

ESTTA Tracking number: **ESTTA1044810**

Filing date: **03/25/2020**

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	03/25/2020
Address	302 MEADOWLAND DR. HILLSBOROUGH, NC 27278 UNITED STATES

Attorney information	SUSAN FREYA OLIVE OLIVE & OLIVE, P.A. 500 MEMORIAL ST. DURHAM, NC 27702 UNITED STATES emailboxttab@oliveandolive.com, solive@oliveandolive.com no phone number provided
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### Applicant Information

Application No	88539308	Publication date	11/26/2019
Opposition Filing Date	03/25/2020	Opposition Period Ends	03/25/2020
Applicant	J & S International Distribution LLC 460 Bergen Blvd, Suite 222 Palisades Park, NJ 07650 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: Herbal supplements for sexual improvements
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols, or brings them into contempt, or disrepute	Trademark Act Section 2(a)


### Marks Cited by Opposer as Basis for Opposition


U.S. Registration	1020448	Application Date	08/09/1974
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No.			
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.	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		
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.	1937977	Application Date	05/23/1994
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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 ]		

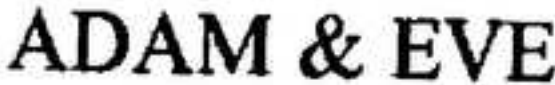
U.S. Registration No.	1959674	Application Date	06/01/1994
Registration Date	03/05/1996	Foreign Priority Date	NONE
Word Mark	ADAM & EVE CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1994/02/01 First Use In Commerce: 1994/02/01 television programming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


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			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 1998/02/00 First Use In Commerce: 1998/02/00 massage oils, lotions and colognes</p> <p>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</p>		


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			
Description of Mark	NONE		
Goods/Services	<p>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 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</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 USERS CONCERNING 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>		

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			
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. 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	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 ] 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 Class 025. First use: First Use: 1994/10/00 First Use In Commerce: 1994/10/00 clothing namely, lingerie and underwear 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
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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		
Design Mark			
Description of Mark	NONE		
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 entertainment 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 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</p>		

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		
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		
Design Mark			
Description of Mark	NONE		
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 arousaland 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> <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 toysand 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</p>		

	among computer users in the fields of adult entertainment and human sexuality Class 041. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Entertainment services, namely, providing on-line computer games; entertain- mentservices, 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 pic- turesand DVDs
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U.S. Application/ Registra- tion No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAM & EVE		
Goods/Services	Personal and sexual lubricants; soaps; perfumery, essential oils, cos- metics, hair lotions, creams, gels, oils, lotions, and other scented and unscented products for application to the human body; cleansers for personal use and for cleaning sexual products; candles and illumin- ants; cushions, pillows, and supports for the human body; dietary sup- plements for humans and topical creams, gels and lotions, all de- signed to improve or maintain human sexual function and/or human wellness; products for human sexual stimulation, relaxation, and mas- sage; restraint devices not intended for medical use; marital aids and prophylactics; pre- recorded and live performances; audio and audi- ovisual recordings; books; printed products; jewelry; clothing and ac- cessories; costumes; nightwear and intimate apparel; blindfolds; games and dolls for adults; kits for adult entertainment; retail, mail or- der, telephonic order, shop-at- home party, and online sales services with respect to all products listed above; retail, mail order, telephonic order, shop-at-home party, and online sales services in the fields of adult entertainment, human sexuality, human intimacy, personal and beauty products, dietary supplements, printed products, dÃ©cor, home accessories, clothing, accessories, eyewear, headwear, leather goods, furniture, bags, novelty items, games and toys for adults, and gifts; educational services in the fields of human sexuality, wellness, and intimate relations; entertainment services in the fields of human sexuality, wellness and intimate relations; entertainment services in the nature of providing pre-recorded and live performance, audio and audiovisual performances, television programming, movies, live chat, blogs, talk shows; reality-based programs and entertainment; advert- ising and promotional services; operation and franchising of retail stores featuring the products described hereinabove; catalog and dir- ect mail advertising services; customer loyalty and retention pro- grams; information, advisory and consultancy services relating to the aforementioned.		

U.S. Application/ Registra- tion No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAMMALE		
Goods/Services	A wide variety of personal and sexual lubricants and other goods and services in the fields of human sexuality and adult entertainment, in- cluding but not limited to scented and unscented products for applica- tion to or use on the human body, topical products to enhance sexual function and/or health, personal massaging devices and personal stimulation devices; online and catalog ordering services; retail sale of adult entertainment products and products for use in human sexual		

	activity, including by way of example sex toys, products to enhance sexual performance, and supplements for sexual enhancement; provision of adult entertainment; providing advice, recommendations and ratings pertaining to adult entertainment products and products for use in human sexual activity; entertainment delivery services in the fields of adult entertainment and human sexuality; education in the fields of human sexuality and sexual health.
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Adam Male		
Goods/Services	Sexual enhancement products for men; sexual stimulant and lubricant products.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAMÂ#S		
Goods/Services	Products for personal stimulation and massage, including lubricants, as well as other goods in the fields of personal sexual products, adult entertainment and human sexuality, including by way of example vibrators and personal massagers.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	ADAMÂ#S Naughty Bits		
Goods/Services	Newsletters in the field of human sexuality.		

Attachments	73029145#TMSN.png( bytes ) 73029146#TMSN.png( bytes ) 73130911#TMSN.png( bytes ) 74532017#TMSN.png( bytes ) 75452456#TMSN.png( bytes ) 75906373#TMSN.png( bytes ) 75430409#TMSN.png( bytes ) 76155971#TMSN.png( bytes ) 75890919#TMSN.png( bytes ) 76155970#TMSN.png( bytes ) 76152765#TMSN.png( bytes ) 78967728#TMSN.png( bytes ) 85216325#TMSN.png( bytes ) 85361636#TMSN.png( bytes ) ADAMS POWER NOO.pdf(100117 bytes ) PHEI Combined Exhibits 1-18.pdf(2789392 bytes )
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Signature	/A. Jose Cortina/
Name	A. Jose Cortina
Date	03/25/2020

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

IN THE MATTER OF Trademark Application of J & S International Distribution LLC  
For Registration of ADAM’S POWER, Serial No. 88539308  
Published for Opposition in the Official Gazette on November 26, 2019

<p>PHE, Inc., Plaintiff-Opposer vs. J &amp; S International Distribution LLC, Defendant-Applicant</p>	<p style="text-align:center"><b>OPPOSITION TO REGISTRATION OF MARK</b></p>
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Our Ref.: PHEI9189

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 Drive, Hillsborough, North Carolina, believes that it will be damaged by registration of the mark shown in the above-identified application (hereinafter referred to as “Applicant’s Application”), and hereby opposes same.

Opposer brings its claims pursuant to Trademark Act Section 2(d), 15 U.S.C. § 1052(d) and Trademark Act Section 2(a), 15 U.S.C. § 1052(a). The grounds for opposition are more particularly set out as follows. Headings are interposed for convenience; all allegations are deemed incorporated into each ground for opposition, as though realleged for each.






**GENERAL ALLEGATIONS**


1. Opposer is a world-renowned leader in the field of human sexuality and sexual health, both within the United States and internationally, and is known to the general public by its famous mark ADAM & EVE. As a part of its overall trademark strategy and family of marks, Opposer has rights in numerous ADAM & EVE and ADAM marks. Opposer not only uses its marks itself, but also operates a very active licensing and franchise program throughout the United States and elsewhere.
2. Opposer, directly and through its licensees and franchisees, uses not only its marks ADAM & EVE and ADAM, but also formatives and variants thereof that evoke recollection of its ADAM & EVE and

ADAM brands, and of their owner, including the mark ADAM’S and other variants that alter the ADAM & EVE ampersand to an “and” or eliminate it, translate one of these brands, or add or omit design elements and words.

3. Opposer is, as a result, the owner of many marks consisting of the term 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. The marks ADAM & EVE, ADAM, and ADAM’S, together with those additional marks, all of which are more specifically identified below, are collectively referred to hereafter as “Opposer’s Marks.”
4. Since its founding as the first mail-order contraceptive business in the United States almost three decades ago, Opposer has become the nation’s largest provider of adult entertainment products and, operating under Opposer’s Marks,, has served well over ten million customers. Opposer also provides, under Opposer’s Marks, one of the largest sexual education centers online, with articles and videos about sex toys, dating and relationships, sexual health, and more. And, under Opposer’s Marks, Opposer funds nonprofit organizations, including those working to provide family planning and sexual health services worldwide.
5. Opposer’s Marks include each mark set out in the table below, which lists some of the United States Trademark Registrations and applications owned by Opposer covering marks that include the term ADAM & EVE or ADAM, or a variant or formative thereof that reminds viewers and customers of Opposer and its marks ADAM & EVE or ADAM, and reinforces the link between Opposer’s Marks and Opposer. Each of the registrations listed below was lawfully issued, is valid and subsisting, and establishes Opposer’s exclusive right to use the registered mark in commerce in accordance with the registration. Copies of the electronic records provided by the United States Trademark Office for each

registration are attached hereto as Exhibits 1 through 18 and are incorporated herein by reference and for purpose of reliance.

Ex.	Reg. #	Filed	Issued	Mark
1	1,020,448	08/09/1974	09/16/1975	ADAM & EVE and design 
2	1,020,449	08/09/1974	09/16/1975	ADAM & EVE (standard characters)
3	1,020,744	08/09/1974	09/16/1975	ADAM & EVE and design 
4	1,123,685	06/20/1977	08/07/1979	ADAM & EVE and design 
5	1,937,977	05/23/1994	11/28/1995	ADAM & EVE CHANNEL (standard characters)
6	1,959,674	06/01/1994	03/05/1996	ADAM & EVE CHANNEL and design 
7	2,337,232	03/18/1998	04/04/2000	ADAMMALE
8	2,415,898	01/31/2000	12/26/2000	ADAMEVE.com
9	2,462,066	02/05/1998	06/19/2001	ADAM & EVE
10	2,519,795	10/24/2000	12/18/2001	ADAM & EVE
11	2,548,158	01/07/2000	03/12/2002	ADAM & EVE INTERACTIVE
12	2,563,366	10/24/2000	04/23/2002	ADAM & EVE PRODUCTIONS
13	2,608,920	10/24/2000	08/20/2002	ADAM & EVE and design 
14	3,443,031	09/06/2006	06/03/2008	ADAN Y EVA (standard characters)

Ex.	Reg. #	Filed	Issued	Mark
15	4,011,771	01/12/2011	08/16/2011	ADAM & EVE AMERICA'S MOST TRUSTED SOURCE FOR ADULT PRODUCTS & design 
16	4,105,242	07/01/2011	02/28/2012	ADAM & EVE (standard characters)
17	5,882,622	01/02/2019	10/15/19	ADAM & EVE STORES

6. Opposer's Marks also include the common law marks listed on Exhibit 18 attached hereto and, to the extent not already fully set out in the foregoing table and in the referenced exhibit of common law marks, the registrations and common law marks listed in the ESTTA Cover Sheet for the filing of the Notice of Opposition, all of which have priority over the applied-for mark and are incorporated herein by reference.
7. Opposer's Marks are used in a wide variety of fonts and colors, and are not in general limited by appearance, although appearance is an additional feature of certain marks.
8. Use of ADAM & EVE by Opposer commenced at least as early as 1971 and has continued both in interstate and foreign commerce continuously since that time. Use of Opposer's Marks in general commenced with adoption of ADAM & EVE, and has continued and increased in both the number of marks and the ways in which they have been used since that time. Use of ADAMMALE, for example, commenced at least as early as 1997 and has continued since that time. All of Opposer's Marks have been used in interstate and foreign commerce, both directly and through licensed affiliates and franchisees of Opposer, continuously since their adoption.
9. Opposer has priority over Applicant with respect to each of Opposer's Marks asserted in this Opposition, for all of the uses identified therewith. Opposer's priority significantly precedes the filing date of Applicant's Application and any other priority date to which Applicant might be entitled, whether based on use or otherwise. Opposer's priority extends to and includes priority as to the goods referenced in Paragraph 9 below.

10. Opposer's Marks are used in connection with, among other things, supplements and products for sexual improvements and performance enhancement.
11. Opposer's Marks and the goods and services provided by Opposer under Opposer's Marks are viewed by literally millions of adult Americans every year.
12. Applicant seeks to register a mark whose prominent term is identical to Opposer's Marks and that connotes a connection to ADAM & EVE, and Applicant's mark overall is likely to be confused with Opposer's Marks.
13. Applicant has not asserted any earlier priority than the filing date of its application, July 26, 2019, with respect to any of the goods identified in its application.
14. Applicant has not incorporated in its application any restrictions as to the appearance of the mark sought to be registered, nor restrictions as to the manner in which goods marketed under the mark would be advertised and offered for sale, or the channels through which the goods would be sold.

**PRIORITY AND LIKELIHOOD OF CONFUSION  
TRADEMARK ACT SECTION 2(d), 15 U.S.C. § 1052(d)**

15. Applicant seeks registration of the mark ADAM'S POWER, without further limitations, pursuant to Section 1(b) of the Trademark Act (15 U.S.C. § 1051(b)) for use in connection with "herbal supplements for sexual improvements" in International Class 005.
16. The prominent term in Applicant's mark, ADAM'S, is identical to Opposer's mark ADAM'S, and Applicant's mark overall is substantially similar to Opposer's Marks.
17. Applicant's use of the word "POWER" in the applied-for mark does not add distinctiveness sufficient to distinguish the mark from Opposer's ADAM & EVE mark and Opposer's marks in general. The term "POWER" as applied to Applicant's goods is descriptive and is frequently used to describe male sexual



enhancement products of the type identified in Applicant's Application, as well as those offered for sale through Opposer's retail outlets operated under and in connection with Opposer's Marks.

18. Opposer, directly and through licensees, has used Opposer's Marks in commerce on or in connection with goods that are identical and/or similar to those identified by Applicant, including but not limited to supplements for sexual improvement.
19. Use of Opposer's Marks in commerce for such substantially similar and closely associated goods, including those set out in the exhibits hereto, together with closely associated goods and services, precedes any priority date that Applicant can claim, and is continuing.
20. By reason of its longstanding use of Opposer's Marks, which commenced well prior to the date of Applicant's Application and any date of use on which Applicant is entitled to rely, and by reason of its pleaded registrations, Opposer has priority with respect to use of Opposer's Marks over Applicant and over Applicant's use and intended use of the applied-for mark as set out in the Application.
21. If registered as currently proposed, Applicant would be entitled to use and advertise the mark sought to be registered in ways that would emphasize the similarities and connections to Opposer and Opposer's Marks and that would de-emphasize any distinctions.
22. Moreover, Applicant's goods presumptively could be identified as "licensed" or "franchised" (without specification as to the licensor or franchisor) and presented in commerce to the hundreds of thousands of persons who directly interact every year with Opposer and its channels of trade, including Opposer's franchisees. The mark sought to be registered, used in connection with goods identical to goods provided under Opposer's Marks, presumptively would be targeted at, and marketed through channels of commerce directed to, Opposer's customers. It must be presumed that the market and the channels of trade through which Applicant will offer its goods in connection with the mark sought to be

registered are identical and closely related to those that are currently used by Opposer and that have been used by Opposer since long prior to any priority date to which Applicant might be entitled.

23. Applicant's mark, used as identified in Applicant's Application, is likely to cause confusion and mistake with respect to Opposer's Marks and their use by Opposer.

**FALSE SUGGESTION OF A CONNECTION  
TRADEMARK ACT SECTION 2(a), 15 U.S.C. § 1052(a)**

24. As hereinabove set out, Applicant's mark is substantially similar to Opposer's acclaimed mark ADAM & EVE, merely appending thereto the term "POWER" and Applicant's mark is a close approximation of Opposer's Marks, in general, containing the term ADAM.
25. Opposer's mark ADAM & EVE functions not only as a trademark and service mark, but also as a house mark of Opposer, is recognized as such by consumers, and has been so recognized since long prior to the earliest priority date on which Applicant can rely.
26. Opposer's Mark ADAM & EVE serves to identify and as an identity of Opposer, such identification beginning long prior to the filing date of Applicant's Application, prior to any first date of use of Applicant's mark that Applicant is entitled to assert, and prior to any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought, and continuing to the present time.
27. Opposer's provision and promotion of its services and products to the public under Opposer's Marks for 49 years has caused the public to associate those marks (including Opposer's mark ADAM & EVE) and the goods and services provided thereunder with Opposer, such association beginning long prior to the filing date of Applicant's Application, prior to any first date of use of Applicant's mark that Applicant is entitled to assert, and prior to any other relevant priority date to which Applicant might be entitled with respect to the mark for which registration is sought, and continuing to the present time.

Through those efforts, Opposer now has built substantial goodwill in Opposer's Marks, including its ADAM & EVE mark, which inures to the benefit of Opposer.

28. Opposer uses Opposer's Marks, including its ADAM & EVE mark, as aforesated and as set out in the exhibits, and in particular for goods that are identical to or substantially similar to those for which Applicant seeks registration, as well as for closely associated goods. Use of Opposer's Marks, including its ADAM & EVE mark, in commerce for such substantially similar and closely associated goods long precedes any priority date that Applicant can claim, and is continuing.
29. Opposer's renowned and excellent reputation and the close and long-time association of Opposer's Marks, including its ADAM & EVE mark, with Opposer are such that a connection with Opposer and Opposer's goods and services is likely to be presumed when the mark Applicant seeks to register is used in connection with the goods identified in the application.
30. The presumption of a connection is particularly likely and is enhanced because Applicant seeks to register and use its mark in a substantially unrestricted manner, presumptively in the same channels of trade, presumptively targeted to the same markets, and presumptively colored and otherwise configured and advertised to create a mistaken belief as to the affiliation of Applicant's mark with Opposer and Opposer's goods and services offered under Opposer's Marks, including its famous mark ADAM & EVE.
31. Consumers seeking to obtain goods identified with Opposer are familiar with Opposer's Marks, including its ADAM & EVE mark, know that the ADAM portion of the mark is used in connection with Opposer's goods and services for males, associate those marks with Opposer, know that third parties are licensed to use Opposer's Marks, assume that products bearing Opposer's Marks are duly authorized for sale by Opposer or otherwise connected with Opposer, and rely on their presumption

that a connection exists between Opposer and its licensees and other sources of goods and services branded with Opposer's Marks, to inform their purchasing decisions.

32. Applicant's mark, as sought to be registered, would lead consumers to draw false conclusions as to a connection of Applicant's mark with Opposer and with Opposer's goods and services, under circumstances where such a conclusion will be material to the consumer's deliberations regarding the purchase of the goods.
33. As alleged above, despite Applicant's claim of right to use the "ADAM'S POWER" mark it seeks to register, in connection with goods identical to goods offered by Opposer, Applicant is not affiliated with, licensed by, or otherwise associated with Opposer. Opposer is not connected with the goods that Applicant provides, offers, or intends to offer under the mark sought to be registered.
34. Nonetheless, Opposer's name, house mark, trademark, and service mark ADAM & EVE, and Opposer's Marks, are of sufficient fame or reputation that when Applicant's mark is used on or in connection with the goods identified in Applicant's Application, a connection with Opposer would be presumed and Applicant's mark would be recognized as connected with Opposer, uniquely and unmistakably pointing to Opposer.
35. Consumers are likely to be deceived as to the connection, which does not in fact exist, and to make purchasing decisions based on the false suggestion of a connection created by Applicant and its mark.
36. 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, including its ADAM & EVE mark, and to falsely suggest a connection with Opposer.

### **CONCLUSION**

37. In view of the foregoing and the similarity of Opposer's prior-used and not abandoned Opposer's Marks to Applicant's applied-for mark, the similarities between the use made by Opposer and its

licensees of Opposer's Marks and the potential use of Applicant's mark by Applicant as identified in Applicant's Application and shown through Applicant's potential 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. 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, to deceptively and falsely suggest a connection with Opposer.

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

#### **AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

The Office is authorized to charge any additional or otherwise unpaid fees associated with the filing of this Notice of Opposition to our deposit account 15-0490.

This 25<sup>th</sup> day of March 2020.

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

/A. Jose Cortina/

A. Jose Cortina  
North Carolina Bar Member; No. 26113  
(Active member in good standing;  
admitted 1999)

/Susan Freya Olive/

Susan Freya Olive  
North Carolina Bar Member; No. 7252  
(Active member in good standing;  
admitted 1976)

P. O. Box 2049  
Durham, North Carolina 27702  
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## 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 2020-01-16 10:59:30 EST

**Mark:** ADAM & EVE



**US Serial Number:** 73029145

**Application Filing Date:** Aug. 09, 1974

**US Registration Number:** 1020448

**Registration Date:** Sep. 16, 1975

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Oct. 30, 2015

## 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 incontestability; and
- 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

**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:** PHE, INC.

**Owner Address:** P.O. Box 8200  
HILLSBOROUGH, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson  
**Attorney Primary Email Address:** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Docket Number:** PHEI0100  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Vedia Jones-Richardson  
OLIVE & OLIVE PA  
500 MEMORIAL ST  
POST OFFICE BOX 2049  
DURHAM, NORTH CAROLINA UNITED STATES 27702  
**Phone:** 9196835514  
**Fax:** 9196883781  
**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. 30, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 30, 2015	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76985
Oct. 30, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Oct. 30, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Sep. 21, 2015	TEAS SECTION 8 & 9 RECEIVED	
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.	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Oct. 30, 2015

## 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**

## 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 2020-01-16 10:59:52 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Oct. 30, 2015

## 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 incontestability; and
- 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

**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:** PHE, INC.

**Owner Address:** P.O. Box 8200  
HILLSBOROUGH, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0101

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

**Attorney Email Authorized:** Yes

### Correspondent

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

**Phone:** 9196835514

**Fax:** 9196883781

**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. 30, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Oct. 30, 2015	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76985
Oct. 30, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Oct. 30, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Sep. 21, 2015	TEAS SECTION 8 & 9 RECEIVED	
Oct. 25, 2007	CASE FILE IN TIGRS	
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.	

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Oct. 30, 2015

## 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**

## PHE's Notice of Opposition

### Exhibit 3:

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

**Generated on:** This page was generated by TSDR on 2020-01-16 11:00:35 EST

**Mark:** ADAM & EVE



**US Serial Number:** 73029146

**Application Filing Date:** Aug. 09, 1974

**US Registration Number:** 1020744

**Registration Date:** Sep. 16, 1975

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Jan. 30, 2016

## 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 incontestability; and
- 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

**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:** PHE, INC.

**Owner Address:** P.O. Box 8200  
HILLSBOROUGH, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0103

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

**Attorney Email Authorized:** Yes

### Correspondent

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

**Phone:** 9196835514

**Fax:** 9196883781

**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
Jan. 30, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 30, 2016	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	76985
Jan. 30, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76985
Nov. 30, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Nov. 25, 2015	TEAS RESPONSE TO OFFICE ACTION-POST REG RECEIVED	
Nov. 03, 2015	POST REGISTRATION ACTION MAILED - SEC. 8 & 9	76985
Oct. 30, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76985
Sep. 21, 2015	TEAS SECTION 8 & 9 RECEIVED	
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.	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jan. 30, 2016

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

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



**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**

## PHE's Notice of Opposition

### Exhibit 4:

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

**Generated on:** This page was generated by TSDR on 2020-01-16 11:00:54 EST

**Mark:** ADAM & EVE



**US Serial Number:** 73130911

**Application Filing Date:** Jun. 20, 1977

**US Registration Number:** 1123685

**Registration Date:** Aug. 07, 1979

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Sep. 17, 2019

## 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 incontestability; and
- 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

**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:** PHE, INC.

**Owner Address:** P.O. Box 8200  
HILLSBOROUGH, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0104

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Vedia Jones-Richardson  
**Name/Address:** Olive & Olive, P.A.  
500 Memorial Street  
P.O. Box 2049  
DURHAM, NORTH CAROLINA UNITED STATES 27702

**Phone:** 9196835514

**Fax:** 919-688-3781

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

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

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 27, 2019	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Sep. 27, 2019	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 17, 2019	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 17, 2019	REGISTERED AND RENEWED (THIRD RENEWAL - 10 YRS)	67723
Sep. 17, 2019	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	67723
Sep. 17, 2019	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Aug. 06, 2019	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 06, 2019	TEAS SECTION 8 & 9 RECEIVED	
Aug. 07, 2018	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
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	

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Sep. 17, 2019

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

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

**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**

## PHE's Notice of Opposition

Exhibit 5:  
TSDR website printout of Reg. No. 1,937,977  
ADAM & EVE CHANNEL

**Generated on:** This page was generated by TSDR on 2020-01-16 11:01:40 EST

**Mark:** ADAM & EVE CHANNEL

**US Serial Number:** 74528412

**Application Filing Date:** May 23, 1994

**US Registration Number:** 1937977

**Registration Date:** Nov. 28, 1995

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Feb. 10, 2016

**Publication Date:** Sep. 05, 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 incontestability; and
- 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(es):****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**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:** PHE, Inc.**Owner Address:** P.O. Box 8200  
Hillsborough, NORTH CAROLINA UNITED STATES 27278**Legal Entity Type:** CORPORATION**State or Country** NORTH CAROLINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson**Docket Number:** PHEI0112**Attorney Primary** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Email Address:****Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Vedia Jones-Richardson  
**Name/Address:** OLIVE & OLIVE PA  
500 Memorial Street  
DURHAM, NORTH CAROLINA UNITED STATES 27701**Phone:** 9196835514**Fax:** 9196883781**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. 10, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Feb. 10, 2016	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76874
Feb. 10, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76874
Feb. 10, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76874
Nov. 25, 2015	TEAS SECTION 8 & 9 RECEIVED	
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

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## TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Feb. 10, 2016

## PHE's Notice of Opposition

### Exhibit 6:

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

**Generated on:** This page was generated by TSDR on 2020-01-16 11:02:02 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** May 05, 2016

**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 incontestability; and
- 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** 042 - Primary Class

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

**Class(es):****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**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:** PHE, Inc.**Owner Address:** Post Office Box 8200  
Hillsborough, NORTH CAROLINA UNITED STATES 27278**Legal Entity Type:** CORPORATION**State or Country** NORTH CAROLINA  
**Where Organized:**

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson**Docket Number:** PHEI0113**Attorney Primary** [emailboxtm@oliveandolive.com](mailto:emailboxtm@oliveandolive.com)  
**Email Address:****Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Vedia Jones-Richardson  
**Name/Address:** Olive and Olive, P.A.  
500 Memorial Street  
P.O. Box 2049  
DURHAM, NORTH CAROLINA UNITED STATES 27701**Phone:** 9196835514**Fax:** 9196883781**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
May 05, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 05, 2016	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	76293
May 05, 2016	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76293
May 03, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Feb. 25, 2016	TEAS SECTION 8 & 9 RECEIVED	
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

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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** May 05, 2016

## PHE's Notice of Opposition

Exhibit 7:  
TSDR website printout of Reg. No. 2,337,232  
ADAMMALE

**Generated on:** This page was generated by TSDR on 2020-01-16 11:50:16 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**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 incontestability; and
- 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

**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:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** SUSAN FREYA OLIVE

**Docket Number:** PHEI0121

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** SUSAN FREYA OLIVE  
**Name/Address:** OLIVE & OLIVE PA  
500 Memorial Street, P.O. Box 2049  
DURHAM, NORTH CAROLINA UNITED STATES 27702

**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
Apr. 04, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
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

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Sep. 23, 2009



## PHE's Notice of Opposition

Exhibit 8:  
TSDR website printout of Reg. No. 2,415,898  
ADAMEVE.com

**Generated on:** This page was generated by TSDR on 2020-01-16 11:57:58 EST

**Mark:** ADAMEVE.COM

ADAMEVE.COM

**US Serial Number:** 75906373

**Application Filing Date:** Jan. 31, 2000

**US Registration Number:** 2415898

**Registration Date:** Dec. 26, 2000

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Jul. 01, 2010

**Publication Date:** Oct. 03, 2000

## Mark Information

**Mark Literal Elements:** ADAMEVE.COM

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

**For:** 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

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Dec. 06, 1999

**Use in Commerce:** Dec. 06, 1999

## 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:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive

**Docket Number:** PHEI0129

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

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

**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
Dec. 26, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
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

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

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

## PHE's Notice of Opposition

Exhibit 9:  
TSDR website printout of Reg. No. 2,462,066  
ADAM & EVE

**Generated on:** This page was generated by TSDR on 2020-01-16 11:03:21 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**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 incontestability; and
- 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

**Filed ITU:** Yes

**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:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## 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 UNITED STATES 27278

**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	65765
Jan. 17, 2007	TEAS SECTION 8 & 15 RECEIVED	
Oct. 25, 2006	CERTIFICATE OF CORRECTION ISSUED	
Oct. 19, 2006	ASSIGNED TO PARALEGAL	
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	72153
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	

## TM Staff and Location Information

**TM Staff Information - None**

Current Location: GENERIC WEB UPDATE

Date in Location: Sep. 28, 2010

## PHE's Notice of Opposition

Exhibit 10:  
TSDR website printout of Reg. No. 2,519,795  
ADAM & EVE



**Generated on:** This page was generated by TSDR on 2020-01-16 11:04:06 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**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 incontestability; and
- 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

**Filed ITU:** No

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive

**Docket Number:** PHEI0125

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

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

**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
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

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** GENERIC WEB UPDATE

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

## PHE's Notice of Opposition

Exhibit 11:  
TSDR website printout of Reg. No. 2,548,158  
ADAM & EVE INTERACTIVE

**Generated on:** This page was generated by TSDR on 2020-01-16 16:26:09 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**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 incontestability; and
- 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)

**Filed Use:** No

**Currently Use:** Yes

**Filed ITU:** Yes

**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:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive

**Docket Number:** PHEI0117

**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 UNITED STATES 27701

**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
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 TIGRS	
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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## TM Staff and Location Information

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### TM Staff Information - None

#### File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Mar. 27, 2012

## PHE's Notice of Opposition

### Exhibit 12:

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

**Generated on:** This page was generated by TSDR on 2020-01-16 16:16:35 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**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 incontestability; and
- 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

**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:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Freya Olive

**Docket Number:** PHEI0116

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

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

**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
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

## TM Staff and Location Information

### TM Staff Information - None

### File Location

**Current Location:** GENERIC WEB UPDATE

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

## PHE's Notice of Opposition

### Exhibit 13:

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

**Generated on:** This page was generated by TSDR on 2020-01-16 16:17:09 EST

**Mark:** ADAM & EVE



**US Serial Number:** 76152765

**Application Filing Date:** Oct. 24, 2000

**US Registration Number:** 2608920

**Registration Date:** Aug. 20, 2002

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Jul. 31, 2012

**Publication Date:** May 28, 2002

## 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

26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

## 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 incontestability; and
- 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

**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:** PHE, Inc.

**Owner Address:** P. O. Box 8200  
Hillsborough, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## 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** Yes  
**Authorized:**

### Correspondent

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

**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
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	
Mar. 29, 2001	ASSIGNED TO EXAMINER	63031

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 31, 2012

## PHE's Notice of Opposition

Exhibit 14:  
TSDR website printout of Reg. No. 3,443,031  
ADAN Y EVA

**Generated on:** This page was generated by TSDR on 2020-01-16 16:17:57 EST

**Mark:** ADAN Y EVA

ADAN Y EVA

**US Serial Number:** 78967728

**Application Filing Date:** Sep. 06, 2006

**US Registration Number:** 3443031

**Registration Date:** Jun. 03, 2008

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** The registration has been renewed.

**Status Date:** Jun. 13, 2018

**Publication Date:** Jan. 02, 2007

**Notice of Allowance Date:** Mar. 27, 2007

## Mark Information

**Mark Literal Elements:** ADAN Y EVA

**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

**Translation:** The foreign wording in the mark translates into English as ADAM & EVE.

## Related Properties Information

**Claimed Ownership of US Registrations:** 1020448, 1020449, 1020743 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 incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** 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

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 06, 2008

**Use in Commerce:** Mar. 06, 2000

**For:** Mail order, catalog and online retail store services in the fields of adult entertainment 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 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

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Mar. 06, 2008

**Use in Commerce:** Mar. 06, 2008

## Basis Information (Case Level)

**Filed Use:** No

**Filed ITU:** Yes

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** PHE, Inc.

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

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0131

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Vedia Jones-Richardson  
**Name/Address:** OLIVE & OLIVE, P.A.  
500 Memorial Street  
DURHAM, NORTH CAROLINA UNITED STATES 27701

**Phone:** 9196835514

**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
Jun. 13, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jun. 13, 2018	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69615
Jun. 13, 2018	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	69615
Jun. 13, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69615
Jun. 04, 2018	TEAS SECTION 8 & 9 RECEIVED	
Jun. 03, 2017	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Jun. 16, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Jun. 16, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68502
Jun. 16, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Jun. 02, 2014	TEAS SECTION 8 & 15 RECEIVED	
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:** GENERIC WEB UPDATE

**Date in Location:** Jun. 13, 2018

## PHE's Notice of Opposition

### Exhibit 15:

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

**Generated on:** This page was generated by TSDR on 2020-01-16 16:27:43 EST

**Mark:** ADAM & EVE AMERICA'S MOST TRUSTED SOURCE FOR ADULT PRODUCTS



**US Serial Number:** 85216325

**Application Filing Date:** Jan. 12, 2011

**US Registration Number:** 4011771

**Registration Date:** Aug. 16, 2011

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Aug. 12, 2017

**Publication Date:** May 31, 2011

## Mark Information

**Mark Literal Elements:** ADAM & EVE AMERICA'S MOST TRUSTED SOURCE FOR ADULT PRODUCTS

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**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.

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

**Design Search Code(s):** 05.09.05 - Apples

## Related Properties Information

**Claimed Ownership of US Registrations:** 1020449, 1020743, 2519795 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 incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

**For:** 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

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

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

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 2006

**Use in Commerce:** Oct. 2006

## Basis Information (Case Level)

**Filed Use:** Yes

**Filed ITU:** No

**Filed 44D:** No

**Filed 44E:** No

**Filed 66A:** No

**Filed No Basis:** No

**Currently Use:** Yes

**Currently ITU:** No

**Currently 44E:** No

**Currently 66A:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** PHE, Inc.

**Owner Address:** P.O. Box 8200  
Hillsborough, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0140

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Vedia Jones-Richardson  
**Name/Address:** OLIVE & OLIVE, P.A.  
500 Memorial Street  
DURHAM, NORTH CAROLINA UNITED STATES 27701

**Phone:** 9196835514

**Fax:** 9196883781

**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
Aug. 12, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Aug. 12, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Aug. 12, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jul. 03, 2017	TEAS SECTION 8 & 15 RECEIVED	
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 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:** TMO LAW OFFICE 111

**Date in Location:** Aug. 12, 2017

## PHE's Notice of Opposition

Exhibit 16:  
TSDR website printout of Reg. No. 4,105,242  
ADAM & EVE

**Generated on:** This page was generated by TSDR on 2020-01-16 16:28:19 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

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Mar. 13, 2018

**Publication Date:** Dec. 13, 2011

## Mark Information

**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

**Claimed Ownership of US Registrations:** 1020448, 1020743, 1020744 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 incontestability; and
- 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

**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:** PHE, Inc.

**Owner Address:** P.O. Box 8200  
Hillsborough, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0141

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** Vedia Jones-Richardson  
**Name/Address:** OLIVE & OLIVE, P.A.  
500 Memorial Street  
DURHAM, NORTH CAROLINA UNITED STATES 27701

**Phone:** 9196835514

**Fax:** 9196883781

**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
Mar. 13, 2018	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 13, 2018	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Mar. 13, 2018	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Feb. 28, 2018	TEAS SECTION 8 & 15 RECEIVED	
Feb. 28, 2017	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
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

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## TM Staff and Location Information

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TM Staff Information - None

File Location

**Current Location:** TMO LAW OFFICE 115

**Date in Location:** Mar. 13, 2018

## PHE's Notice of Opposition

### Exhibit 17:

TSDR website printout of Reg. No. 5,882,622  
ADAM & EVE STORES

**Generated on:** This page was generated by TSDR on 2020-03-25 13:45:23 EDT

**Mark:** ADAM & EVE STORES

ADAM & EVE STORES

**US Serial Number:** 88247328

**Application Filing Date:** Jan. 02, 2019

**US Registration Number:** 5882622

**Registration Date:** Oct. 15, 2019

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status Descriptor:**



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Oct. 15, 2019

**Publication Date:** Jul. 30, 2019

## Mark Information

**Mark Literal Elements:** ADAM & EVE STORES

**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

**Disclaimer:** "STORES"

## 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:** Franchise services, namely, offering business management assistance in the establishment and operation of retail stores featuring sex toys and adult products; Retail store services featuring sex toys, adult products, and products in the field of adult entertainment and human sexuality, and 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:** Jan. 2016

**Use in Commerce:** Jan. 2016

## 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:** PHE, INC.

**Owner Address:** P.O. Box 8200  
Hillsborough, NORTH CAROLINA UNITED STATES 27278

**Legal Entity Type:** CORPORATION

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

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Vedia Jones-Richardson

**Docket Number:** PHEI0144

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

**Attorney Email** Yes  
**Authorized:**

### Correspondent

**Correspondent** VEDIA JONES-RICHARDSON  
**Name/Address:** OLIVE & OLIVE PA  
PO BOX 2049  
DURHAM, NORTH CAROLINA UNITED STATES 27702-2049

**Phone:** 919-683-5514

**Fax:** 919-688-3781

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

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

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 15, 2019	REGISTERED-PRINCIPAL REGISTER	
Aug. 01, 2019	REVIEW OF CORRESPONDENCE COMPLETE	66303
Jul. 30, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 30, 2019	PUBLISHED FOR OPPOSITION	
Jul. 15, 2019	ASSIGNED TO PETITION STAFF	66303
Jul. 10, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 24, 2019	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Jun. 24, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 24, 2019	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 24, 2019	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 24, 2019	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 24, 2019	EXAMINERS AMENDMENT -WRITTEN	73350
Jun. 24, 2019	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 20, 2019	WITHDRAWN FROM ISSUE - EXAMINING ATTORNEY REQUEST	73350
May 21, 2019	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
May 21, 2019	PUBLISHED FOR OPPOSITION	
May 01, 2019	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Apr. 12, 2019	ASSIGNED TO LIE	70884
Mar. 22, 2019	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 22, 2019	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 22, 2019	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Mar. 22, 2019	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 22, 2019	EXAMINERS AMENDMENT -WRITTEN	73350
Mar. 20, 2019	ASSIGNED TO EXAMINER	73350
Jan. 23, 2019	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 05, 2019	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PETITIONS OFFICE

**Date in Location:** Jul. 15, 2019

PHE's Notice of Opposition

Exhibit 18:

Common Law Marks

## **ADAM & EVE**

Personal and sexual lubricants; soaps; perfumery, essential oils, cosmetics, hair lotions, creams, gels, oils, lotions, and other scented and unscented products for application to the human body; cleansers for personal use and for cleaning sexual products; candles and illuminants; cushions, pillows, and supports for the human body; dietary supplements for humans and topical creams, gels and lotions, all designed to improve or maintain human sexual function and/or human wellness; products for human sexual stimulation, relaxation, and massage; restraint devices not intended for medical use; marital aids and prophylactics; pre-recorded and live performances; audio and audiovisual recordings; books; printed products; jewelry; clothing and accessories; costumes; nightwear and intimate apparel; blindfolds; games and dolls for adults; kits for adult entertainment; retail, mail order, telephonic order, shop-at-home party, and online sales services with respect to all products listed above; retail, mail order, telephonic order, shop-at-home party, and online sales services in the fields of adult entertainment, human sexuality, human intimacy, personal and beauty products, dietary supplements, printed products, décor, home accessories, clothing, accessories, eyewear, headwear, leather goods, furniture, bags, novelty items, games and toys for adults, and gifts; educational services in the fields of human sexuality, wellness, and intimate relations; entertainment services in the fields of human sexuality, wellness and intimate relations; entertainment services in the nature of providing pre-recorded and live performance, audio and audiovisual performances, television programming, movies, live chat, blogs, talk shows; reality-based programs and entertainment; 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.

## **ADAMMALE**

A wide variety of personal and sexual lubricants and other 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 products to enhance sexual function and/or health, personal massaging devices and personal stimulation devices; online and catalog ordering services; retail sale of adult entertainment products and products for use in human sexual activity, including by way of example sex toys, products to enhance sexual performance, and supplements for sexual enhancement; provision of adult entertainment; providing advice, recommendations and ratings pertaining to adult entertainment products and products for use in human sexual activity; entertainment delivery services in the fields of adult entertainment and human sexuality; education in the fields of human sexuality and sexual health.

## **Adam Male**

Sexual enhancement products for men; sexual stimulant and lubricant products

## **ADAM'S**

Products for personal stimulation and massage, including lubricants, as well as other goods in the fields of personal sexual products, adult entertainment and human sexuality, including by way of example vibrators and personal massagers

## **ADAM'S Naughty Bits**

Newsletters in the field of human sexuality