

ESTTA Tracking number: **ESTTA380376**

Filing date: **11/24/2010**

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	Jose A Lugo		
Entity	Individual	Citizenship	UNITED STATES
Address	20 Snyder Avenue Brooklyn, NY 11226 UNITED STATES		

Attorney information	Humberto Rubio, Jr. Rubio & Associates, P.A. 8950 SW 74 Ct., # 1804 Miami, FL 33156 UNITED STATES hrubio@rubiolegal.com		
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**Applicant Information**

Application No	85056706	Publication date	11/16/2010
Opposition Filing Date	11/24/2010	Opposition Period Ends	12/16/2010
Applicant	Lugo's Hair 150 East 44 St 26a New York, NY 10017 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 044. First Use: 2010/01/01 First Use In Commerce: 2010/01/01 All goods and services in the class are opposed, namely: Hair replacement, hair addition, and hair extension services
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Application No.	85144506	Application Date	10/04/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LUGO'S		

Design Mark	<b>LUGO'S</b>
Description of Mark	NONE
Goods/Services	Class 026. First use: First Use: 1976/06/13 First Use In Commerce: 1976/06/13 Hair products and accessories, namely, wigs, hair pieces, add-on hair accessories constructed primarily of human hair, hair extensions, hair braids, hair weaves, hair ribbons and hair ornaments in the form of combs. Synthetic hair

U.S. Application No.	85144524	Application Date	10/04/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	LUGO HAIR CENTER THE MECCA OF HAIR
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Design Mark	<b>Lugo Hair Center The Mecca of Hair</b>
Description of Mark	NONE
Goods/Services	Class 026. First use: First Use: 1976/06/13 First Use In Commerce: 1976/06/13 Hair products and accessories, namely, wigs, hair pieces, add-on hair accessories constructed primarily of human hair, hair extensions, hair braids, hair weaves, hair ribbons and hair ornaments in the form of combs. Synthetic hair

U.S. Application No.	85144575	Application Date	10/04/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	LUGO HAIR CENTER THE MECCA OF HAIR
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Design Mark	
Description of Mark	The mark consists of a woman's head and face with somewhat wavy hair long enough to cover her neck and portion of her shoulder/back. She is facing north-east and has her head somewhat slanted towards her back. To the right of the woman's figure the words "Lugo Hair Center" and "The Mecca of Hair" appear.
Goods/Services	Class 026. First use: First Use: 1976/06/13 First Use In Commerce: 1976/06/13 hair products and accessories, namely, wigs, hair pieces, add-on hair accessories constructed primarily of human hair, hair extensions, hair braids, hair weaves, hair ribbons and hair ornaments in the form of combs. Synthetic hair

U.S. Application No.	85177151	Application Date	11/15/2010
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	LUGO HAIR CENTER
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1976/06/13 First Use In Commerce: 1976/06/13 Retail and distributorship services in the field of hair products and accessories

Related Proceedings	Opposition No. 91196840
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Attachments	85144506#TMSN.jpeg ( 1 page )( bytes ) 85144524#TMSN.jpeg ( 1 page )( bytes ) 85144575#TMSN.jpeg ( 1 page )( bytes ) 85177151#TMSN.jpeg ( 1 page )( bytes ) Opposition Lugos 11-24-10.pdf ( 5 pages )(91725 bytes ) Proof of Service 11-24-10.pdf ( 1 page )(53154 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	/Humberto Rubio/
Name	Humberto Rubio, Jr.
Date	11/24/2010

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

In the matter of trademark application Serial No. 85056706  
For the mark: **LUGO'S HAIR**  
Published in the Official Gazette on: November 16, 2010

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<b>JOSE ANTONIO LUGO SR.</b>	)	
<b>Opposer,</b>	)	
	)	
v.	)	
	)	
<b>LUGO'S HAIR</b>	)	
<b>Applicant.</b>	)	
-----	)	

**Opposition No.** \_\_\_\_\_

**NOTICE OF OPPOSITION**

JOSE ANTONIO LUGO, SR., (hereinafter "Opposer"), an individual residing in New York, with a principal address, 20 Snyder Avenue, Brooklyn, NY 11226 believes that it will be damaged by registration of the mark shown in U.S. Application Serial No. 85056706 filed by LUGO'S HAIR (hereinafter "Applicant"), on June 7, 2010. The application was published in the Official Gazette on November 16, 2010. Pursuant to 15 U.S.C. §1063, by and through undersigned counsel, Opposer opposes the registration of this mark and as grounds alleges:

1. Opposer, Jose Antonio Lugo, Sr., is an individual residing in New York, NY. For many years Opposer, its related companies and licensees (hereinafter "Related Companies") have used the trademarks LUGO'S, LUGO HAIR CENTER THE MECCA OF HAIR, LUGO HAIR CENTER THE MECCA OF HAIR and DESIGN and LUGO HAIR CENTER (hereinafter "Opposer's Marks") in commerce in connection with hair products and related goods and services.

2. Many years prior to the filing of U.S. Application Serial No. 85056706, which is the subject of this opposition, Opposer adopted and began using LUGO'S, LUGO HAIR CENTER and Opposer's Marks in commerce.

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