

ESTTA Tracking number: **ESTTA425146**

Filing date: **08/15/2011**

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	Farhad Motavasselan
Granted to Date of previous extension	08/17/2011
Address	9501 WILSHIRE BOULEVARD TWO RODEO BEVERLY HILLS, CA 90210 UNITED STATES
Party who filed Extension of time to oppose	FarhadMotavasselan
Relationship to party who filed Extension of time to oppose	Added a space between Opposer's first and last name.

Attorney information	Ben T. Lila Mandour & Associates, APC 16870 West Bernardo Drive Suite 400 San Diego, CA 92127 UNITED STATES blila@mandourlaw.com, jmandour@mandourlaw.com, kbruce@mandourlaw.com Phone:858-487-9300
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### Applicant Information

Application No	85177098	Publication date	04/19/2011
Opposition Filing Date	08/15/2011	Opposition Period Ends	08/17/2011
Applicant	Sullivan, Steve 1594 Saratoga Court Minden, NV 89423 UNITED STATES		

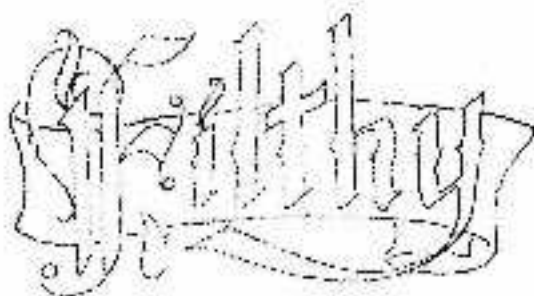
### Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Hats; Jackets; Shirts; Shorts; Sweatshirts
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### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Lack of bona fide intent.

## Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3267012	Application Date	07/16/2004
Registration Date	07/24/2007	Foreign Priority Date	NONE
Word Mark	FILTHY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/12/08 First Use In Commerce: 1996/12/08 CLOTHING, NAMELY TOPS AND BOTTOMS, DESIGNER GOWNS, COCKTAIL DRESSES, SUITS, SHIRTS, BLOUSES, SWEATERS, FOOTWEAR, HEADWEAR, ALL FOR RETAIL AND WHOLESALE		

Attachments	76602664#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition FILTHY BASEBALL DESIGNS 08-15-11.pdf ( 5 pages )(21433 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ben T. Lila/
Name	Ben T. Lila
Date	08/15/2011

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

In the matter of Trademark Application Serial No. 85/177,098  
Published in the Official Gazette (Trademarks) on April 19, 2011  
Mark: FILTHY BASEBALL DESIGNS

Farhad Motavasselan and Gil Motavasselan,	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. _____
	)	
Steve Sullivan,	)	
	)	
Applicant.	)	
_____	)	

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**NOTICE OF OPPOSITION**

Farhad Motavasselan and Gil Motavasselan, both U.S. citizens, with a principal place of residence at Two Rodeo, 9501 Wilshire Blvd., Beverly Hills, California 90210 (collectively “Opposer”), believes that it will be damaged by the registration by Steve Sullivan (hereinafter “Applicant”) of the above-identified trademark and hereby opposes the same.

As grounds for opposition, it is alleged that:

1. The Applicant seeks to register FILTHY BASEBALL DESIGNS as a trademark for “*Class 025: Hats; Jackets; Shirts; Shorts; Sweatshirts*” as is evidenced by the publication of said trademark in the Official Gazette on April 19, 2011.

2. Opposer is the owner of U.S. Trademark Registration No. 3,267,012 for the trademark FILTHY (+Design) for “clothing, namely tops and bottoms, designer gowns, cocktail dresses, suits, shirts, blouses, sweaters, footwear, headwear, all for retail and wholesale in International Class 025”. Opposer has continuously used its FILTHY (+Design) trademark in interstate commerce since at least as early as December 8, 1996 in regard to retail and wholesale clothing.

3. In view of the nearly identical trademarks and identical goods of the respective parties, it is alleged that Applicant’s trademark so resembles Opposer’s trademark, as to be likely to cause confusion, or to cause mistake, or to deceive.

4. There is no issue of priority. Applicant has not claimed a date of first use of its trademark. Opposer’s date of first use in interstate commerce is at least as early as December 8, 1996. Opposer’s use of its trademark has been valid and continuous since said date of first use and has not been abandoned.

5. Opposer’s valid and continuous use of its trademark has developed exceedingly valuable goodwill and recognition.

6. By virtue of its efforts and the expenditure of considerable sums for promotional materials, advertisements, and the quality of its goods, Opposer has gained a valuable reputation for its trademark.

7. If Applicant is permitted to use and register its trademark as specified in the application herein opposed, confusion is likely to result because the trademarks are so similar. Therefore, it is very likely that persons familiar with Opposer's trademark would assume that Applicant was associated with Opposer and any such confusion would inevitably result in damage to Opposer. Furthermore, any objection or fault found with Applicant's goods and/or services would necessarily reflect upon and seriously injure the reputation that Opposer has established under its trademark. Thus, if Applicant is allowed to use and register FILTHY BASEBALL DESIGNS, the resulting confusion and assumed affiliation will be damaging to Opposer's established goodwill, and Applicant's use of FILTHY BASEBALL DESIGNS as a trademark will damage Opposer's trademark.

8. Further, if Applicant is granted the registration herein opposed, it would thereby obtain at least a *prima facie* exclusive right to the use of its trademark, and would appropriate the considerable goodwill and recognition that Opposer has established through its exclusive marketing and use. Such registration would be a source of damage and injury to Opposer.

9. Opposer also alleges that Applicant did not have a *bona fide* intent to use the FILTHY BASEBALL DESIGNS trademark at the time of filing the trademark application. Opposer alleges that Applicant had no intention of producing any and all the goods claimed on its application. Opposer alleges that to date Applicant has not sold in interstate commerce all the goods alleged in Applicant's application. Opposer alleges that Applicant lacked the ability and willingness to use the FILTHY BASEBALL DESIGNS mark in the United States to identify any and all of the goods listed in the application at the time of the filing of the application.

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