

ESTTA Tracking number: **ESTTA1271402**

Filing date: **03/11/2023**

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	JS IP LLC
Granted to date of previous extension	03/12/2023
Address	19950 WEST COUNTRY CLUB DRIVE 10TH FLOOR AVENTURA, FL 33180 UNITED STATES
Correspondence information	JANET C. MOREIRA, ESQ. MAVEN IP 300 S.E. 2ND STREET SUITE 600 FORT LAUDERDALE, FL 33301 UNITED STATES Primary email: janet@mavenip.com Secondary email(s): barby@mavenip.com, trademarks@mavenip.com 3059677450

**Applicant information**

Application no.	97093358	Publication date	09/13/2022
Opposition filing date	03/11/2023	Opposition period ends	03/12/2023
Applicant	LIV GOLF INCORPORATED 333 SE 2ND AVE SUITE 2000 MIAMI, FL 33131 UNITED STATES		

**Goods/services affected by opposition**

<p>Class 028. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: golf training equipment, namely, golf swing training aids, swing resistance trainers, and a golf training cage; golf clubs; golf balls; golf bags; golf ball markers; golf tees; golf divot repair tools; foam golf balls; golf club covers; golf accessory pouches; golf bag tags; golf flags; golf gloves</p>
<p>Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Organizing and conducting professional golf tournaments and competitions; conducting workshops and seminars in the field of golf; golf courses; golf driving range services; golf instruction; providing golf facilities</p>

**Applicant information**

Application no.	97093363	Publication date	09/13/2022
Opposition filing date	03/11/2023	Opposition period ends	
Applicant	LIV GOLF INCORPORATED 333 SE 2ND AVE SUITE 2000 MIAMI, FL 33131 UNITED STATES		

### Goods/services affected by opposition

Class 041. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: Entertainment services, namely, the development, creation, and production of television programs, radio programs, and ongoing multimedia programs featuring sports and culture

### Applicant information

Application no.	97093365	Publication date	09/13/2022
Opposition filing date	03/11/2023	Opposition period ends	
Applicant	LIV GOLF INCORPORATED 333 SE 2ND AVE SUITE 2000 MIAMI, FL 33131 UNITED STATES		

### Goods/services affected by opposition

Class 028. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: golf training equipment, namely, golf swing training aids, swing resistance trainers, and a golf training cage; golf clubs; golf balls; golf bags; golf ball markers; golf tees; golf divot repair tools; foam golf balls; golf club covers; golf accessory pouches; golf bag tags; golf flags; golf gloves

Class 041. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: organizing and conducting professional golf tournaments and competitions; conducting workshops and seminars in the field of golf; golf courses; golf driving range services; golf instruction; providing golf facilities

### Applicant information

Application no.	97093368	Publication date	09/13/2022
Opposition filing date	03/11/2023	Opposition period ends	
Applicant	LIV GOLF INCORPORATED 333 SE 2ND AVE SUITE 2000 MIAMI, FL 33131 UNITED STATES		

### Goods/services affected by opposition

Class 041. First Use: None First Use In Commerce: None  
All goods and services in the class are opposed, namely: Entertainment services, namely, the development, creation, and production of television programs, radio programs, and ongoing multimedia programs featuring sports and culture

## Applicant information

Application no.	97093371	Publication date	09/13/2022
Opposition filing date	03/11/2023	Opposition period ends	
Applicant	LIV GOLF INCORPORATED 333 SE 2ND AVE SUITE 2000 MIAMI, FL 33131 UNITED STATES		

## Goods/services affected by opposition

Class 028. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: golf training equipment, namely, golf swing training aids, swing resistance trainers, and a golf training cage; golf clubs; golf balls; golf bags; golf ball markers; golf tees; golf divot repair tools; foam golf balls; golf club covers; golf accessory pouches; golf bag tags; golf flags; golf gloves
Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: organizing and conducting professional golf tournaments and competitions; conducting workshops and seminars in the field of golf; golf courses; golf driving range services; golf instruction; providing golf facilities

## Applicant information

Application no.	97093372	Publication date	09/13/2022
Opposition filing date	03/11/2023	Opposition period ends	
Applicant	LIV GOLF INCORPORATED 333 SE 2ND AVE SUITE 2000 MIAMI, FL 33131 UNITED STATES		

## Goods/services affected by opposition

Class 041. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Entertainment services, namely, the development, creation, and production of television programs, radio programs, and ongoing multimedia programs featuring sports and culture
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## Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

## Marks cited by opposer as basis for opposition

U.S. registration no.	3976284	Application date	05/22/2008
Register	Principal		
Registration date	06/14/2011	Foreign priority date	NONE
Word mark	LIV		
Design mark			

Description of mark	NONE
Goods/services	Class 041. First use: First Use: Nov 15, 2008 First Use In Commerce: Nov 15, 2008 Night clubs

U.S. registration no.	4623139	Application date	03/19/2012
Register	Principal		
Registration date	10/21/2014	Foreign priority date	NONE

Word mark	LIV
Design mark	

Description of mark	NONE
Goods/services	Class 009. First use: First Use: Nov 2009 First Use In Commerce: Nov 2009 [sunglasses] Class 018. First use: First Use: Nov 2009 First Use In Commerce: Nov 2009 bags, namely, make-up bags sold empty and tote bags Class 025. First use: First Use: Nov 2009 First Use In Commerce: Nov 2009 clothing, namely, shirts and t-shirts

U.S. registration no.	4890033	Application date	02/17/2014
Register	Principal		
Registration date	01/19/2016	Foreign priority date	NONE

Word mark	LIV
Design mark	
Description of mark	NONE
Goods/services	Class 041. First use: First Use: Dec 5, 2008 First Use In Commerce: Dec 5, 2008 Producing and arranging concerts, festivals, and nightclub performances in the field of music; providing on-line information regarding musical performances, musical performers, nightclub performances, and musical events

U.S. registration no.	5136809	Application date	06/15/2016
Register	Principal		
Registration date	02/07/2017	Foreign priority	NONE

		date	
Word mark	LIV ON SUNDAY		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 041. First use: First Use: May 2009 First Use In Commerce: May 2009 Entertainment services, namely, conducting parties; Night club services; Nights-clubs</p> <p>Class 043. First use: First Use: May 2009 First Use In Commerce: May 2009 Bar services; Cocktail lounge services; Cocktail lounges</p>		

U.S. registration no.	5208689	Application date	10/07/2016
Register	Principal		
Registration date	05/23/2017	Foreign priority date	NONE
Word mark	LIV		
Design mark			
Description of mark	The mark consists of a stylized version of "LIV".		
Goods/services	<p>Class 041. First use: First Use: Nov 15, 2008 First Use In Commerce: Nov 15, 2008 Night club services; Nights-clubs; Arranging and conducting nightclub parties; Entertainment services, namely, conducting parties</p> <p>Class 043. First use: First Use: Nov 15, 2008 First Use In Commerce: Nov 15, 2008 Cocktail lounges; Night club reservation services, namely, arranging for cocktails and table service reservations at night clubs and night club events; Bar and cocktail lounge services</p>		

U.S. registration no.	5667255	Application date	09/18/2017
Register	Principal		
Registration date	01/29/2019	Foreign priority date	NONE
Word mark	LIV ON SUNDAY		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 014. First use: First Use: Sep 1, 2012 First Use In Commerce: Sep 1, 2012 jewelry, namely, necklaces</p> <p>Class 018. First use: First Use: Oct 1, 2017 First Use In Commerce: Oct 1, 2017 bags, namely, makeup bags sold empty and tote bags</p> <p>Class 025. First use: First Use: Aug 21, 2017 First Use In Commerce: Aug 21, 2017 clothing, namely, shirts, t-shirts, tank tops; hats</p>		

U.S. registration no.	6592598	Application date	02/23/2018
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Register	Principal		
Registration date	12/21/2021	Foreign priority date	NONE
Word mark	LIV		
Design mark			
Description of mark	The mark consists of a stylized version of "LIV".		
Goods/services	Class 009. First use: First Use: Nov 1, 2009 First Use In Commerce: Nov 1, 2009 [ Sunglasses ] Class 018. First use: First Use: Nov 1, 2009 First Use In Commerce: Nov 1, 2009 Bags, namely, make-up bags sold empty and tote bags		

U.S. registration no.	6982685	Application date	02/23/2018
Register	Principal		
Registration date	02/21/2023	Foreign priority date	NONE
Word mark	LIV		
Design mark			
Description of mark	The mark consists of a stylized version of "LIV."		
Goods/services	Class 021. First use: First Use: Nov 1, 2009 First Use In Commerce: Nov 1, 2009 Shot glasses Class 025. First use: First Use: Nov 1, 2009 First Use In Commerce: Nov 1, 2009 Affinity clothing, namely, shirts, tank tops, muscle tank tops, shorts, v-neck shirts, sweatshirts, hoodies, and hats, all excluding children's apparel and apparel designed for cycling, and all sold through branded shops and websites associated with LIV-branded nightclubs and associated music entertainment events		

U.S. registration no.	4284279	Application date	05/22/2008
Register	Principal		
Registration date	02/05/2013	Foreign priority date	NONE
Word mark	LIV		
Design mark			
Description of mark	NONE		
Goods/services	Class 043. First use: First Use: Nov 15, 2008 First Use In Commerce: Nov 15, 2008 Bar services; Cocktail lounges		

Attachments	85573639#TMSN.png( bytes ) NOT - Consolidated Notice of Opposition LIV GOLF Marks - As Filed 031
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	12023.pdf(197361 bytes ) EXHIBIT 1 - Combined Certificates of Registration.pdf(380076 bytes )
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Signature	/Janet C. Moreira, Esq/
Name	JANET C. MOREIRA, ESQ.
Date	03/11/2023

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

JS IP LLC,  
Opposer,

Marks: **LIV 54 GOLF LEAGUE**  
**LIV 54 GOLF LEAGUE**  
**LIV GOLF LEAGUE 54**  
**LIV GOLF LEAGUE 54**  
**LIV GOLF LEAGUE**  
**LIV GOLF LEAGUE**

vs.

LIV GOLF INCORPORATED,  
Applicant.

Serial Nos: 97/093,372  
97/093,371  
97/093,368  
97/093,365  
97/093,363  
97/093,358

Filing Date: October 26, 2021

Publication: September 13, 2022

Opposition No.: \_\_\_\_\_

**CONSOLIDATED NOTICE OF OPPOSITION**

Pursuant to TBMP § 305.01, JS IP LLC (“Opposer” or “JS IP”), a Delaware limited liability company with a principal place of business of 19550 West Country Club Drive, 10th Floor, Aventura, Florida 33180, believes that it will be damaged by the registration of the above-identified marks filed by Applicant, LIV GOLF INCORPORATED (“Applicant” or “LGI”) and hereby opposes registration of said marks. As grounds for opposition, Opposer submits the following:

**INTRODUCTION**

1. Due to Opposer’s prior rights in **LIV**, the Contested Applications (later defined) should be refused. The marks that are the subject of the Contested Applications, LIV GOLF LEAGUE, LIV 54 GOLF LEAGUE, and LIV GOLF LEAGUE 54, consist of the whole of



Opposer's mark – LIV – in combination with descriptive wording "GOLF LEAGUE" and/or "54" which are the numbers depicted by the roman numerals "LIV". The marks depicted in the Contested Applications (the "Contested Marks") are highly similar in sight, sound, meaning, and overall commercial impression to Opposer's Marks (later defined). Owing to the overriding similarities between Opposer's Marks and the Contested Marks, the consuming public is likely to believe that there is an affiliation, connection, or sponsorship between the Contested Marks with Opposer's Marks such that a likelihood of confusion exists.

### **THE PARTIES**

2. Opposer is a Delaware limited liability company having its principal place of business at 19950 West Country Drive, 10th Floor, Aventura, FL 33180.

3. Applicant LIV GOLF INCORPORATED is a Delaware corporation with a principal place of business of 333 S.E. 2<sup>nd</sup> Avenue, Suite 2000, Miami, Florida 33131 ("Applicant"). Upon information and belief, Applicant is a professional golf tour financed by the Public Investment Fund, a sovereign wealth fund of Saudi Arabia. Upon information and belief, LGI provides golf tournaments as well as entertainment services in the nature of music entertainment, live DJ entertainment, "bar and party vibes", restaurant services, hospitality suites, and table service.

### **APPLICANT'S FEDERAL TRADEMARK APPLICATIONS**

4. On October 26, 2021, Applicant filed federal applications (the "Contested Applications") to register the following marks (the "Contested Mark") in connection with the following goods/services:

<u>Mark</u>	<u>Serial No.</u>	<u>Class</u>	<u>Goods/Services</u>
LIV 54 GOLF LEAGUE	97093372	041	Entertainment services, namely, the development, creation, and production of television programs, radio programs, and ongoing multimedia programs featuring sports and culture
LIV 54 GOLF LEAGUE	97093371	028 041	Golf training equipment, namely, golf swing training aids, swing resistance trainers, and a golf training cage; golf clubs; golf balls; golf bags; golf ball markers; golf tees; golf divot repair tools; foam golf balls; golf club covers; golf accessory pouches; golf bag tags; golf flags; golf gloves;  Organizing and conducting professional golf tournaments and competitions; conducting workshops and seminars in the field of golf; golf courses; golf driving range services; golf instruction; providing golf facilities
LIV GOLF LEAGUE 54	97093368	041	Entertainment services, namely, the development, creation, and production of television programs, radio programs, and ongoing multimedia programs featuring sports and culture
LIV GOLF LEAGUE 54	97093365	028 041	Golf training equipment, namely, golf swing training aids, swing resistance trainers, and a golf training cage; golf clubs; golf balls; golf bags; golf ball markers; golf tees; golf divot repair tools; foam golf balls; golf club covers; golf accessory pouches; golf bag tags; golf flags; golf gloves;  Organizing and conducting professional golf tournaments and competitions; conducting workshops and seminars in the field of golf; golf courses; golf driving range services; golf instruction; providing golf facilities
LIV GOLF LEAGUE	97093363	041	Entertainment services, namely, the development, creation, and production of television programs, radio programs, and ongoing multimedia programs featuring sports and culture
LIV GOLF LEAGUE	97093358	028 041	Golf training equipment, namely, golf swing training aids, swing resistance trainers, and a golf training cage; golf clubs; golf balls; golf bags; golf ball markers; golf tees; golf divot repair tools; foam golf balls; golf club covers; golf

		<p>accessory pouches; golf bag tags; golf flags; golf gloves;</p> <p>Organizing and conducting professional golf tournaments and competitions; conducting workshops and seminars in the field of golf; golf courses; golf driving range services; golf instruction; providing golf facilities</p>
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5. Applicant filed its Contested Applications based upon intent to use (Section 1(b), 15 U.S.C. § 1052(b)).

6. To the best of Opposer’s knowledge, the name and address of the owner of the Contested Applications is LIV GOLF INCORPORATED is a Delaware corporation with a principal place of business of 333 S.E. 2<sup>nd</sup> Avenue, Suite 2000, Miami, Florida 33131. This information was obtained from the records of the United States Patent and Trademark Office (“USPTO”).

7. The Contested Applications consist of a mark that is confusingly similar to and dilutive of Opposer’s LIV® Trademarks and in particular, the incontestable LIV® registrations. The marks depicted in the Contested Applications consist of the whole of Opposer’s LIV® mark. They are visually, phonetically, and aurally similar and the goods/services share similarities.

8. The Contested Applications were published in the *Official Gazette* on September 13, 2022.

9. On October 4, 2022, Opposer requested extensions of time to oppose the Contested Applications and said extensions were granted to January 11, 2023.

10. On January 10, 2023, Opposer requested an additional 60-day extension of time, with Applicant’s consent, to oppose the Contested Applications and said extensions were granted to March 12, 2023.

**OPPOSER’S PRIOR USE AND TRADEMARK REGISTRATIONS**

11. Opposer, by and through its related companies, operates one of the most famous and high-profile nightclubs and entertainment venues in the world, located in Miami Beach, Florida. JS IP also licenses its **LIV®** Trademarks for and relating to a number of entertainment events, charity events, and nightlife events and venues so that its presence expands beyond its physical location in Miami Beach to other cities throughout the world like, for example, New York, Atlanta, Las Vegas, Tampa, Montreal, Toronto, Minneapolis, and Dallas.

12. Opposer’s predecessors and Opposer have continuously, exclusively, and extensively used the arbitrary and distinctive **LIV®** trademarks in interstate commerce since as early as 2008 in connection with its luxury entertainment and nightlife services including, without limitation, cocktail and bar services, nightclub venues, internationally renowned entertainment, and related goods/services. “LIV” in Opposer’s **LIV®** trademarks are the roman numerals depicting the number “54”.

13. Opposer’s goods/services have been highly publicized and by virtue of its promotion, advertising, and continuous use of its **LIV®** trademarks, Opposer has acquired much popularity and a valuable reputation as one of the most famous high-profile nightclubs and providers of entertainment in the world.

14. Due to its presence and extensive advertising and promotion, the **LIV®** trademarks have acquired enormous value and have become distinctive and well-known to the consuming public and the trade as identifying and distinguishing Opposer’s goods/services.



15. Opposer’s **LIV®** nightclub, bar, entertainment, and related goods/services are advertised and promoted throughout the world through television, radio, print, Internet advertising, social media, and its website located at [www.livnightclub.com](http://www.livnightclub.com).


16. The **LIV®** trademarks have been used by Opposer for almost fifteen (15) years prior to Applicant’s filing the Contested Applications. Opposer’s rights in its **LIV®** trademarks were established long before any date on which Applicant may rely.

17. The **LIV®** trademarks and **LIV®** goods/services have been and are widely recognized by the public and the trade throughout the world. The arbitrary and distinctive **LIV®** trademarks identify Opposer as the source of origin of goods/services bearing, sold under, and/or distributed in association with those marks and Opposer enjoys considerable and valuable goodwill in the marks.

**OPPOSER’S REGISTRATIONS**

18. Opposer is the owner of the following federal trademark registrations for its **LIV®** trademarks:

<b><u>Application or Registration No.</u></b> <b><u>Filing Date</u></b>	<b><u>Mark</u></b>	<b><u>Class: Goods/Services</u></b>	<b><u>Status</u></b>
6982685		021: Shot glasses;  025: Affinity clothing, namely, shirts, tank tops, muscle tank tops, shorts, v-neck shirts, sweatshirts, hoodies, and hats, all excluding children's apparel and apparel designed for cycling, and all sold through branded shops and websites associated with LIV-branded nightclubs and associated music entertainment events.	Registered
6592598 Filed Feb. 23, 2018		018: Bags, namely, make-up bags sold empty and tote bags.	Registered
5667255 Filed Sept. 18, 2017	<b>LIV ON SUNDAY</b>	014: jewelry, namely necklaces	Registered

		018: bags, namely, makeup bags sold empty and tote bags  025: clothing, namely, shirts, t-shirts; tank tops; hats	
5208689  Filed Oct. 7, 2016		041: Night club services; Nights-clubs; arranging and conducting nightclub parties; entertainment services, namely, conducting parties  043: Cocktail lounges; night club reservation services, namely arranging for cocktails and table service reservations at night clubs and night club events; bar and cocktail lounge services.	Registered
5136809  Filed June 15, 2016	<b>LIV ON SUNDAY</b>	041: Entertainment services, namely, conducting parties; night club services; nights-clubs  043: Bar services; cocktail lounge services; cocktail lounges	Registered
4890033  Filed Feb. 17, 2014	<b>LIV</b>	041: Producing and arranging concerts, festivals and nightclub performances in the field of music; providing on-line information regarding musical performances, musical performers, nightclub performances, and musical events	Registered
4623139  Filed March 19, 2012	<b>LIV</b>	018: Bags, namely, make-up bags sold empty and tote bags  025: Clothing, namely shirts and t-shirts	Registered
4284279  Filed Nov. 20, 2012	<b>LIV</b>	043: Bar services, cocktail lounges	Registered

3976284	<b>LIV</b>	041: Night clubs	Registered
Filed June 14, 2011			

(individually and collectively referred to as “Opposer’s Registrations”). True and accurate copies of the registration certificates are attached hereto as **Exhibit 1**. Opposer’s Registrations are valid, subsisting, and in full force and effect, and constitute prima facie evidence of the validity of the Opposer’s **LIV®** trademarks depicted in Opposer’s Registrations (the marks shall hereafter be individually and collectively referred to as the “**LIV®** Trademarks”) and of Opposer’s exclusive right to use them in connection with the services identified in Opposer’s Registrations and/or any other services that are deemed related.

19. Opposer’s federal registrations for the marks **LIV**, Registration No. 3976284, and **LIV**, Registration No. 4284279 are incontestable, and thereby constitute conclusive evidence of Opposer’s exclusive right to use the marks for the goods/services recited in the registrations, in accordance with 15 U.S.C. § 1065. In addition, the registrations are proof of the inherent distinctiveness of Opposer’s **LIV®** Trademarks.

20. Upon information and belief, Applicant had knowledge of Opposer’s prior rights to and interest in the **LIV®** Trademarks prior to filing the Contested Applications. As a matter of law, Applicant was on constructive notice of Opposer’s **LIV®** Trademarks based on Opposer’s Registrations and Applicant had such constructive notice before filing the Contested Applications.

21. Given the confusingly similar nature of the parties’ marks, Applicant’s use and attempt to register the Contested Marks is likely to cause consumers to mistakenly believe that Applicant’s goods/services are approved, endorsed, sponsored, or affiliated by Opposer, or that Opposer is a source of Applicant’s goods/services, or that the goods/services of Applicant are in some other way associated with Opposer, all to Opposer’s injury and harm.

22. In addition, Applicant's use and registration of the Contested Marks is intended to trade on the fame and goodwill of the **LIV®** Trademarks. Applicant's use and/or attempted registration of the Contested Marks is likely to cause and has caused dilution of the distinctive quality of the **LIV®** Trademarks, by tarnishment and blurring, in view of Opposer's long prior use of the arbitrary and distinctive **LIV®** Trademarks.

23. The registration of Applicant's marks is inconsistent with Opposer's prior rights in the **LIV®** Trademarks and is inconsistent with Opposer's statutory grant of exclusivity of use of the registered **LIV®** Trademarks and would destroy Opposer's investment and goodwill in its **LIV®** Trademarks.

24. There is no issue as to priority. The date of Applicant's Contested Applications is subsequent to the issuance date of Opposer's Registrations for the **LIV®** Trademarks listed above and to the first use or filing dates of the **LIV®** Trademarks listed above.

25. Notwithstanding Applicant's filing of its Contested Applications based upon intent to use (Section 1(b), 15 U.S.C. § 1052(b)), upon information and belief, Applicant utilizes a website located at [www.livgolf.com](http://www.livgolf.com) to promote the Contested Marks and/or variations of the Contested Marks. Applicant started, and is currently, using the marks in commerce to promote its good and services. Applicant's services include the provision of "music entertainment, live DJ entertainment, 'bar and party vibes'" – which intend to and do actually include music experiences, parties, dining, entertainment, and other related goods/services which compete with Opposer's goods/services.

26. The services for which Applicant seeks to register its marks are either related to Opposer's goods/services, promote goods/services which directly compete with Opposer's goods/services, and/or are within Opposer's natural zone of expansion.



27. Applicant's goods/services may be marketed through the same channels of trade and to the same of class of consumers as Opposer's goods/services.

28. Prospective users of Applicant's goods/services are likely to erroneously believe that such services are affiliated with or under authority of Opposer, or to erroneously assume that there is some other trade connection between Opposer and Applicant.

29. Accordingly, Opposer requests that the Contested Applications not proceed to registration pursuant to 15 U.S.C. § 1052(d)

**COUNT 1: LIKELIHOOD OF CONFUSION**

30. Opposer hereby incorporates the allegations contained in Paragraphs 1 through 29 as if fully set forth herein.

31. Opposer has continuously, extensively, and exclusively used the **LIV®** Trademarks since as early as 2008 and has not abandoned the mark.

32. Opposer's use and registration of the **LIV®** Trademarks in the United States for nightclub, bar, music entertainment and/or related goods/services predates the purported use by Applicant. The marks depicted in the Contested Applications, as used or intended to be used by Applicant for its goods/services are reproductions, copies, and imitations of the **LIV®** Trademarks and incorporate Opposer's **LIV®** mark in its entirety. The Contested Marks are likely to cause confusion, mistake, or deception with regard to the origin of said goods/services and to confuse, mislead, and deceive members of the public into believing that Opposer has allowed, sponsored, approved, or licensed Applicant to provide the applied-for goods/services, or in some way Applicant is connected to or affiliated with Opposer, when it is not. Any such confusion would result in injury or have a direct impact on Opposer's reputation and its ability to market its own goods/services under the **LIV®** Trademarks. Furthermore, any defect, objection, or fault found

with Applicant's goods/services marketed under its Contested Marks would negatively impact and seriously injure the reputation Opposer has established for the goods/services it sells under the **LIV®** Trademarks.

33. Registration of the Contested Marks, as shown in the Contested Applications, is likely to cause confusion, cause mistake, or to deceive the public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

34. By reason of the foregoing, Opposer is likely to be harmed by registration of the Contested Applications and such registration will damage Opposer's goodwill in the **LIV®** Trademarks.

### **COUNT 2: DILUTION**

35. Opposer hereby incorporates the allegations contained in Paragraphs 1 through 30 as if fully set forth herein.

36. The **LIV®** Trademarks are distinctive and famous. They have been in use for nearly 15 years throughout the world. The **LIV®** Trademarks have been advertised extensively and continuously since Opposer first used its marks and they are well-known to the trade and the members of the consuming public. In addition, more than one of the **LIV®** Trademarks have reached incontestable status. The public generally associates and identifies the **LIV®** Trademarks with Opposer.

37. Applicant's Contested Marks, as shown in the Contested Applications, constitutes a dilution of the **LIV®** Trademarks, in violation of 15 U.S.C. § 1125(c), in that Applicant's marks dilute the distinctive quality of the **LIV®** Trademarks by diminishing Opposer's ability to identify and distinguish its goods/services.

38. By reason of the foregoing, Opposer is likely to be harmed by registration of the Contested Applications and such registration will damage Opposer's goodwill in the LIV® Trademarks.

**PRAYER FOR RELIEF**

WHEREFORE, Opposer respectfully requests that the USPTO enter an order denying registration of Application Serial Nos. 97/093,372, 97/093,371, 97/093,368, 97/093,365, 97/093,363, and 97/093,358 and that this Opposition be sustained in favor of Opposer.

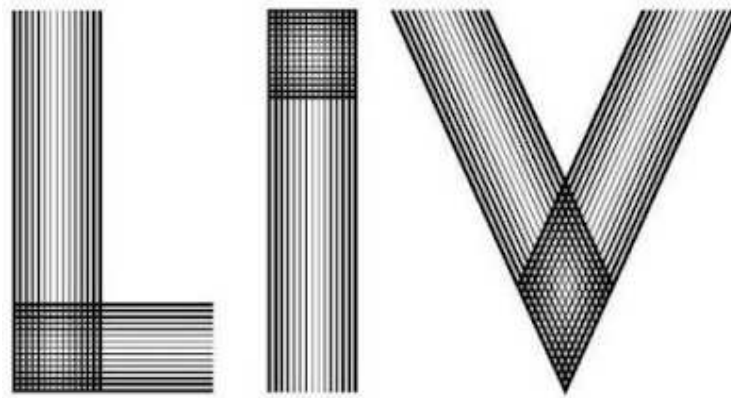
Dated: March 11, 2023

/s/Janet C. Moreira/\_\_\_\_\_  
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*Attorney for Opposer  
JS IP LLC.*

# United States of America

## United States Patent and Trademark Office



**Reg. No. 6,982,685**

**Registered Feb. 21, 2023**

**Int. Cl.: 21, 25**

**Trademark**

**Principal Register**

JS IP LLC (FLORIDA LIMITED LIABILITY COMPANY)  
19950 W. Country Club Drive, 10th Floor  
Aventura, FLORIDA 33180

CLASS 21: Shot glasses

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009

CLASS 25: Affinity clothing, namely, shirts, tank tops, muscle tank tops, shorts, v-neck shirts, sweatshirts, hoodies, and hats, all excluding children's apparel and apparel designed for cycling, and all sold through branded shops and websites associated with LIV-branded nightclubs and associated music entertainment events

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009

The mark consists of a stylized version of "LIV."

OWNER OF U.S. REG. NO. 5208689, 4284279, 4623139

SER. NO. 87-984,080, FILED 02-23-2018



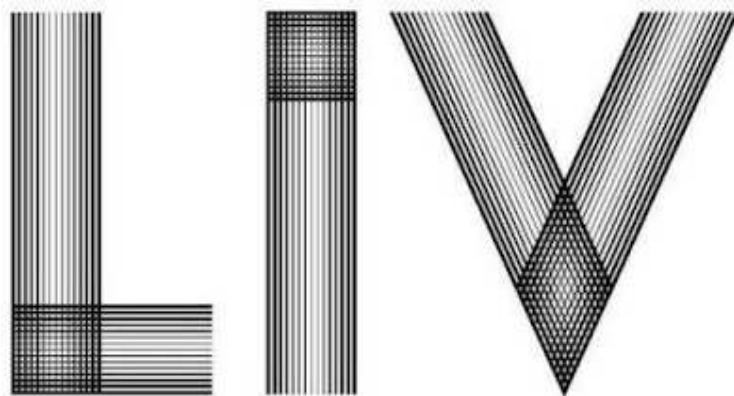
*Katherine Kelly Vidal*

Director of the United States  
Patent and Trademark Office



# United States of America

## United States Patent and Trademark Office



**Reg. No. 6,592,598**

**Registered Dec. 21, 2021**

**Amended Jan. 17, 2023**

**Int. Cl.: 9, 18**

**Trademark**

**Principal Register**

JS IP LLC (FLORIDA LIMITED LIABILITY COMPANY)  
10th Floor  
19950 W. Country Club Drive  
Aventura, FLORIDA 33180

CLASS 9: [ Sunglasses ]

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009

CLASS 18: Bags, namely, make-up bags sold empty and tote bags

FIRST USE 11-1-2009; IN COMMERCE 11-1-2009

The mark consists of a stylized version of "LIV".

OWNER OF U.S. REG. NO. 5208689, 4284279, 4623139

SER. NO. 87-978,238, FILED 02-23-2018



*Katherine Kelly Vidal*

Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## LIV ON SUNDAY

**Reg. No. 5,667,255**

**Registered Jan. 29, 2019**

**Int. Cl.: 14, 18, 25**

**Trademark**

**Principal Register**

JS IP LLC (DELAWARE LIMITED LIABILITY COMPANY)  
19950 West Country Club Drive, 10th Fl  
Aventura, FLORIDA 33180

CLASS 14: jewelry, namely, necklaces

FIRST USE 9-1-2012; IN COMMERCE 9-1-2012

CLASS 18: bags, namely, makeup bags sold empty and tote bags

FIRST USE 10-1-2017; IN COMMERCE 10-1-2017

CLASS 25: clothing, namely, shirts, t-shirts, tank tops; hats

FIRST USE 8-21-2017; IN COMMERCE 8-21-2017

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 5136809, 8684236

SER. NO. 87-611,994, FILED 09-18-2017

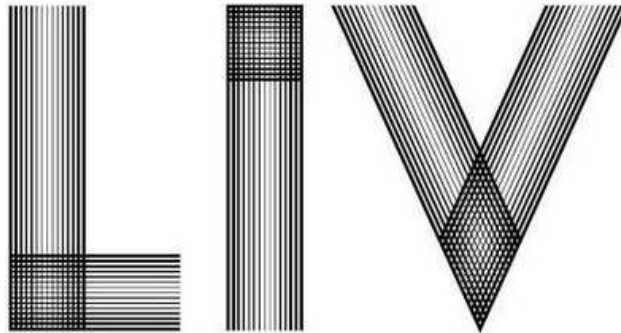


*Andrei Iancu*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 5,208,689**

**Registered May 23, 2017**

**Corrected May 19, 2020**

**Int. Cl.: 41, 43**

**Service Mark**

**Principal Register**

JS IP LLC (DELAWARE LIMITED LIABILITY COMPANY)  
19950 W. Country Club Drive, 10th Floor  
Aventura, FLORIDA 33180

CLASS 41: Night club services; Nights-clubs; Arranging and conducting nightclub parties; Entertainment services, namely, conducting parties

FIRST USE 11-15-2008; IN COMMERCE 11-15-2008

CLASS 43: Cocktail lounges; Night club reservation services, namely, arranging for cocktails and table service reservations at night clubs and night club events; Bar and cocktail lounge services

FIRST USE 11-15-2008; IN COMMERCE 11-15-2008

The mark consists of a stylized version of "LIV".

OWNER OF U.S. REG. NO. 3976284, 4284279, 4623139

SEC.2(F)

SER. NO. 87-196,326, FILED 10-07-2016



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

## LIV ON SUNDAY

**Reg. No. 5,136,809**

**Registered Feb. 07, 2017**

**Int. Cl.: 41, 43**

**Service Mark**

**Principal Register**

JS IP LLC (DELAWARE LIMITED LIABILITY COMPANY)  
19950 W. Country Club Drive  
10th Floor  
Aventura, FL 33028

CLASS 41: Entertainment services, namely, conducting parties; Night club services; Nights-clubs

FIRST USE 5-00-2009; IN COMMERCE 5-00-2009

CLASS 43: Bar services; Cocktail lounge services; Cocktail lounges

FIRST USE 5-00-2009; IN COMMERCE 5-00-2009

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4284279, 4623139, 3976284

No claim is made to the exclusive right to use the following apart from the mark as shown: "ON SUNDAY"

SEC. 2(F) as to "LIV"

SER. NO. 87-072,729, FILED 06-15-2016

MATTHEW J MCDOWELL, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office



# United States of America

United States Patent and Trademark Office

# LIV

**Reg. No. 4,890,033**

JS IP LLC (DELAWARE LIMITED LIABILITY COMPANY)  
19950 W. COUNTRY CLUB DRIVE, 10TH FLOOR  
AVENTURA, FL 33180

**Registered Jan. 19, 2016**

**Int. Cl.: 41**

FOR: PRODUCING AND ARRANGING CONCERTS, FESTIVALS, AND NIGHTCLUB PERFORMANCES IN THE FIELD OF MUSIC; PROVIDING ON-LINE INFORMATION REGARDING MUSICAL PERFORMANCES, MUSICAL PERFORMERS, NIGHTCLUB PERFORMANCES, AND MUSICAL EVENTS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

**SERVICE MARK**

**PRINCIPAL REGISTER**

FIRST USE 12-5-2008; IN COMMERCE 12-5-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,976,284 AND 4,284,279.

SN 86-195,564, FILED 2-17-2014.

KRISTIN DAHLING, EXAMINING ATTORNEY



*Michelle K. Lee*

Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

# LIV

**Reg. No. 4,623,139**

**Registered Oct. 21, 2014**

**Int. Cls.: 9, 18 and 25**

**TRADEMARK**

**PRINCIPAL REGISTER**

JS IP LLC (DELAWARE LIMITED LIABILITY COMPANY)  
19950 W. COUNTRY CLUB DR., 10TH FL  
AVENTURA, FL 33180

FOR: SUNGLASSES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-2009; IN COMMERCE 11-0-2009.

FOR: BAGS, NAMELY, MAKE-UP BAGS SOLD EMPTY AND TOTE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 11-0-2009; IN COMMERCE 11-0-2009.

FOR: CLOTHING, NAMELY, SHIRTS AND T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-0-2009; IN COMMERCE 11-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-573,639, FILED 3-19-2012.

JAY FLOWERS, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

# LIV

**Reg. No. 4,284,279**

**Registered Feb. 5, 2013**

**Int. Cl.: 43**

**SERVICE MARK**

**PRINCIPAL REGISTER**

JS IP LLC (DELAWARE LIMITED LIABILITY COMPANY)  
19950 W COUNTRY CLUB DR 10TH FL  
AVENTURA, FL 33180

FOR: BAR SERVICES; COCKTAIL LOUNGES, IN CLASS 43 (U.S. CLS. 100 AND 101).

FIRST USE 11-15-2008; IN COMMERCE 11-15-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,976,284.

SER. NO. 77-481,059, FILED 5-22-2008.

CHARLES L. JENKINS, EXAMINING ATTORNEY



*Sean Street Lee*

Acting Director of the United States Patent and Trademark Office