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Filing date: **09/25/2009**

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

Proceeding	92051386
Party	Plaintiff Time Plaza, Inc.
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Submission	Other Motions/Papers
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Date	09/25/2009
Attachments	Opposition1.pdf (4 pages)(20121 bytes) Jflee-dcln1.pdf (1 page)(12072 bytes) LOCS-definition.pdf (12 pages)(1142585 bytes)

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

3
4 In the matter of Registration No.: 3,418,299
5 Registered date: Apr. 29, 2008
6 Mark: LOCS

Cancellation No.: 92051386

7 Time Plaza, Inc.,
8 Petitioner,
9 vs.
10 Jay-Y Enterpreise Co. Inc.
11 Registrant.

12
13
14 **Opposition to Motion for Suspension**

15
16 Petitioner Tima Plaza, Inc. (“Time Plaza”) hereby opposes Motion for Suspension
17 filed by Jay-Y Enterpreise Co. Inc. (“Jay-Y”).

18
19 **The Law**

20 Whenever it comes to the attention of the Board that the parties to a case pending
21 before it are involved in a civil action which *may be dispositive of the Board case*
22 (*emphasis added*), proceedings before the Board may be suspended until final
23 determination of the civil action. TBMP 510.02(a); 37 CFR 2.117(a); *General Motors v.*
24 *Cadillac Club Fashions Inc.*, 22 USPQ.2d 1933 (TTAB 1992).

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Opposition to Motion for Suspension

1 **The Facts**

2 Here, the same parties are involved in a related proceeding of *Jay-Y enterprise v.*
3 *Time Plaza, et al*, 08-CV-7600 RMC (RZx) (“Jay-Y 7600 case”), in U.S. District
4 Court, Central District of California.

5 Time Plaza counterclaimed, in Jay-Y 7600 case, to cancel the LOCS mark, by
6 raising only one ground: “Descriptive”. See paragraph 37 in the Jay-7 7600 case docket
7 #038, attached in Jay-Y’s motion to suspend. This counterclaim happened before this
8 firm is involved.

9 The present cancellation proceeding (“1386 Action”) is related to Jay-Y 7600 case,
10 as reported by Time Plaza at time of filing, but raised a total of three grounds:
11 Descriptive, Fraud and Deceptive.

12 Jay-Y’s counsel refused to re-open the expired case management dates in the Jay-Y
13 7600 case. As such, the Fraud and Deceptive grounds are NOT raised in the Jay-Y 7600
14 case. (See counsel declaration filed concurrently hereinwith.)
15
16

17 **The Arguments**

18 This firm was recently retained as new counsel in the Jay-Y 7600 case. Our research
19 showed that the LOCS mark has been widely known to mean (dark) sunglasses and is
20 indicative of a certain gangster fashion, before Jay-Y began its purported exclusive use
21 of the LOCS mark.

22 Some online unbiased entries for the definition of LOCS are attached herein. They
23 are unbiased because these definitions existed prior to the dispute between Jay-Y and
24 Time Plaza and had no reason to be defined to favor either Jay-Y or Time Plaza. (See
25 attached Declaration re LOCS definitions.)

26 This 1386 Action raised three grounds to fully address the merits of the cancellation
27 claims: Descriptive, Fraud and Deceptive, for the facts that Jay-Y simply took a term
28 that has industry significance and tried to monopolize its use, and violated its duty of

Opposition to Motion for Suspension

1 candor to the tribunal of USPTO, when the LOCS term was already used by the public
2 to represent a certain style or fashion. (See allegations in the Notice of Cancellation
3 filed.)

4 Clearly, the Jay-Y 7600 case will NOT be dispositive of the Board case (the current
5 1386 Action), since only the “descriptive” ground was raised in the Jay-Y 7600 case,
6 while Jay-Y attempted to escape its doomed fate on the grounds raised herein.

7 Jay-Y’s counsel refused my invitation to fully adjudicate the cancellation grounds in
8 this 1386 Action, but chose to work on the dispute between the parties by limiting to the
9 only “descriptive” ground in the Jay-Y 7600 case.

10 To make the statement that “The decision in the federal action will often be binding
11 upon the Board” (near the end of the first paragraph in the Motion to Suspend) is an
12 attempt to mislead the TTAB tribunal, when the Fraud and Deceptive issues were NOT
13 made part of the federal action.

14
15 **Conclusion**

16 The Jay-Y 7600 case can NOT be dispositive of the 1386 Action before the Board
17 because Jay-Y refused to allow full adjudication of the cancellation grounds.

18 Therefore, the Board is respectfully requested to deny Jay-Y’s motion to suspend.

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Dated: September 25, 2009

Respectfully submitted,

/jflee/

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CERTIFICATE OF SERVICE

The undersigned Attorney hereby certifies that a copy of the foregoing Petitioner's Opposition to Motion for Suspension was served on the Registrant's counsel, by emailing to the address(es) below on September 25, 2009.

<p>Constance R. Lindman Overhauser Law Offices 740 W. Green Meadows Dr., #300 Greenfield, IN 46140 crindman@overhauser.com</p>	

/jflee/

Jen-Feng Lee

Opposition to Motion for Suspension

EXHIBIT 1

http://en.wikipedia.org/wiki/Sunglasses

Google locs 2002 dark sunglasses Search

Inbox - Yahoo! Mail CM/ECF - DC V3.2.2 (May 20... Sunglasses - Wikipedia, t... Page Tools

Independent (London), has also referred to these style of sunglasses as the Murphy Lens.^[17] Double gradient lenses are dark at the top, light in the middle and dark at the bottom.

Shutter shades

Main article: Shutter shades

Instead of having lenses, the design is characterized by its "shutter" motif, which is part of the frame.

Other names for sunglasses

There are also various words referring to eyepieces with darkened lenses:

- **Shades** is probably the most widely used term for sunglasses in North America.
- **Glares** is a term popular in India if the glass is dark. If it is light then Coolers.
- **Sun spectacles** is a term used by some opticians.
- **Spekkies** is a term used predominantly in southern Australia.
- **Sun specs** (also **sunspecs**) is the shortened form of sun spectacles.
- **Sunglass** a monocle version.^[citation needed]
- **Sun-shades** can also refer to the sun-shading eyepiece-type, although the term is not exclusive to these. Also in use is the derivative abbreviation, *shades*.
- **Dark glasses** (also preceded by **pair of**) - generic term in common usage.
- **Sunnies** is Australian, UK and New Zealand Slang
- **Specs** is a common name for sunglasses in North America^[citation needed], and for **spectacles** elsewhere.
- **Smoked spectacles** usually refers to the darkened eyepieces worn by blind people.
- **Solar Shields** Usually refers to the models of sunglasses with large lenses.
- **Stunna shades** Used as a slang term in the **hyphy** movement, usually referring to sunglasses with oversized lenses.
- **Locs** (also **maddoggers**) is a brand of sunglasses worn by rappers, gangsters and cholos.
- **Bono's** This refers to the lead singer in U2 often seen wearing sunglasses.
- **Glecks** is Scottish slang for glasses or sunglasses.
- **Cheaters**
- **Tints**



A man wearing sunglasses

Date Modified

8/21/2009 10:11

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EXHIBIT 2

What is a gang?

A gang is an ongoing, organized association of three or more persons — some are formal and others, informal, but most have a common name or common signs, colors, or symbols. Typically, members or associates individually or collectively engage in or have engaged in criminal activity.

How did gangs begin?

Gangs started in this country about the time of the Industrial Revolution, when people left their rural homes for the city. There was inadequate housing and few jobs available, so the unemployed turned to crime to survive. After a short time, individuals found safety in larger numbers. They began to band together, thus forming gangs. Early gangs were made up of the poorest people—usually Irish, Italian, and Polish.

Gangs flourished and continued to grow well into the 1950s. Generally, gangs fought in large groups and covered large territories. They were well-disciplined. Their weapons consisted of bats, chains, and fists. Gangs diminished in size in the late 1960s and early 1970s, but reappeared in the late 1970s tougher and more violent than ever. Today, the majority of gangs are comprised of young people seeking attention and interaction not found within their immediate family.

Characteristics of gang members:

- Lack of education or educational opportunities;
- Lack of job opportunities or skills;
- Absence of sufficient, positive adult role models;
- Lack of family support;
- Low self-esteem and the absence of a feeling of empowerment;
- Drug and alcohol abuse;
- Lack of opportunities for pro-social interactions;

Why do young people join a gang?

The reasons for joining a gang may range from wanting to have a good time to pursuing entrepreneurial ventures that may require a considerable commitment to delinquent or criminal activity.

These reasons and correlates of gang participation, coupled with a society that is more violent and one that glamorizes gangs and criminals on television and in movies, make it no surprise that our youth are in gangs. Within the gang, they find identity, security, companionship, and a sense of belonging they never knew at home.

Still other youths join gangs merely for survival or protection from other gangs. The gang may also represent a way to succeed and obtain material possessions that the youth would not otherwise have.

What types of activities are gangs involved in?

Social — Some gang activity may be socially motivated or include parties, dances, and athletic events. Members share the same feelings and ideologies and are seldom delinquent.

Delinquent — These gang members engage extensively in property offenses and in serious crimes. They are sometimes termed “serious delinquents”. Drug use and sale are relatively unimportant.



Violent — Violence in gangs and in their activities is extremely common and is done for gratification or retribution.

Drug activities — The main motivator for the gang’s existence is drugs. Their greatest financial success has come from increased involvement in narcotics trafficking. When these gangs first became involved with trafficking, the predominant drugs were marijuana and PCP. This trend has progressed to include cocaine, in particular, rock or crack.

How can gang activity be curbed?

- Social Programs
- Establishing Community Centers
- Employment Assistance

- Dropout Services
- Mentor Programs
- Recreational Activities
- Family Intervention and Training
- Substance Abuse Counseling
- Group Homes
- Self-Help Programs
- Counseling Services for Gangs, Families, Communities, and Teachers
- Educational Programs
- Rehabilitation Programs

What are the various members of law enforcement doing to counteract the gang’s attractiveness to youth?

- Participating in a community awareness campaign.
- Contacting parents to alert them that their children are involved with a gang.
- Sponsoring gang hotlines.
- Organizing athletic events between police and gang members.
- Making presentations about gangs in schools.
- Suppression. This approach has worked, but the results are sometimes short lived.
- Gang task forces. These are used to identify members and their operations
- Neighborhood watch programs.
- New laws; Gang laws.

What can/should a parent do?

If you suspect your child is a member of a gang or involved in gang-related activities get informed and get involved. You CAN make a difference. For assistance or program information, contact:

STEP Inc., 7935 Page Avenue, St. Louis, MO 63133; (314) 863-0015.

St. Louis County Police Department gang hotline (for activity in that area): (314) 889-4264.

Anti-Drug and Gang Task Force Unit, St. Louis Caring Communities, Teen Drop-In Center, 5036 Thekla Avenue, St. Louis, MO, 63115. You may contact them at (314) 389-5029. (Serving Metropolitan St. Louis.)

Move Up (formerly AdHoc Group Against Crime), 3330 Troost, Kansas City, MO 64109. You may contact them at (816) 531-0000. (This group provides intervention programs in the Kansas City.)



Gang Glossary

BANGER – Gang member or a person shooting in a drive-by.

BANGING – Gang activities/fighting or violence

BG – Baby gangster

BUSTED, POPPED A CAP – Shot at someone

COLORS – Item of clothing which IDs a gang

CRUMBS – Tiny pieces of rock cocaine

DOWN FOR MINE – Ability to protect self

DOWN WITH THE SET – On the gang's own turf

DRESSED DOWN – Wearing gang-related colors

DUSTED – Under the influence of PCP/crack

EIGHT BALL – 1/8 ounce of cocaine/40 ounce bottle of Old English 800 malt liquor beer

5-0 – The police

FLYING YOUR COLORS – Representing gang colors

G – Gangster, homey

GANGBANGER – Gang Member

GANGBANGING – Gang activities

GANGSTER – Gang Member

GAT – Gun

GRAVEYARD – This is a drug house which has either sold all their drugs or has been shut down by the police.

HOME BOY – Fellow gang members

HOMES – Fellow gang members

HOMEY – Fellow gang members

HOOD – Neighborhood

HOODSTA – Gangster

ICE – Crystal

JACK – Rob

JIM JONES – Marijuana joint laced with cocaine

JUMP ON – Intimidation

KEY – Kilo of cocaine in powder form

KIBBLES AND BITS – Crumbs of cocaine

KILLA – Killer

LIQUID JUICE/SHERM/WACK – PCP

LOC's – Dark sunglasses

Ludes – Nickname for Quaaludes

MAN – The police/anyone in charge

MUSHROOM – An innocent bystander shot in drive by shooting

O/G – Original gangster/old gangster/organized gangster

187 – Penal code for murder in California

PACKING – Gang member has a gun in his possession

PIPE HEAD – Crack addict

POPPED A CAP/BUSTED – Shot at someone

PRIMO – Marijuana laced with cocaine

PUFFER – Cocaine smoker

Queen – Female member of a gang

Rig – Combination of hypodermic needle, bottle cap, and a string or nylon to tie off arm before injecting drugs

ROCK – Crystallized cocaine

ROLLIN GOOD – Selling drugs

SAGGIN – Jailhouse life/wearing pants real low/gangstering

SET – Specific gang/location of turf

SHOTCALLER – Person in charge/gang leader

SLANGIN KEYS – Selling dope

SLING OR SLANG – Deals or sells cocaine

SPACE BASE – PCP/rock cocaine

SPEED – Common name for LSD

SPEED BALL – Combination of heroin and cocaine

STRAPPED – Have a gun on you

TANGO & CASH – Fentanyl

TEENAGER – 1/16 of an ounce of cocaine

TG – Tiny gangster

TWENTY – \$20 piece of crack

20 CENTS – \$20 worth of cocaine

VAPORS – Fumes from freebased cocaine

WACK PATIENT – An individual who smokes PCP

WACKY TOBACCY – Marijuana

WAD-UP – Stoned/high on drugs or alcohol

WATER – PCP

WE'RE DOWN WITH THE SET – Mellow/fine/secure/OK

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SHP-543 9/2000

Source: 1998 National Survey Streetgang Report,
U.S. Department of Justice.



EXHIBIT 3

Idahopress.com

Parents in the dark about kids and gangs in Canyon County

Sharon Strauss
sstrauss@idahopress.com
 Monday, April 13th, 2009

CANYON COUNTY — Although siblings, cousins, parents or even grandparents continue the family line in local gangs, officers say they regularly encounter mothers and fathers who are in the dark about their child's affiliation with gangs.

The signs that a child is involved in a gang are usually right in front of a parent's eyes, officers told the Idaho Press-Tribune. Yet many parents are caught by surprise.

"A large percentage of the time, the parents have absolutely no clue," said Caldwell police Sgt. Joey Hoadley, who has seen kids as young as 7 wear gang-related attire. "Blue, creased Dickies and a blue belt with a 13 on it," he said of the youngster's apparel.



Caldwell Police Department gang officers display long canvas belts with engraved buckles that are typical of the attire worn by gang members in Canyon County.
 Charlie Litchfield / IPT
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"Some of the signs are pretty obvious to trained gang officers, but a lot of the parents don't know what to look for,"

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The Site for Mothers of Kids in the U.S. Navy and Potential Recruits.

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"Some of the signs are pretty obvious to trained gang officers, but a lot of the parents don't know what to look for," Hoadley continued. "We just want parents to be aware of the style and not turn a blind eye to some of the obvious symptoms."

Some examples of gang signs

Bedroom

"A lot of parents have this attitude of 'It's my child's room and it's none of my business,'" Hoadley said. Gang officers couldn't disagree more. Go in the room often, officers say, and watch for things like:

- A closet full of clothes the same color. In Canyon County, blue and red represent two major gangs.
- The numerals 13 or 14 — or XIII or XIV — drawn on walls, carved into bed posts or etched into mirrors.
- Graffiti of their gang set drawn or painted on the walls.
- Bandannas pinned to the walls or ceiling.

Clothes

- Long canvas belts, often with silver buckles with a 13, 14, or letters carved out
- Designer labels that sport gang-related logos, like Locs (sunglasses) and South Pole (apparel)
- Professional sports jerseys that feature gang-related colors or symbols, such as Oakland Raiders, L.A. Dodgers, San Francisco 49ers or the Dallas Cowboys

regarding the BSU/OR game(1)

NAVY for Moms
The Site for Mothers of Kids in the U.S. Navy and Potential Recruits.
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EXHIBIT 4



222 Corridor Anti-Gang Initiative

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Wednesday, September 16, 2009

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You are here: Resources for Parents/Professionals » Gang Identifiers » Gang Language

GANG SYMBOLS & NUMBERS

- \$ - Power and money
- 0-0 - Double ought buck shot (shot gun)
- 000 - Blood
- 001 - Blood love
- 006 - Silence (used by Black Gangster Disciples)
- 013 - Get him; assault someone (Bloods)
- 023 - Watch your back (Bloods)
- 025 - What rank are you (Bloods)
- 031 - I am Blood

SEARCH

Gang Identifiers

- Tattoos
- Gang Signs
- Gang language
- Graffiti
- Clothing
- Entertainment

La Eme - Spanish for the letter "M" - Refers to the Mexican Mafia prison gang

La Trece - Spanish for "the 13"; a reference to Southern California allegiance

Lame - Boring; pitiful as in "That's a lame excuse."

La Raza - Spanish meaning: Race (ethnicity); has been adopted as a gang name in some areas

Live hook up - Phone call made from jail or prison to the outside world
Lit up - Shot at

Lizard butt - Ugly girl

Loc - Loco; crazy (also lok)

Locs - Dark sun glasses; Folks Nation members

Looking to machine - Seeking sex

Lord Allah - Five Percenters name describing Los Angeles, CA

Low budget - Cheap girl (date)

~M~

MM - Mexican Mafia prison gang

MMM - Money, Macks, (weapon) and Murder; money, mayhem, and murder; sometimes money, making more money, and murder

MOB - Member Of Bloods; Money Over Bitches

MOM - Member of Mecca; tattoo worn by a member of the Five Percenters

MSB - Money, Sex, Bitches

MS 13 - Mara Salvatrucha (13 represents South)