

ESTTA Tracking number: **ESTTA1173658**

Filing date: **11/19/2021**

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	LFP IP, LLC
Granted to Date of previous extension	11/20/2021
Address	8484 WILSHIRE BOULEVARD SUITE 900 BEVERLY HILLS, CA 90211 UNITED STATES
Attorney information	JONATHAN W. BROWN LIPSITZ GREEN SCIME CAMBRIA LLP 42 DELAWARE AVENUE SUITE 120 BUFFALO, NY 14202 UNITED STATES Primary Email: ip@lglaw.com 716-849-1333 x371
Docket Number	11740.2005

**Applicant Information**

Application No.	90358887	Publication date	09/21/2021
Opposition Filing Date	11/19/2021	Opposition Period Ends	11/20/2021
Applicant	The Hustlers Guild 501C3 2000 HOUSTON STREET SUITLAND, MD 20746 UNITED STATES		

**Goods/Services Affected by Opposition**


Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Stickers; Decals
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Clothing, namely, t-shirts; hats


**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act Section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration	4312312	Application Date	07/19/2012
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No.			
Registration Date	04/02/2013	Foreign Priority Date	NONE
Word Mark	HUSTLER HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1998/12/03 First Use In Commerce: 1998/12/03 Retail store services featuring digitalvideo discs, adult sexual stimulation aids, apparel, lingerie, hats, cosmetics, candles, perfumes, shave creams, bath and body products, personal lubricants, body creams, novelty items, party games, playing cards, candies, jewelry, books, magazines, condoms, and lotions		

U.S. Registration No.	2689852	Application Date	10/16/2000
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/12/03 First Use In Commerce: 1998/12/03 clothing, namely, beach wear, blouses, coats, coveralls, dresses, head wear, jackets, jeans, jogging suits, jumpers, leg warmers, leggings, lingerie, lounge wear, neckwear, pants, scarves, shirts, ski wear, slacks, sleep wear, tank tops, socks, vests		

U.S. Registration No.	2679483	Application Date	10/16/2000
Registration Date	01/28/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1999/09/20 First Use In Commerce: 1999/09/20 men's and women's jewelry, namely, rings, necklaces, bracelets, [ watches ]		

	Class 021. First use: First Use: 2000/10/01 First Use In Commerce: 2000/10/01 glassware, namely, shot glasses, mugs, beer steins
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U.S. Registration No.	2773372	Application Date	10/22/2002
Registration Date	10/14/2003	Foreign Priority Date	NONE
Word Mark	HUSTLER CLUB		
Design Mark	<b>HUSTLER CLUB</b>		
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2000/12/28 First Use In Commerce: 2000/12/28 operation of night clubs		

U.S. Registration No.	5576427	Application Date	10/03/2016
Registration Date	10/02/2018	Foreign Priority Date	NONE
Word Mark	HUSTLER		
Design Mark	<b>HUSTLER</b>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1998/12/03 First Use In Commerce: 1998/12/03 Bathing suits; bras; bustiers; corsets; footwear; gloves; hats; hoodies; infantwear; nipple covers, namely, pasties; skirts; sweaters; sweatpants; sweatshirts; T-shirts; tops; underwear		

Attachments	85681790#TMSN.png( bytes ) 76146601#TMSN.png( bytes ) 76460615#TMSN.png( bytes ) 87191097#TMSN.png( bytes ) Notice of Opposition - THE HUSTLERS GUILD HG EST 2017.pdf(169847 bytes )
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Signature	/Jonathan W. Brown/
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Name	JONATHAN W. BROWN
Date	11/19/2021

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

*In re* Application No. 90358887  
Filed: December 4, 2020  
Published: September 21, 2021 in the *Official Gazette*



For:

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LFP IP, LLC,

Opposer,

v.

The Hustlers Guild 501C3,

Applicant.

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Opposition No.

**NOTICE OF OPPOSITION**

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Opposer LFP IP, LLC (“Opposer” or “LFP”), a Delaware limited liability company, believes that it would be damaged by the registration on the principal register of the THE

HUSTLERS GUILD HG EST. 2017 design mark shown in Application Serial No. 90358887 and hereby opposes registration thereof.

As grounds for opposition, LFP alleges:

**Opposer and its HUSTLER® Marks**

1. Opposer LFP IP, LLC is a limited liability company organized under the laws of the State of Delaware, having a principal place of business at 8484 Wilshire Boulevard, Suite 900, Beverly Hills, California 90211.

2. LFP, through its affiliated companies and licensees, provides various goods and services throughout the world utilizing its famous HUSTLER marks.

3. Since at least as early as 1972, LFP, through its predecessors, related companies, and licensees, has used its HUSTLER mark in connection with an entertainment magazine under that mark.

4. Opposer first used its HUSTLER and/or HUSTLER composite marks in commerce on or in connection with magazines as early as 1972; online magazines as early as 1993; sexual aids as early as 1997; clothing and retail store services as early as 1998; DVDs and jewelry as early as 1999; night clubs and glassware as early as 2000; broadcasting services as early as 2004; cigarette lighters as early as 2005; garments for pets as early as 2007; and motorcycle helmets as early as 2008.

5. Opposer owns numerous federal registrations on the Principal Register for its HUSTLER marks and various related and composite marks, many of which have become incontestable within the meaning of the Lanham Act. Such registrations include, but are not limited to, the following:

<b>Mark</b>	<b>Reg. No.</b>	<b>Reg. Date</b>	<b>Date of First Use in Commerce</b>	<b>Goods/Services</b>
HUSTLER HOLLYWOOD	4312312	04-02-2013	12-03-1998	Retail store services featuring digital video discs, adult sexual stimulation aids, apparel, lingerie, hats, cosmetics, candles, perfumes, shave creams, bath and body products, personal lubricants, body creams, novelty items, party games, playing cards, candies, jewelry, books, magazines, condoms, and lotions in Class 35
HUSTLER	2689852	02-25-2003	12-06-1998	Clothing, namely, beach wear, blouses, coats, coveralls, dresses, head wear, jackets, jeans, jogging suits, jumpers, leg warmers, leggings, lingerie, lounge wear, neckwear, pants, scarves, shirts, ski wear, slacks, sleep wear, tank tops, socks, vests in Class 25
HUSTLER	2679483	01-28-2003	09-20-1999	Men's and women's jewelry, namely, rings, necklaces, bracelets in Class 14; Glassware, namely shot glasses, mugs, beer steins in Class 21
HUSTLER CLUB	2773372	10-14-2003	12-28-2000	Operation of night clubs in Class 41
HUSTLER	5576427	10-02-2018	12-03-1998	Bathing suits; bras; bustiers; corsets; footwear; gloves; hats; hoodies; infant wear; nipple covers, namely, pasties; skirts; sweaters; sweatpants; sweatshirts; T-shirts; tops; underwear in Class 25

6. The federal trademark registrations set forth in Paragraph 5 above (among others, the “HUSTLER Marks”) are valid and subsisting, and constitute prima facie evidence of their validity.

7. By virtue of its extensive and longtime use, substantial worldwide promotional efforts and commercial success of its famous HUSTLER Marks, LFP has established valuable goodwill in the HUSTLER Marks, and the public has come to associate LFP's marks with LFP

and its famous founder, Larry Flynt. As such, the HUSTLER Marks have become distinctive and the public has come to know the HUSTLER Marks as an indication of goods and services that originate from Opposer.

**The “THE HUSTLERS GUILD HG EST. 2017” Application**

8. Upon information and belief, The Hustlers Guild 501C3 is a District of Columbia non-profit corporation with an address of 2000 Houston Street, Suitland, Maryland 20746 (“Applicant”).

9. On December 4, 2020, Applicant filed U.S. Application Serial No. 90358887 under Section 1(b), 15 U.S.C. § 1051(b) to register the mark



for use in connection with, in relevant part, “*Stickers; Decals*” in International Class 016 and “*Clothing, namely, t-shirts; hats*” in International Class 025 (the “Application”).

10. As used herein, “Applicant’s Mark” shall refer to the THE HUSTLERS GUILD HG EST. 2017 design mark contained in the application referenced above.

11. As used herein, the “Opposed Goods” shall refer to those Class 016 and Class 025 goods listed in the THE HUSTLERS GUILD HG EST. 2017 application referenced above.



**Likelihood of Confusion, 15 U.S.C. § 1052(d)**

12. Opposer has priority based on its prior valid and subsisting registrations for its HUSTLER family of marks. Further, Opposer has used its HUSTLER Marks in commerce before the filing date of the opposed Application and any first use dates that may be asserted by Applicant.

13. The goods identified in the Application are identical and/or highly related to the goods and services identified in LFP's registrations and applications for the HUSTLER Marks, and with which LFP has been using its HUSTLER Marks for many years.

14. The goods identified in the opposed Application are likely to be sold and/or distributed through the same channels of trade and to the same class of purchasers as Opposer's goods and/or services are sold or distributed and/or are intended to be sold and/or distributed under its HUSTLER Marks.

15. Applicant's "THE HUSTLERS GUILD HG EST. 2017" mark incorporates Opposer's HUSTLER Mark in its entirety and is likely to cause confusion, mistake or deception in the trade and among ordinary consumers and prospective purchasers as to the source, origin or sponsorship of the parties' respective goods under Section 2(d), 15 U.S.C. § 1052(d).

16. Consumers encountering Applicant's Mark in connection with the Opposed Goods are likely to associate Applicant's Mark with Opposer, and are likely to assume, mistakenly, that the Opposed Goods offered under Applicant's Mark originate with Opposer or that the Opposed Goods are sponsored, endorsed or otherwise authorized by, licensed through, or otherwise associated with Opposer.

17. Opposer would be damaged by registration of Applicant's Mark because registration would grant Applicant statutory rights under the Trademark Act of 1946, and would tend to restrict, interfere with, and damage Opposer in the unhampered conduct of its business and protection of its legitimate interests.

WHEREFORE, LFP prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial No. 90358887 be denied.

Dated: November 19, 2021

Respectfully submitted,

LFP IP, LLC, by its counsel  
LIPSITZ GREEN SCIME CAMBRIA LLP

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