimed Ownership of US Registrations: 2971532

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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 incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Advertising and marketing in the fields of community educational and municipal events of others regarding historic figures; promoting public awareness of the importance of particular historic figures

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2009

Use in Commerce: Aug. 12, 2009

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**For:** Providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibitions and live music concerts for entertainment purposes; providing a website featuring information on historic figures

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 12, 2009

**Use in Commerce:** Aug. 12, 2009

**For:** Licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts

**International Class(es):** 045 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Aug. 12, 2009

**Use in Commerce:** Aug. 12, 2009

## Basis Information (Case Level)

**Filed Use:** Yes

**Currently Use:** Yes

**Filed ITU:** No

**Currently ITU:** No

**Filed 44D:** No

**Currently 44E:** No

**Filed 44E:** No

**Currently 66A:** No

**Filed 66A:** No

**Currently No Basis:** No

**Filed No Basis:** No

## Current Owner(s) Information

**Owner Name:** The Executors of the Estate of Les Paul

**Composed of:** The executor comprising Michael K. Braunstein, a United States citizen

**Owner Address:** 236 West 30th Street, 7th Floor  
New York, NEW YORK UNITED STATES 10001

**Legal Entity Type:** ESTATE

**State or Country Where Organized:** NEW JERSEY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Daniel E. Kattman

**Docket Number:** 13317

**Attorney Primary Email Address:** [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)

**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** DANIEL E KATTMAN  
REINHART BOERNER VAN DEUREN SC  
1000 N WATER ST STE 2100  
MILWAUKEE, WISCONSIN UNITED STATES 53202-6648

**Phone:** 414-298-8185

**Correspondent e-mail:** [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 11, 2017	CANCELLATION INSTITUTED NO. 999999	66440
May 02, 2017	REGISTERED-PRINCIPAL REGISTER	
Feb. 14, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 14, 2017	PUBLISHED FOR OPPOSITION	
Jan. 25, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	

Jan. 06, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 06, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 06, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 06, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 06, 2017	EXAMINERS AMENDMENT -WRITTEN	68356
Dec. 07, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 06, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 06, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 06, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 06, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 06, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 06, 2016	NON-FINAL ACTION WRITTEN	68356
May 26, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 25, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 25, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 25, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 14, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 14, 2015	NON-FINAL ACTION E-MAILED	6325
Dec. 14, 2015	NON-FINAL ACTION WRITTEN	68356
Dec. 09, 2015	ASSIGNED TO EXAMINER	68356
Aug. 31, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 29, 2015	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:** May 02, 2017

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Cancellation

**Proceeding Number:** [92066440](#)

**Filing Date:** Jul 05, 2017

**Status:** Pending

**Status Date:** Jul 05, 2017

**Interlocutory Attorney:** ANDREW P BAXLEY

#### Defendant

**Name:** The Executors of the Estate of Les Paul

**Correspondent Address:** DANIEL E KATTMAN  
REINHART BOERNER VAN DEUREN SC  
1000 N WATER ST STE 2100  
MILWAUKEE WI UNITED STATES , 53202-6648

**Correspondent e-mail:** [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
LES PAUL	Cancellation Pending	<a href="#">86737896</a>	<a href="#">5193825</a>

#### Plaintiff(s)

**Name:** Gibson Brands, Inc.

**Correspondent Address:** ANDREA E BATES  
BATES & BATES LLC  
1890 MARIETTA BLVD NW  
ATLANTA GA UNITED STATES , 30318

Correspondent e-mail: [abates@bates-bates.com](mailto:abates@bates-bates.com) , [kdawson@bates-bates.com](mailto:kdawson@bates-bates.com) , [jsteed@bates-bates.com](mailto:jsteed@bates-bates.com) , [rberkowitz@bates-bates.com](mailto:rberkowitz@bates-bates.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LES PAUL	REGISTERED AND RENEWED	<a href="#">72360329</a>	<a href="#">918934</a>
LES PAUL	REGISTERED AND RENEWED	<a href="#">73755647</a>	<a href="#">1539282</a>
LES PAUL	Registered	<a href="#">86465482</a>	<a href="#">4914920</a>
LES PAUL	Abandoned - No Statement Of Use Filed	<a href="#">86454251</a>	
LES PAUL ARTISAN	Third Extension - Granted	<a href="#">87214365</a>	
LES PAUL	Report Completed Suspension Check - Case Still Suspended	<a href="#">87510675</a>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 05, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 11, 2017	Aug 20, 2017
3	PENDING, INSTITUTED	Jul 11, 2017	
4	ANSWER	Aug 21, 2017	
5	P MOT TO CONSOLIDATE	Sep 19, 2017	
6	CONSOLIDATED (CHILD OF 91235405)	Oct 05, 2017	

**EXHIBIT C**

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Mark: LES PAUL

LES PAUL

US Serial Number: 86737890

Application Filing Date: Aug. 26, 2015

Filed as TEAS RF: Yes

Currently TEAS RF: Yes

Register: Principal

Mark Type: Service Mark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jul. 05, 2017

Publication Date: Mar. 07, 2017

## Mark Information

Mark Literal Elements: LES PAUL

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

Name Portrait Consent: The name "LES PAUL" does not identify a living individual.

## Related Properties Information

Claimed Ownership of US Registrations: 2971532

## 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 incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Advertising and marketing in the fields of community educational and municipal events of others regarding historic figures; promoting public awareness of the importance of particular historic figures

International Class(es): 035 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2009

Use in Commerce: Aug. 12, 2009

For: Providing information, news and commentary in the field of current events relating to historical figures; organizing music education programs, namely, conducting classes and seminars in the field of music; organizing exhibitions and live music concerts for entertainment purposes; providing a website featuring information on historic figures

International Class(es): 041 - Primary Class

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

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 12, 2009

Use in Commerce: Aug. 12, 2009

For: Licensing of use of images of historical figures in connection with public exhibitions, music education programs and music concerts

International Class(es): 045 - Primary Class

U.S Class(es): 100, 101

**Class(es):****Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Aug. 12, 2009**Use in Commerce:** Aug. 12, 2009**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:** The Executors of the Estate of Les Paul**Composed of:** The executor comprising Michael K. Braunstein, a United States citizen.**Owner Address:** 236 West 30th Street, 7th Floor  
New York, NEW YORK 10001  
UNITED STATES**Legal Entity Type:** ESTATE**State or Country Where Organized:** NEW JERSEY**Attorney/Correspondence Information****Attorney of Record****Attorney Name:** Daniel E. Kattman**Docket Number:** 13316**Attorney Primary Email Address:** [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)**Attorney Email Authorized:** Yes**Correspondent****Correspondent Name/Address:** DANIEL E KATTMAN  
REINHART BOERNER VAN DEUREN SC  
1000 N WATER ST STE 2100  
MILWAUKEE, WISCONSIN 53202-6648  
UNITED STATES**Phone:** 414-298-8185**Correspondent e-mail:** [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)**Correspondent e-mail Authorized:** Yes**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Aug. 23, 2018	ASSIGNED TO EXAMINER	90296
Jul. 05, 2017	OPPOSITION INSTITUTED NO. 999999	235405
Mar. 20, 2017	EXTENSION OF TIME TO OPPOSE RECEIVED	
Mar. 07, 2017	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 07, 2017	PUBLISHED FOR OPPOSITION	
Feb. 15, 2017	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 02, 2017	LAW OFFICE PUBLICATION REVIEW COMPLETED	77976
Jan. 09, 2017	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 09, 2017	EXAMINER'S AMENDMENT ENTERED	88888
Jan. 09, 2017	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jan. 09, 2017	EXAMINERS AMENDMENT E-MAILED	6328
Jan. 09, 2017	EXAMINERS AMENDMENT -WRITTEN	68356
Jan. 06, 2017	DATA MODIFICATION COMPLETED	77976

Jan. 06, 2017	TEAS/EMAIL CORRESPONDENCE ENTERED	77976
Jan. 06, 2017	CORRESPONDENCE RECEIVED IN LAW OFFICE	77976
Jan. 05, 2017	ASSIGNED TO LIE	77976
Dec. 06, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 06, 2016	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 06, 2016	NON-FINAL ACTION E-MAILED	6325
Jun. 06, 2016	NON-FINAL ACTION WRITTEN	68356
May 26, 2016	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 25, 2016	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 25, 2016	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Dec. 14, 2015	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Dec. 14, 2015	NON-FINAL ACTION E-MAILED	6325
Dec. 14, 2015	NON-FINAL ACTION WRITTEN	68356
Dec. 09, 2015	ASSIGNED TO EXAMINER	68356
Aug. 31, 2015	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 29, 2015	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** SMITH, CYNTHIA RINALDI

**Law Office Assigned:** LAW OFFICE 107

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Feb. 02, 2017

## Proceedings

### Summary

**Number of Proceedings:** 2

### Type of Proceeding: Opposition

**Proceeding Number:** [91235405](#)

**Filing Date:** Jul 05, 2017

**Status:** Suspended

**Status Date:** Dec 10, 2018

**Interlocutory Attorney:** ANDREW P BAXLEY

### Defendant

**Name:** The Executors of the Estate of Les Paul

**Correspondent Address:** DANIEL E KATTMAN  
REINHART BOERNER VAN DEUREN SC  
1000 N WATER ST STE 2100  
MILWAUKEE WI , 53202-6648  
UNITED STATES

**Correspondent e-mail:** [tmadmin@reinhardt.com](mailto:tmadmin@reinhardt.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
LES PAUL	Opposition Pending	<a href="#">86737890</a>	

### Plaintiff(s)

**Name:** Gibson Brands, Inc.

**Correspondent Address:** ANDREA E BATES  
BATES & BATES LLC  
1890 MARIETTA BLVD NW  
ATLANTA GA , 30318  
UNITED STATES

**Correspondent e-mail:** [abates@bates-bates.com](mailto:abates@bates-bates.com) , [kdawson@bates-bates.com](mailto:kdawson@bates-bates.com) , [jsteed@bates-bates.com](mailto:jsteed@bates-bates.com) , [rberkowitz@bates-bates.com](mailto:rberkowitz@bates-bates.com)

### Associated marks



Mark	Application Status	Serial Number	Registration Number
LES PAUL	REGISTERED AND RENEWED	<a href="#">72360329</a>	<a href="#">918934</a>
LES PAUL	REGISTERED AND RENEWED	<a href="#">73755647</a>	<a href="#">1539282</a>
LES PAUL	Registered	<a href="#">86465482</a>	<a href="#">4914920</a>
LES PAUL	Abandoned - No Statement Of Use Filed	<a href="#">86454251</a>	
LES PAUL ARTISAN	Third Extension - Granted	<a href="#">87214365</a>	
LES PAUL	Report Completed Suspension Check - Case Still Suspended	<a href="#">87510675</a>	

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 05, 2017	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 05, 2017	Aug 14, 2017
3	PENDING, INSTITUTED	Jul 05, 2017	
4	D MOT TO DISMISS: FRCP 12(B)	Aug 14, 2017	
5	SUSP PEND DISP OF OUTSTNDNG MOT	Aug 15, 2017	
6	P OPP/RESP TO MOTION	Aug 30, 2017	
7	P MOT TO CONSOLIDATE	Sep 19, 2017	
8	CONSOLIDATED (PARENT); TRIAL DATES RESET	Oct 05, 2017	
9	ANSWER	Nov 01, 2017	
10	P MOT TO AMEND PLEADING/AMENDED PLEADING	Nov 03, 2017	
11	STIP TO SUSP PEND DISP OF OUTSTANDING MOT	Nov 30, 2017	
12	ANSWER TO AMENDED PLEADING DUE 1/5/18; DATES RESET	Dec 06, 2017	
13	ANSWER	Jan 05, 2018	
14	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 02, 2018	
15	SUSPENDED	Apr 02, 2018	
16	P MOTION	May 23, 2018	
17	SUSP PEND DISP OF OUTSTNDNG MOT	May 30, 2018	
18	D OPP/RESP TO MOTION	Jun 12, 2018	
19	P REPLY IN SUPPORT OF MOTION	Jun 19, 2018	
20	SUSPENDED	Jul 27, 2018	
21	TRIAL DATES RESET	Aug 29, 2018	
22	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Dec 10, 2018	
23	SUSPENDED	Dec 10, 2018	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [86737890](#)

**Filing Date:** Mar 20, 2017

**Status:** Terminated

**Status Date:** Jul 05, 2017

**Interlocutory Attorney:**

**Defendant**

**Name:** The Executors of the Estate of Les Paul

**Correspondent Address:** DANIEL E. KATTMAN  
Reinhart Boerner Van Deuren S C  
1000 N Water St Ste 1900  
Milwaukee WI , 53202-6648

**Correspondent e-mail:** [tmadmin@reinhartlaw.com](mailto:tmadmin@reinhartlaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LES PAUL	Opposition Pending	<a href="#">86737890</a>	

**Potential Opposer(s)**

**Name:** Gibson Brands, Inc.

**Correspondent Address:** Andrea E. Bates  
Bates & Bates, LLC  
1890 Marietta Blvd., NW  
Atlanta GA , 30318

UNITED STATES

Correspondent e-mail: [abates@bates-bates.com](mailto:abates@bates-bates.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 20, 2017	
2	EXTENSION OF TIME GRANTED	Mar 20, 2017	