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IMMORAL OR SCANDALOUS MARKS: AN EMPIRICAL
ANALYSIS

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INTRODUCTION

The Lanham Act sets forth which trademarks may be registered at the Patent and Trademark Office.¹ It contains a number of limitations on registrability. Section 2(a) prohibits among other things the registration of a mark that “[c]onsists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute.”² This provision originally came into force in 1946 with the enactment of the Lanham Act, but the

¹ See 15 U.S.C. § 1052 (2012).

² *Id.* § 1052(a).

prohibitions it sets forth have been in effect since the late nineteenth century, when the federal government first began to register trademarks.

Recently, these prohibitions have come under constitutional scrutiny. In the 2017 case of *Matal v. Tam*,³ involving Simon Tam's application for the registration of the term THE SLANTS for entertainment services in connection with an Asian-American dance-rock band, the Supreme Court ruled that § 2(a)'s prohibition on "matter which may disparage ... persons, living or dead, institutions, beliefs, or national symbols" was unconstitutional under the Free Speech Clause of the First Amendment.⁴ Currently before the Court in the case of *Iancu v. Brunetti*⁵ is the question of the constitutionality of the neighboring prohibition on the registration of "immoral ... or scandalous matter."⁶ Brunetti seeks registration of the term FUCT for use in connection with apparel.⁷

This Article reports the results of a systematic empirical study of how the United States Patent and Trademark Office (PTO) has applied the immoral-or-scandalous prohibition in practice. For reasons we explain below, we focus on the 3.6 million trademark registration applications filed at the PTO for marks that include text (which we refer to as "word-mark applications") from 2003 through 2015.⁸ The PTO refused to register 1,901 of these marks on the basis that they

³ 137 S. Ct. 1744 (2017).

⁴ *Id.* at 1765.

⁵ *In re Brunetti*, 877 F.3d 1330 (Fed. Cir. 2017), *cert. granted sub nom. Iancu v. Brunetti*, 139 S. Ct. 782 (Jan. 4, 2019) (No. 18–302).

⁶ The prohibition of "immoral ... or scandalous matter" has traditionally been applied as a unitary provision, so that neither the courts nor the PTO distinguish between marks that are "immoral" and those that are "scandalous." *See In re Brunetti*, 877 F.3d 1330, 1335–36 (Fed. Cir. 2017).

⁷ *See* U.S. Trademark Application No. 85/310,960 (filed May 3, 2011).

⁸ In previous work, Megan Carpenter and Mary Garner searched 40 terms on the PTO's Trademark Electronic Search System to develop a dataset of 232 trademark records filed between 2001 and 2011 that contained an immoral-or-scandalous refusal. Megan M. Carpenter & Mary Garner, *NSFW: An Empirical Study of Scandalous Trademarks*, 33 CARDOZO ARTS & ENT. L.J. 321, 332, 334 (2015). Their study focused in detail on the reasoning that PTO examiners used as the basis for their immoral-or-scandalous refusals. *Id.* at 334–64. They also reported "some measure of inconsistency" in the PTO's treatment of a set of words they studied closely: BITCH, POTHEAD, SHIT, SLUT, and WHORE. *Id.* at 359–62. On the whole, our results are consistent with Carpenter and Garner's results. In other work, Anne Gilson LaLonde and Jerome Gilson studied a dataset of forty-one applications to register marks that include the term MILF. Anne Gilson LaLonde & Jerome Gilson, *Trademarks Laid Bare: Marks That May Be Scandalous or*

consisted of immoral-or-scandalous matter, though 140 applications eventually overcame that refusal and 91 proceeded to registration. We show that the PTO applies the immoral-or-scandalous prohibition in an arbitrary and viewpoint-discriminatory matter. Specifically, we show that the PTO routinely refuses registration of applied-for marks on the ground that they are immoral or scandalous under § 2(a) and confusingly similar with an already registered mark under § 2(d). In other words, the PTO routinely states that it cannot register a mark because the mark is immoral or scandalous and in any case because it has already allowed someone else to register the mark on similar goods. Furthermore, the PTO arbitrarily allows some applied-for marks to overcome an immoral-or-scandalous refusal while maintaining that refusal against other similar marks. The PTO also often declines even to issue immoral-or-scandalous refusals to applied-for marks that are closely similar to other marks to which it has issued such refusals. Finally, the PTO uses the § 2(a) immoral-or-scandalous bar to refuse registration of marks whose viewpoint on such practices as drug-taking it finds objectionable.

On the basis of these empirical findings, we conclude that the § 2(a) bar on the registration of immoral-or-scandalous matter violates the Free Speech Clause and is unconstitutional. As a preliminary matter, many of the marks subject to an immoral-or-scandalous refusal are instances of high-value speech. Section 2(a)'s immoral-or-scandalous-marks provision fails to satisfy even the "intermediate scrutiny" applied to commercial speech under *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*⁹ because it is not narrowly drawn and is arbitrarily applied. Furthermore, the provision is unconstitutionally vague and has been applied in a viewpoint-discriminatory manner.

Part I provides background on *Tam* and *Brunetti*. Part II describes the datasets we used for our study. Part III presents various descriptive statistics. Part IV shows from a number of perspectives the degree to which the PTO's application of the immoral-or-scandalous bar is arbitrary. Part V focuses on how the PTO has engaged in viewpoint discrimination in applying the immoral-or-scandalous bar. Part VI analyzes the implications of our findings under the First Amendment. In conclusion, we briefly raise some thoughts about the use of big data in litigation to show inconsistent application of laws.

Immoral, 101 TRADEMARK REP. 1476, 1478 (2011). They too find inconsistencies in the PTO's treatment of the term. See *id.* at 1478 (reporting that twenty of the applications containing MILF that they studied received an immoral-or-scandalous refusal, while twenty did not, and concluding that "[c]learly, the USPTO cannot make up its mind").

⁹ 447 U.S. 557 (1980).

Before we proceed, we note (and caution the reader) that many of the trademark applications we discuss contain offensive language. But we think including them, unfiltered, is necessary to report the specifics of these applications to properly convey just how arbitrary and viewpoint-discriminatory the PTO's enforcement of the immoral-or-scandalous bar has been.

I

THE LEAD-UP TO *IANCU v. BRUNETTI*

A. *Matal v. Tam*

In November 2011, Simon Tam, the founder, bassist, and frontman of The Slants, applied to register the mark THE SLANTS on the Principal Register in connection with “[e]ntertainment in the nature of live performances by a musical band.”¹⁰ The PTO refused registration on the ground that the term was disparaging of Asian persons.¹¹ On appeal to the U.S. Court of Appeals for the Federal Circuit, Tam explained that he “select[ed] the name ‘The Slants’ to ‘reclaim’ and ‘take ownership’ of Asian stereotypes. The band draws inspiration for its lyrics from childhood slurs and mocking nursery rhymes, and its albums include ‘The Yellow Album’ and ‘Slanted Eyes, Slanted Hearts.’”¹² He argued, among other things, that the § 2(a) prohibition on “matter which may disparage” violated the Free Speech Clause.¹³ Reasoning that it was bound by precedent, the Federal Circuit initially rejected his constitutional challenge.¹⁴ Judge Kimberly Moore joined the opinion but added a lengthy opinion of her own under the heading “additional views,” in which she urged the Federal Circuit to reconsider its precedent on the issue.¹⁵ In a subsequent en banc decision, the Federal Circuit adopted Judge Moore’s reasoning and found the § 2(a) disparagement bar to be facially unconstitutional under the Free Speech Clause.¹⁶

The Supreme Court affirmed by an eight-member court, unanimously finding the provision to be unconstitutional.¹⁷ In a plurality opinion joined by Chief Justice

¹⁰ U.S. Trademark Application No. 85/472,044 (filed Nov. 14, 2011).

¹¹ See *In re Tam*, 108 U.S.P.Q.2d 1305, 2013 WL 5498164 (BNA) (T.T.A.B. 2013).

¹² *In re Tam*, 785 F.3d 567, 575 (Fed. Cir. 2015).

¹³ *Id.* at 569.

¹⁴ *Id.* at 572 (“We here follow our precedent.”).

¹⁵ *Id.* at 572 (Moore, J., stating additional views).

¹⁶ *In re Tam*, 808 F.3d 1321, 1358 (Fed. Cir. 2015) (en banc), *as corrected* (Feb. 11, 2016).

¹⁷ *Matal v. Tam*, 137 S. Ct. 1744 (2017).

Roberts, Justice Thomas, and Justice Breyer, Justice Alito found that “the disparagement clause” of § 2(a) failed to satisfy even intermediate scrutiny under *Central Hudson*.¹⁸ This determination allowed him to avoid the question of whether trademarks, as commercial speech, should be subject to either intermediate or strict scrutiny.¹⁹ Justice Alito focused on *Central Hudson*’s requirement that a restriction of speech be “narrowly drawn.” He explained:

[T]he disparagement clause is not “narrowly drawn” to drive out trademarks that support invidious discrimination. The clause reaches any trademark that disparages *any person, group, or institution*. It applies to trademarks like the following: “Down with racists,” “Down with sexists,” “Down with homophobes.” It is not an anti-discrimination clause; it is a happy-talk clause. In this way, it goes much further than is necessary to serve the interest asserted.²⁰

Justice Alito further expressed a concern that

[t]he commercial market is well stocked with merchandise that disparages prominent figures and groups, and the line between commercial and non-commercial speech is not always clear. If affixing the commercial label permits the suppression of any speech that may lead to political or social “volatility,” free speech would be endangered.²¹

However, Justice Alito did not elaborate on the contours of this concern.

In a concurring opinion joined by Justice Ginsburg, Justice Sotomayor, and Justice Kagan, Justice Kennedy found that § 2(a) constituted viewpoint discrimination and failed strict scrutiny.²² Justice Kennedy explained: “[A]n applicant may register a positive or benign mark but not a derogatory one. The law thus reflects the Government’s disapproval of a subset of messages it finds offensive.

¹⁸ *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm’n of N.Y.*, 447 U.S. 557 (1980).

¹⁹ *Tam*, 137 S. Ct. at 1764 (plurality opinion).

²⁰ *Id.* at 1764–65.

²¹ *Id.*

²² *Id.* at 1765 (Kennedy, J., concurring in part and concurring in judgment). Indeed, Justice Kennedy’s concurrence suggested that this is essentially what Justice Alito’s opinion for the Court held: “As the Court is correct to hold, § 1052(a) constitutes viewpoint discrimination—a form of speech suppression so potent that it must be subject to rigorous constitutional scrutiny.”

This is the essence of viewpoint discrimination.”²³ As for the commercial speech issue, “[t]o the extent trademarks qualify as commercial speech, they are an example of why that category does not serve as a blanket exemption from the First Amendment’s requirement of viewpoint neutrality.”²⁴

Justice Thomas wrote a separate concurrence to register his view that strict scrutiny should be applied “whether or not the speech in question may be characterized as ‘commercial.’”²⁵

B. Iancu v. Brunetti

Erik Brunetti founded the clothing line “fuct” in 1990.²⁶ In May 2011, two individuals applied to register the mark FUCT in connection with apparel on the PTO’s Principal Register. They subsequently assigned the application to Brunetti. The PTO refused registration on the ground that the mark consisted of “immoral . . . or scandalous matter” under § 2(a).²⁷ The examining attorney and Trademark Trial and Appeal Board applied the standard test to determine if an applied-for mark is immoral or scandalous.²⁸ This test “asks whether a substantial composite of the general public would find the mark scandalous, defined as shocking to the sense of truth, decency, or propriety; disgraceful; offensive; disreputable; . . . giving offense to the conscience or moral feelings; . . . or calling out for condemnation.”²⁹

On appeal, the Federal Circuit found in favor of Brunetti.³⁰ Writing six months after the Supreme Court decided *Tam*, Judge Moore ruled that the PTO had not erred in concluding that FUCT is immoral or scandalous but found that the immoral-or-scandalous prohibition violated the Free Speech Clause. Specifically, she held that the prohibition targeted the expressive content of applied-for marks, constituted content-based discrimination, and did not satisfy strict scrutiny.³¹ She further held that the immoral-or-scandalous bar failed to pass even intermediate

²³ *Id.* at 1766.

²⁴ *Id.* at 1750.

²⁵ *Id.* at 1769 (Thomas, J., concurring in part and concurring in judgment) (quoting *Lorillard Tobacco Co. v. Reilly*, 533 U.S. 525, 572 (2001)).

²⁶ *In re Brunetti*, 877 F.3d 1330, 1337 (Fed. Cir. 2017).

²⁷ *Id.*

²⁸ *Id.* at 1336.

²⁹ *Id.* at 1336 (citations omitted).

³⁰ *Id.* at 1357.

³¹ *Id.* at 1335.

scrutiny under *Central Hudson*.³² The *Central Hudson* analysis of the constitutionality of governmental restrictions on commercial speech has four prongs:

At the outset, we must determine whether the expression is protected by the First Amendment. For commercial speech to come within that provision, it at least must concern lawful activity and not be misleading. Next, we ask whether the asserted governmental interest is substantial. If both inquiries yield positive answers, we must determine whether the regulation directly advances the governmental interest asserted, and whether it is not more extensive than is necessary to serve that interest.³³

With respect to the second prong of the *Central Hudson* test, she found that the government's interest in protecting citizens from profanities was not "substantial."³⁴ With respect to the third prong, she found that the immoral-or-scandalous bar did not directly advance this interest because firms can still use applied-for marks in commerce even if their application is refused.³⁵ Finally, and we think most importantly, Judge Moore also found that the § 2(a) immoral-or-scandalous prohibition failed the fourth prong of the *Central Hudson* test ("whether [the provision at issue] is not more extensive than is necessary to serve that interest"³⁶). She explained:

[N]o matter the government's interest, it cannot meet the fourth prong of *Central Hudson*. The PTO's inconsistent application of the immoral or scandalous provision creates 'an uncertainty that undermines the likelihood that the provision has been carefully tailored.' Nearly identical marks have been approved by one examining attorney and rejected as scandalous or immoral by another. . . . Although the language in these marks is offensive, we cannot discern any pattern indicating when the incorporation of an offensive term into a mark will serve as a bar to registration and when it will not.³⁷

³² *Id.*

³³ *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n of N.Y.*, 447 U.S. 557, 566 (1980).

³⁴ *Brunetti*, 877 F.3d at 1350-53.

³⁵ *Id.* at 1353.

³⁶ *Central Hudson*, 447 U.S. at 566.

³⁷ *Brunetti*, 877 F.3d at 1353-54 (quoting *Reno v. Am. Civil Liberties Union*, 521 U.S. 844, 871 (1997)); *cf.* *Matal v. Tam*, 137 S. Ct. 1744, 1756-57 (2017) (acknowledging that that "the huge volume of [trademark] applications have produced a haphazard record of enforcement" of

II DATASETS

We used two datasets to analyze how the PTO has applied the § 2(a) immoral-or-scandalous prohibition. The first is the PTO's Trademark Case Files Dataset, which provides detailed information about all 7.3 million trademark applications for registration on the Principal Register filed from 1982 through 2017. This dataset includes data on applicant and mark characteristics, as well as applications' prosecution history.³⁸ Unfortunately, although the dataset indicates if the PTO refused registration of an application, the dataset does not indicate the PTO's grounds for its decision.

To establish on what basis the PTO refused registration, we used a second dataset of all office actions issued by the PTO from 2003—when the PTO first began to post its trademark office actions online—through 2017. We developed this dataset in connection with a previous study, and have since updated it.³⁹ This entailed systematically downloading some 3.1 million office actions from the PTO website. We then used keywords and key phrases to autocode the office actions for certain characteristics. Most relevant for our purposes here, we autocoded the office actions for whether the PTO refused registration on the basis that the applied-for mark was immoral or scandalous under § 2(a) or on the basis that the applied-for mark was confusingly similar to an already-registered mark under § 2(d) of the Lanham Act.⁴⁰

Because of the significant computational challenges presented by the analysis of trademark applications for marks consisting only of images, we restrict our analysis here only to word-mark applications. During the period studied, 97% of trademark applications submitted to the PTO were for marks that consisted in whole

the disparagement provision, and that “today, the principal register is replete with marks that many would regard as disparaging to racial and ethnic groups”). The Supreme Court has elsewhere made clear that when “[t]he operation of [a law] is so pierced by exemptions and inconsistencies . . . the Government cannot hope to exonerate it” under the fourth prong of *Central Hudson*. *Greater New Orleans Broadcasting Ass’n v. United States*, 527 U.S. 173, 190 (1999); *cf.* *Rubin v. Coors Brewing Co.*, 514 U.S. 476, 489 (1995) (“[E]xemptions and inconsistencies [in an alcohol labeling ban] bring into question the purpose of the labeling ban.”).

³⁸ U.S. PATENT & TRADEMARK OFFICE, TRADEMARK CASE FILES DATASET (2018), <https://www.uspto.gov/learning-and-resources/electronic-data-products/trademark-case-files-dataset-0>.

³⁹ See generally Barton Beebe & Jeanne Fromer, *Are We Running Out of Trademarks? An Empirical Study of Trademark Depletion and Congestion*, 131 HARV. L. REV. 945 (2018).

⁴⁰ 15 U.S.C. § 1052(d) (2012).

or part of text. Furthermore, even though we have data through 2017, we study the thirteen-year period from 2003 through 2015 because applications filed after that period may not been fully processed by the end of 2017.

III DESCRIPTIVE STATISTICS

As stated above, of the 3.6 million word-mark applications filed at the PTO for registration on the Principal Register from 2003 through 2015, 1,901 applications were issued refusals to register on the basis that the applied-for mark was immoral or scandalous. For context, Figure 1 shows the number of word-mark applications filed at the PTO by year from 2003 through 2015.

Figure 1:
Number of Word-Mark Applications filed at the
Patent and Trademark Office for Registration on the
Principal Register, 2003-2015

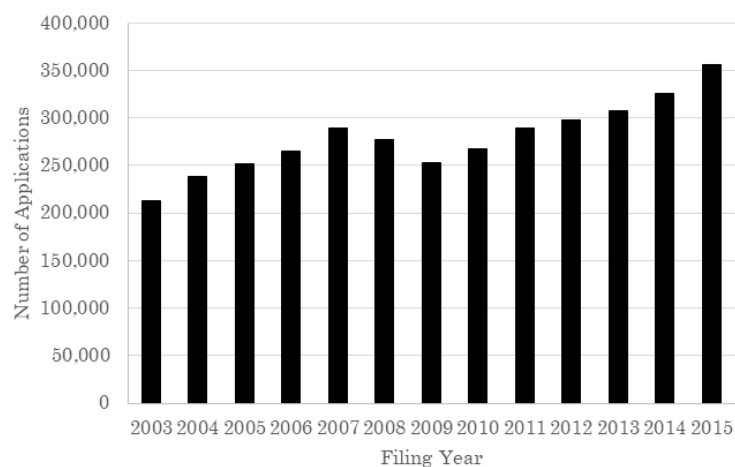


Figure 2 shows, by filing year, the number of word-mark applications that received a § 2(a) immoral-or-scandalous refusal⁴¹ and the number that overcame that refusal during the period studied.⁴²

⁴¹ An initial rough analysis of correlations between the frequency with which specific examiners issued an immoral-or-scandalous refusal and examiner characteristics, such as gender and seniority, shows no appreciable correlations. For example, for the period 2003 through 2015, we were able to estimate examiners' gender (based on first names) for 3,503,978 (or 96.5%) of the 3,631,515 word-mark applications filed. Female examiners evaluated 57.3% of these 3.5 million applications and issued 59.7% of the 1,854 immoral-or-scandalous refusals, $r = -0.001$, $n = 3,503,978$, $p = 0.038$.

⁴² The trademark registration process begins when the applicant files an application identifying, among other things, the mark for which the applicant seeks registration and the goods or services with which the applicant currently uses the mark or intends in the future to use the mark. The PTO then examines the application for compliance with formalities and to determine if there are any grounds for refusal to register the mark, such as that the mark is immoral or scandalous under § 2(a) or that the mark is confusingly-similar to an already-registered mark under § 2(d). If the PTO determines that the application complies with all formalities and that there are no grounds for refusal, the PTO then publishes the mark in the Trademark Official Gazette. At this stage, the PTO has essentially declared that as far as it is concerned, the mark is ready to be registered (though in rare instances, the PTO will sometimes issue a refusal even after the mark has published). Any party which believes it may be harmed by registration of the mark then has thirty days to oppose registration of the mark. With respect to applications based on the applicant's current use of the trademark, if no opposition is filed or if the mark is unsuccessfully opposed, the mark then proceeds to registration. With respect to applications based on the applicant's intent to use the mark, the applicant must then submit evidence that it is using the mark in commerce. Upon receipt of such evidence, the PTO then registers the mark. *See* U.S. PATENT & TRADEMARK OFFICE, TRADEMARK PROCESS, <https://www.uspto.gov/trademarks-getting-started/trademark-process#step1> (providing an overview of the trademark registration process); BARTON BEEBE, TRADEMARK LAW: AN OPEN-SOURCE CASEBOOK 269-73 (5th ed. 2018), <http://tmcasbook.org/wp-content/uploads/2018/07/BeebeTMLaw-5.0-Full-Book.pdf>.

Figure 2:
Number of Word-Mark Applications Receiving a § 2(a)
Immoral-or-Scandalous Refusal and Number of Such Applications
That Overcame That Refusal, by Filing Year, 2003-2015

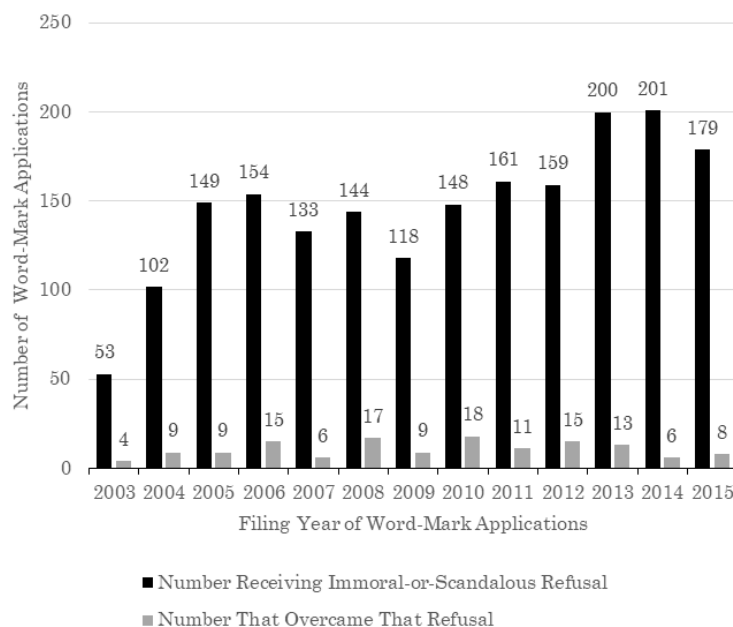


Figure 3 sets forth the international classes of goods or services claimed by all word-mark applications filed from 2003 through 2015 that received a § 2(a) immoral-or-scandalous refusal.⁴³ As Figure 3 indicates, a very large proportion of applications receiving a § 2(a) immoral-or-scandalous refusal claimed the applied-for mark for use in connection with apparel goods (Class 25). Entertainment services (Class 41) and printed matter (Class 16) also show significant levels of applications

⁴³ A trademark applicant must specify the goods and services in connection with which the applicant claims the exclusive right to use the mark. See 15 U.S.C. § 1051(a)(2) (2012). The applicant must do so in the form of a written description of the goods and services and also by reference to one or more of the forty-five categories of goods and services contained in the International Classification of Goods and Services for the Purposes of the Registration of Marks, otherwise known as the “Nice Classification” after the French city where it was established in 1957. U.S. PATENT & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, TRADEMARK MANUAL OF EXAMINING PROCEDURE § 1401.03 (Oct. 2018) [hereinafter TRADEMARK MANUAL OF EXAMINING PROCEDURE] (citing Requirements for a Complete Trademark or Service Mark Application, 37 C.F.R. § 2.32(a)(7) (2017)); see *Nice Classification*, WORLD INTELL. PROP. ORG. (2019), <http://www.wipo.int/classifications/nice/en/>; see also *List of Classes with Explanatory Notes*, WORLD INTELL. PROP. ORG., http://web2.wipo.int/classifications/nice/nclpub/en/fr/20170101/classheadings/?explanatory_notes. Appendix 1 lists and labels the forty-five international classes.

receiving a § 2(a) immoral-or-scandalous refusal. Notably, each of these classes involve goods or services that are typically expressive in nature.

Figure 3:
International Classes Claimed by Word-Mark Applications Receiving a
§ 2(a) Immoral-or-Scandalous Refusal, Filing Years 2003-2015

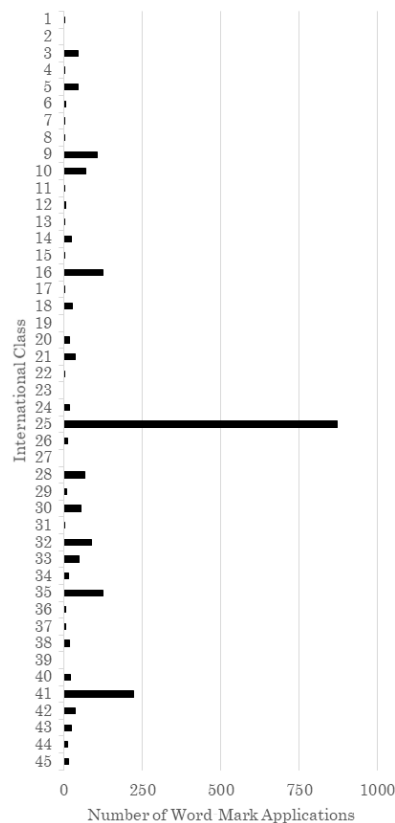
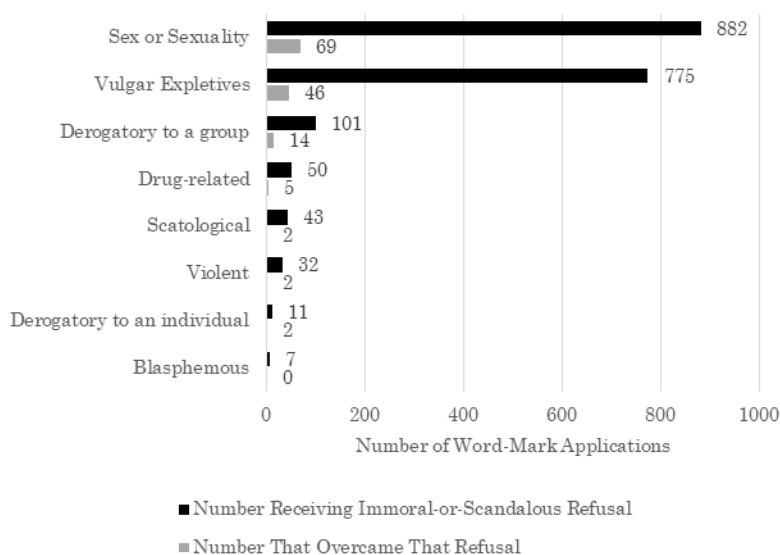


Figure 4 classifies all word-mark applications that received a § 2(a) immoral-or-scandalous refusal from 2003 through 2015 by the type of purported immorality or scandalousness that the applied-for mark primarily involved. In many instances, specific applications involved multiple forms of immorality or scandalousness. Figure 4 classifies each application into the one category of immorality or scandalousness that was most implicated by the applied-for mark. For example, this scheme classifies an application for PHAT FUK in connection with apparel (Class

25) as primarily a vulgar expletive;⁴⁴ an application for GOD IS GAY in connection with games and other articles (Class 28) as primarily blasphemous;⁴⁵ and an application for WHOREABUSE.COM in connection with online adult-entertainment services (Class 41) as primarily violent.⁴⁶ Admittedly, this classification scheme is sometimes highly subjective.

Figure 4:
Number of Word-Mark Applications Receiving a
§ 2(a) Immoral-or-Scandalous Refusal and
Number of Such Applications That Overcame That Refusal
by Type of Immorality or Scandalousness, Filing Years 2003-2015



IV

THE PTO'S ARBITRARY APPLICATION OF SECTION 2(a)

A. Combined Section 2(a) and Section 2(d) Refusals

We begin with what we believe is the strongest evidence that the PTO applies the immoral-or-scandalous prohibition arbitrarily and inconsistently. While § 2(a) prohibits the registration of a mark that “[c]onsists of or comprises immoral . . . or scandalous matter,” § 2(d) prohibits the registration of a mark that “[c]onsists of or

⁴⁴ See U.S. Trademark Application Serial No. 77/231,275 (filed July 17, 2007).

⁴⁵ See U.S. Trademark Application Serial No. 78/435,907 (filed June 16, 2004).

⁴⁶ See U.S. Trademark Application Serial No. 77/352,574 (filed Dec. 14, 2007).

comprises a mark which so resembles a mark registered in the Patent and Trademark Office . . . as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive.”⁴⁷ Remarkably, the PTO routinely issues refusals to the same application on the twin bases that the applied-for mark is immoral or scandalous under § 2(a) and that the applied-for mark is confusingly similar to an already-registered mark under § 2(d). In each of these cases, the PTO stated that the mark was immoral or scandalous and thus could not be registered—and that the PTO had already registered a highly similar mark on highly similar goods or services. By its own admission, therefore, the PTO is making a large number of inconsistent applications of the § 2(a) prohibition on the registration of immoral-or-scandalous marks—and often just a short time apart.⁴⁸

Consider some examples of applications for marks that are similar to Brunetti’s mark FUCT. In 2009, the PTO refused to register the mark FUK!T in connection with apparel (Class 25) and the operation of an internet website (Class 42) on the bases that the applied-for mark was immoral or scandalous under § 2(a) and confusingly similar under § 2(d) to the recently-registered mark PHUKIT for apparel (Class 25).⁴⁹ Similarly, on June 18, 2013, the PTO registered the mark PHUC for apparel (Class 25).⁵⁰ Four days before, on June 14, 2013, the PTO sent out an office action refusing to register the mark P.H.U.C. CANCER (PLEASE HELP US

⁴⁷ 15 U.S.C. § 1052(d) (2012).

⁴⁸ The examining attorney must provide all non-use-related grounds for refusal in the first office action. *See* TRADEMARK MANUAL OF EXAMINING PROCEDURE, *supra* note 43, § 704.01 (stating that “[t]he examining attorney’s first Office action must be complete, so the applicant will be advised of all requirements for amendment and all grounds for refusal,” but noting that use-related issues may be raised later in the application process). However, additional non-use-related grounds for refusal may be raised in subsequent office actions if failing to do so “would result in clear error,” though “[e]xamining attorneys should exercise great care to avoid these situations.” *Id.* § 706.

⁴⁹ U.S. Trademark Application Serial No. 77/818,033 (filed Sept. 1, 2009) sought the mark FUK!T for apparel. In the same office action letter dated December 7, 2009, the PTO refused registration on the twin grounds of immoral-or-scandalous content and was confusing similarity with the mark PHUKIT, U.S. Registration No. 2,934,721, namely for apparel, as registered on March 22, 2005. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 86/533,866, OFFICE ACTION (May 26, 2015), <https://tsdr.uspto.gov/documentviewer?caseId=sn86533866&docId=OOA20150526204948#docIndex=1&page=1>.

⁵⁰ U.S. Trademark Application Serial No. 85/418,294 (filed on Sept. 8, 2011), sought mark PHUC for apparel (Class 25).

CURE CANCER) in connection with apparel (Class 25) on the bases that the mark was immoral or scandalous and confusingly similar to the about-to-be-registered mark PHUC for apparel. At no time during its registration process did the earlier-filed mark PHUC for apparel receive any immoral-or-scandalous refusal.⁵¹

The PTO has done this repeatedly—*i.e.*, given different treatment to the same (or nearly same) F-word variant, for use on the same kind of goods. For example, the PTO registered F U 2 for apparel, but barely two years later refused to register F.U. for apparel because it was both immoral and confusingly similar to the registered mark F U 2.⁵² Similarly, the PTO registered FVCK STREET WEAR for apparel, but then two years later refused to register FVCKD because it was both scandalous and confusingly similar to an already-registered mark.⁵³

⁵¹ U.S. Trademark Application Serial No. 85/855,531 (filed Feb. 20, 2013), sought the mark P.H.U.C. CANCER (PLEASE HELP US CURE CANCER) in connection with apparel (Class 25). Because the earlier-filed application had not yet been published and registered, the PTO's office action noted that this "mark[] in [a] prior-filed pending application[] may present a bar to registration of applicant's mark," and that "[i]f the mark[] in the referenced application[] register[s], applicant's mark may be refused registration . . . because of a likelihood of confusion between the marks." U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 85/855,531, OFFICE ACTION (June 14, 2013), <http://tsdr.uspto.gov/documentviewer?caseId=sn85855531&docId=OOA20130614133853#docIndex=2&page=1>. The earlier-filed application received no immoral-or-scandalous refusal and was published on March 20, 2012, and registered on June 18, 2013 (U.S. Registration No. 4,354,653). The subsequent application for P.H.U.C. CANCER (PLEASE HELP US CURE CANCER) was abandoned after the PTO issued the office action refusing to register it.

⁵² U.S. Trademark Application Serial No. 86/533,866 (filed on Feb. 12, 2015) sought to register the mark F.U. in connection with apparel (Class 25). In an office action dated May 26, 2015, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly similar to the mark in U.S. Registration No. 4,254,831, namely F U 2 for apparel (Class 25), as registered on December 4, 2012. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 86/533,866, OFFICE ACTION (May 26, 2015), <https://tsdr.uspto.gov/documentviewer?caseId=sn86533866&docId=OOA20150526204948#docIndex=1&page=1>.

⁵³ U.S. Trademark Application Serial No. 86/808,278 (filed Nov. 3, 2015) sought to register the mark FVCKD in connection with apparel (Class 25). In an office action dated August 26, 2016, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly similar to the mark FVCK STREET WEAR, Registration No. 4,515,888, for apparel (Class 25), as registered on April 15, 2014. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 86/808,278, OFFICE ACTION (Aug. 26, 2016), <https://tsdr.uspto.gov/documentviewer?caseId=sn86808278&docId=OOA20160826155540#docIndex=1&page=1>.

There is a wide range of marks for which these twin refusals occur, well beyond those that are variations on Brunetti's applied-for mark. As illustration, the PTO has asserted in office actions that each of the following marks both contravenes the immoral-or-scandalous-marks provision and is confusingly similar to an already-registered mark:

- MILF SEEKER for online entertainment services, immoral or scandalous and confusingly similar to the recently-registered mark MILFHUNTER for online entertainment services;⁵⁴
- DS DIRTY SANCHEZ for apparel, immoral or scandalous and confusingly similar to the recently-registered mark DIRTY SANCHEZ for prerecorded video and entertainment services;⁵⁵
- HONKEY SOCAL for apparel, immoral or scandalous and confusingly similar to the recently-registered mark HONKEE for apparel;⁵⁶

⁵⁴ U.S. Trademark Application Serial No. 77/043,802 (filed Nov. 14, 2006) sought to register the mark MILF SEEKER in connection with online entertainment services (Class 41). In an office action dated March 19, 2007, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly similar to the mark MILFHUNTER, U.S. Registration 2,936,139, for online entertainment services (Class 41), as registered on March 29, 2005. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/043,802, OFFICE ACTION (Mar. 19, 2007), <https://tsdr.uspto.gov/documentviewer?caseId=sn77043802&docId=OOA20070319062059#docIndex=2&page=1>.

⁵⁵ U.S. Trademark Application Serial No. 78/495,056 (filed Oct. 5, 2004) sought to register the mark DS DIRTY SANCHEZ in connection with apparel (Class 25). In an office action dated May 9, 2005, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly similar to the mark DIRTY SANCHEZ, U.S. Registration 2,926,500, for prerecorded video (Class 9) and entertainment services (Class 41), as registered on February 15, 2005. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 78/495,056 OFFICE ACTION (Oct. 20, 2008), <https://tsdr.uspto.gov/documentviewer?caseId=sn78495056&docId=OOA20050509123704#docIndex=2&page=1>.

⁵⁶ U.S. Trademark Application Serial No. 77/133,487 (filed Mar. 16, 2007) sought to register the mark HONKEY SOCAL in connection with apparel (Class 25). In an office action dated June 29, 2007, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly-similar with the mark HONKEE, U.S. Registration 3,128,361, for apparel (Class 25), as registered on August 15, 2006. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/133,487, OFFICE ACTION (June. 29, 2007),

- MIDDLEFINGER for apparel, immoral or scandalous and confusingly similar to the recently-registered mark JONNY MIDDLEFINGER for bags and apparel;⁵⁷
- BANGBOAT for online adult-entertainment services, immoral or scandalous and confusingly similar to the recently-registered mark BANGBUS for online adult-entertainment services;⁵⁸
- FAT COCK BEER for beer, immoral or scandalous and confusingly similar to the recently-registered mark RED COCK BEER for beer;⁵⁹
- CAMEL TOES for apparel, immoral or scandalous and confusingly similar to the already-registered mark CAMEL TOES for apparel.⁶⁰

<https://tsdr.uspto.gov/documentviewer?caseId=sn77133487&docId=OOA20070629095618#docIndex=2&page=1>.

⁵⁷ U.S. Trademark Application Serial No. 78/863,232 (filed Apr. 17, 2006) sought to register the mark MIDDLEFINGER in connection with apparel (Class 25). In an office action dated September 25, 2006, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly-similar with the mark JONNY MIDDLEFINGER, U.S. Registration 2,381,895, for bags (Class 19) and apparel (Class 25), as registered on August 29, 2000. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 78/863,232, OFFICE ACTION (Sept. 25, 2006), <https://tsdr.uspto.gov/documentviewer?caseId=sn78863232&docId=OOA20060925201357#docIndex=1&page=1>.

⁵⁸ U.S. Trademark Application Serial No. 78/618,356 (filed Apr. 27, 2005) sought to register the mark BANGBOAT in connection with online adult-entertainment services (Class 42). In an office action dated December 2, 2005, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly-similar with the mark BANGBUS, U.S. Registration 2,810,145, for online adult-entertainment services (Class 41), as registered on February 3, 2004. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 78/618,356, OFFICE ACTION (Dec. 12, 2005), <https://tsdr.uspto.gov/documentviewer?caseId=sn78618356&docId=OOA20051202123340#docIndex=2&page=1>.

⁵⁹ U.S. Trademark Application Serial No. 85/253,332 (filed Feb. 28, 2011) sought to register the mark FAT COCK BEER in connection with beer (Class 32). In an office action dated July 5, 2011, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly similar to the mark RED COCK BEER U.S. Registration 3,793,133, for beer (Class 32), as registered on May 25, 2010. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 85/253,332, OFFICE ACTION (Jul. 5, 2011), <https://tsdr.uspto.gov/documentviewer?caseId=sn85253332&docId=OOA20110705185530#docIndex=13&page=1>.

⁶⁰ U.S. Trademark Application Serial No. 78/697,334 (filed Aug. 22, 2005) sought to register the mark CAMEL TOES in connection with apparel (Class 25). In an office action dated March 10, 2006, the PTO refused registration on the bases that the applied-for mark was immoral or

These twin refusals also occur with regard to marks containing non-English words. Consider the following examples, both in Spanish:

- PINCHE TAQUERIA (translated by the PTO in its § 2(a) refusal as “fucking taco stand”) for food services (Class 43), immoral or scandalous and confusingly similar to an application filed nine days earlier for PINCHES TACOS for food services (Class 43), which received no immoral-or-scandalous refusal and was subsequently registered;⁶¹
- UN CABRON POR MI PATRON (translated by the PTO in its § 2(a) refusal as “a prick or motherfucker for my boss”) for apparel, immoral or scandalous and confusingly similar to the recently-registered mark CABRON 49 for apparel.⁶²

scandalous and confusingly similar to the mark CAMEL TOES, U.S. Registration 1,872,570, for apparel (Class 25), as registered on January 10, 1995. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 78/697,334, OFFICE ACTION (Mar. 10, 2006),

<https://tsdr.uspto.gov/documentviewer?caseId=sn78697334&docId=OOA20060310123000#docIndex=2&page=1>.

⁶¹ U.S. Trademark Application Serial No. 77/513,028 (filed on July 1, 2008) sought the mark PINCHES TACOS in connection with food services (Class 43). U.S. Trademark Application Serial No. 77/519,564 (filed July 10, 2008) sought the mark PINCHE TAQUERIA in connection with food services (Class 43). In an office action dated October 20, 2008, the PTO refused registration of the PINCHE TAQUERIA mark on the bases that it was immoral or scandalous and confusingly similar to the earlier-filed PINCHES TACOS mark. Because the earlier-filed application had not yet been published and registered, the PTO’s office action noted that “a potentially conflicting mark in a prior-filed pending application [the earlier-filed application] may present a bar to registration,” and that “[i]f the referenced application registers, registration may be refused in this case under Section 2(d).” U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/519,564, OFFICE ACTION (Oct. 20, 2008), <http://tsdr.uspto.gov/documentviewer?caseId=sn77519564&docId=OOA20081020172830#docIndex=1&page=1>. The PINCHE TAQUERIA applicant then abandoned its application. PINCHES TACOS received no immoral-or-scandalous refusal and was published on November 25, 2008, and registered on February 10, 2009.

⁶² U.S. Trademark Application Serial No. 77/060,638 (filed Dec. 8, 2006) sought to register the mark UN CABRON POR MI PATRON in connection with apparel (Class 25). In an office action dated February 15, 2007, the PTO refused registration on the bases that the applied-for mark was immoral or scandalous and confusingly similar to the mark CABRON 49, U.S. Registration 3,202,335, for apparel (Class 25), as registered on January 23, 2007. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/060,638, OFFICE

Appendix 2 sets forth, by filing year, all 114 trademark applications filed from 2003 through 2015 that were refused registration (and failed to publish) on the bases that the applied-for mark was immoral or scandalous under § 2(a) and confusingly similar under § 2(d) to a mark that the PTO had already registered or at least already approved for publication in the Official Gazette.⁶³ This appendix shows more comprehensively what these examples illustrate: that the PTO has acted inconsistently in issuing immoral-or-scandalous refusals to a wide range of words—from commonly used profanities like FUCK and its variations, to a slew of less widespread words—suggesting that the inconsistent treatment is broad and irremediable.

These inconsistencies cannot be explained away as merely the result of the marks at issue being used in different contexts.⁶⁴ This is precisely because in these

ACTION (Feb. 15, 2007), <https://tsdr.uspto.gov/documentviewer?caseId=sn77060638&docId=OOA20070215130435#docIndex=5&page=1>.

⁶³ We do not include in this list trademark applications that received twin refusals for being immoral or scandalous and for being confusingly similar when the confusing similarity related to a different aspect of the mark than the one the PTO found immoral or scandalous. For example, with regard to the trademark application for ADIOS M.F. for alcoholic cocktail mixes (Class 33), *see* U.S. Trademark Application Serial No. 77/560,340 (filed Sept. 2, 2008), the PTO, on December 8, 2008, refused the application on the ground that the mark was immoral or scandalous for meaning “goodbye motherfucker,” and also that it was confusingly similar to registered mark ADIOS AMIGO, Trademark Registration No. 3,262,700, registered July 10, 2007, for mixed drinks (Class 33). U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/560,340, OFFICE ACTION (Dec. 8, 2008), <https://tsdr.uspto.gov/documentviewer?caseId=sn77560340&docId=OOA20081208152923#docIndex=5&page=1>. As another example, with regard to the trademark application for URBAN REKNEWAL THIS SH!T AINT GUNNA STOP for apparel (Class 25), *see* U.S. Trademark Application Serial No. 78/274,095 filed July 14, 2003), the PTO, on January 28, 2004, refused the application on the ground that the mark was immoral or scandalous for “contain[ing] the term ‘sh!t’ which purchasers would readily recognize as the term ‘shit,’” and also that it was confusingly similar with registered mark URBAN RENEWAL, Trademark Registration No. 2,412,456, registered Dec. 12, 2000, for apparel (Class 25). U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 78/274,095, OFFICE ACTION (Jan. 28, 2004), <https://tsdr.uspto.gov/documentviewer?caseId=sn78274095&docId=OOA20040128164634#docIndex=2&page=1>. In these instances, a twin refusal does not suggest inconsistency on the part of the PTO in application of the immoral-or-scandalous-marks provision.

⁶⁴ *See* Brief for Petitioner at 45-46, *Iancu v. Brunetti*, 139 S. Ct. 782 (Jan. 4, 2019) (No. 18-302) (arguing that the PTO treats similar marks differently because of differing “meaning in relation to the particular goods and services for which registration is sought” and “change[s] in attitudes] over time”).

situations of twin refusals, the PTO asserted that the applied-for mark was immoral or scandalous and contextually similar enough to the already-registered mark that consumer confusion would result.⁶⁵ Moreover, the PTO issued these twin refusals against applied-for marks whose application dates were close in time to the publication and registration dates of the earlier-filed marks that the PTO cited as the basis for its confusing similarity refusals under § 2(d). This indicates that changing attitudes cannot explain these inconsistencies.

B. Applications That Overcame a Section 2(a) Immoral-or-Scandalous Refusal

Sometimes the PTO refuses to register a mark as immoral or scandalous, but then backs down and allows the mark to be published and ultimately registered. A review of these registrations provides further evidence that the PTO is arbitrary and inconsistent in its administration of the immoral-or-scandalous marks provision.

As stated above, of the 1,901 word-mark applications filed from 2003 through 2015 that were refused registration as immoral or scandalous, 140 applications overcame that refusal and 91 proceeded to registration.⁶⁶ In many instances, the PTO appears to have arbitrarily accepted dubious reasoning in withdrawing its § 2(a) immoral-or-scandalous refusal—reasoning that the PTO has rejected in similar contexts.

For example, in 2013 the PTO refused to register the mark F'D UP for use in connection with apparel (Class 25) and skateboard parts (Class 28)⁶⁷ on the ground that it was immoral or scandalous, reasoning in an office action that “‘F'D UP’ is a common abbreviation for the obscene and vulgar phrase ‘fucked up.’”⁶⁸ The applicant responded: “We have defined the f'd up to represent fired up (get fired

⁶⁵ Specifically, in deciding to refuse the registration of an applied-for mark as confusingly similar to an already-registered mark, the PTO looks to “[t]he similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression” and “[t]he similarity or dissimilarity and nature of the goods or services as described in an application or registration or in connection with which a prior mark is in use.” *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973).

⁶⁶ See *supra* fig. 2.

⁶⁷ See U.S. Trademark Application Serial No. 85/762,896 (filed Oct. 24, 2012).

⁶⁸ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 85/762,896 OFFICE ACTION (Feb. 28, 2013), <http://tsdr.uspto.gov/documentviewer?caseId=sn85762896&docId=OOA20130228165144#docIndex=17&page=1>.

up)[, and] we are now using the words fired up with our advertising of f'd up products.”⁶⁹ Apparently accepting this representation as sufficient to resolve the matter, the PTO issued no further office actions, published the application on September 3, 2013, and registered it on March 11, 2014.⁷⁰

By contrast, in 2010 the PTO refused to register the mark EFFU for use in connection with apparel (Class 25)⁷¹ on the ground that it was immoral or scandalous, reasoning in an office action that “EFF U, . . . the phonetic equivalent of ‘Fu’ meaning ‘fuck you,’” is “scandalous, immoral, and offensive.”⁷² The applicant responded that EFFU was not necessarily vulgar and an “example of eff-u not being vulgar would be a television show called EFFIN science.”⁷³ The PTO maintained its refusal, stating that “EFFU, which is a direct vulgar insult meaning ‘go away’ or ‘go to hell,’ is distinguishable from the term EFFIN.”⁷⁴ The applicant subsequently abandoned its application.

In *Brunetti* itself, Brunetti similarly asserted to the PTO that FUCT is not necessarily vulgar. He argued in response to the PTO’s immoral-or-scandalous refusal that “[a]lthough FUCT is a made-up word, to the extent it has any meaning at all, it is FRIENDS U CAN’T TRUST.”⁷⁵ Indeed, Brunetti cited in support of this

⁶⁹ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 85/762,896, RESPONSE TO OFFICE ACTION OF FEB. 8, 2013 (June 10, 2013) (alteration in original), <http://tsdr.uspto.gov/documentviewer?caseId=sn85762896&docId=ROA20130610185140#docIndex=16&page=1>.

⁷⁰ F’D UP, Registration No. 4,495,813.

⁷¹ See U.S. Trademark Application Serial No. 77/959,391 (filed Mar. 15, 2010).

⁷² See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/959,391, OFFICE ACTION (June 9, 2010), <http://tsdr.uspto.gov/documentviewer?caseId=sn77959391&docId=OOA20100609155823#docIndex=5&page=1>.

⁷³ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/959,391, RESPONSE TO OFFICE ACTION OF JUNE 9, 2010 (Nov. 7, 2010), <http://tsdr.uspto.gov/documentviewer?caseId=sn77959391&docId=OOA20100609#docIndex=3&page=1>.

⁷⁴ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/959,391, OFFICE ACTION (Nov. 22, 2010), <http://tsdr.uspto.gov/documentviewer?caseId=sn77959391&docId=OOA20100609155823#docIndex=2&page=1>.

⁷⁵ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 85/310,960, RESPONSE TO OFFICE ACTION OF JULY 3, 2012 (Jan. 2, 2013) (internal quotations omitted),

definition the same source, urbandictionary.com, that the PTO itself cites. But unlike the applicant for the mark F'D UP, Brunetti drew an examiner who was unwilling to accept reasoning of this nature.⁷⁶

Another example: in 2007, the PTO refused to register the mark MILF NEXT DOOR for use in connection with adult-oriented internet audiovisual entertainment (Class 41),⁷⁷ explaining that “the acronym MILF means MOTHER I'D LIKE TO F**K.”⁷⁸ In response, the applicant explained, *inter alia*, that “MILF is a title of distinction—a badge of honor—a triumph of the mature woman over a society that fetishizes youth and deems age to be akin to rot. Against this onslaught, this forty-something woman proudly bears the title, and no less importantly craves to retain it.”⁷⁹ The PTO initially maintained its decision and issued a final immoral-or-scandalous refusal.⁸⁰ But six months later, it inexplicably withdrew that refusal⁸¹ and published the mark for opposition on August 5, 2008. The mark was registered on October 21, 2008.⁸²

<http://tsdr.uspto.gov/documentviewer?caseId=sn85310960&docId=ROA20111221192649#docIndex=6&page=1>.

⁷⁶ See Carpenter & Garner, *supra* note 8, at 348-54 (discussing the kinds of arguments that applicants made in an effort to overcome an immoral-or-scandalous refusal).

⁷⁷ See U.S. Trademark Application No. 77/064,757 (filed Dec. 14, 2006).

⁷⁸ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/064,757, OFFICE ACTION (Apr. 9, 2007), <http://tsdr.uspto.gov/documentviewer?caseId=sn77064757&docId=OOA20070409153925#docIndex=24&page=1>.

⁷⁹ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/064,757, RESPONSE TO OFFICE ACTION OF JUL. 27, 2007, at 1 (Oct. 9, 2007),

<http://tsdr.uspto.gov/documentviewer?caseId=sn77064757&docId=ROA20071010192525#docIndex=17&page=1>.

⁸⁰ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/064,757, OFFICE ACTION (Nov. 1, 2007), <http://tsdr.uspto.gov/documentviewer?caseId=sn77064757&docId=OOA20071101124745#docIndex=15&page=1>.

⁸¹ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/064,757, NOTATION TO FILE, at 1 (June 4, 2008), <http://tsdr.uspto.gov/documentviewer?caseId=sn77064757&docId=OOA20071101124745#docIndex=13&page=1>.

⁸² MILF NEXT DOOR, Registration No. 3,518,834.

By contrast, in 2005 the PTO refused under § 2(a) to register the mark MILF.XXX in connection with adult-oriented internet audiovisual entertainment (Class 41),⁸³ explaining that “the term ‘MILF’ included in the applied-for mark means ‘Mother [or Mom] I’d Like [to] Fuck’ and is thus scandalous because it refers to a lewd or scandalous act.”⁸⁴ The applicant responded that “‘MILF’ is susceptible to multiple meanings which may be completely innocuous,” among them “‘Moro Islamic Liberation Front’ (Muslim group in the Philippines),” “‘Man I Like Fragg’ (Counter Strike gaming clan),” and “‘Mother I’d Like to Find’ (polite form; from the movie American Pie).”⁸⁵ In a subsequent office action, the PTO maintained and made final its refusal, stating that “a substantial composite of the general public would associate the term ‘MILF’ with the offensive phrase ‘mom [or mother] I’d like to fuck,’ rather than one of the possible alternative meanings offered by the applicant.”⁸⁶ The PTO asserted that this was particularly true in light of the type of adult entertainment services offered by MILF.XXX, which was precisely the same type of services offered in connection with the mark MILF NEXT DOOR, which was registered two years later. After the PTO’s final refusal, the applicant for MILF.XXX abandoned its application.

These dubious allowances and conflicting refusals are not isolated instances. Appendix 3 sets forth, by filing year, all 140 word-mark applications filed from 2003 through 2015 that were refused registration on the basis that the applied-for mark was immoral or scandalous but that overcame that refusal—a subset of which then proceeded to registration. Appendix 3 reports numerous examples of published and registered word marks that should not have merited publication or registration if the

⁸³ See U.S. Trademark Application No. 78/643,772 (filed June 4, 2005).

⁸⁴ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 78/643,772, OFFICE ACTION, at 1 (Dec. 28, 2005), <http://tsdr.uspto.gov/documentviewer?caseId=sn78643772&docId=OOA20051228022840#docIndex=7&page=1>.

⁸⁵ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 78/643,772, RESPONSE TO OFFICE ACTION OF DEC. 28, 2005 (June 29, 2006), <http://tsdr.uspto.gov/documentviewer?caseId=sn78643772&docId=OOA20051228#docIndex=4&page=1>.

⁸⁶ See U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 78/643,772 OFFICE ACTION (Aug. 10, 2006), <http://tsdr.uspto.gov/documentviewer?caseId=sn78643772&docId=OOA20051228022840#docIndex=3&page=1>.

PTO were applying its immoral-or-scandalous review in a non-arbitrary and consistent manner.

C. Applications for Immoral or Scandalous Marks That Never Received a Section 2(a) Refusal

For applications filed from 2003 through 2015, the PTO declined to issue an immoral-or-scandalous refusal to and approved for publication a significant number of applications that sought to register a word mark that, based on the PTO's own § 2(a) refusal practices, was immoral or scandalous regardless of context.

For example, in 2011 the PTO issued an immoral-or-scandalous refusal to an application for the mark HUNG LIKE A MULE .COM YOU HAVE A VOID AND WE CAN FILL IT 7+ in connection with dating services (Class 45), owing to the subpart HUNG LIKE A MULE.⁸⁷ The applicant subsequently abandoned its application. Yet in 2015, the PTO registered the mark HUNG LIKE A M.U.L.E. for apparel (Class 25) without any immoral-or-scandalous objection.⁸⁸

Taking another example, in 2007 the PTO issued an immoral-or-scandalous refusal to an application for the mark STFU for apparel (Class 25),⁸⁹ stating that "STFU is an acronym for the expletive 'shut the fuck up.'"⁹⁰ The applicant then abandoned its application. By contrast, in 2016, the PTO registered the mark STFU for noise suppressors for firearms (Class 13) without any immoral-or-scandalous objection.⁹¹

⁸⁷ See U.S. Trademark Application Serial No. 85/418,659 (filed Sept. 9, 2011). The PTO issued this refusal in an office action dated December 27, 2011. U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 85/418,659, OFFICE ACTION (Oct. 20, 2008), <https://tsdr.uspto.gov/documentviewer?caseId=sn85418659&docId=OOA20111227184122#docIndex=2&page=1>.

⁸⁸ See HUNG LIKE A M.U.L.E., Registration No. 4,796,702.

⁸⁹ See U.S. Trademark Application Serial No. 77/090,708 (filed Jan. 25, 2007).

⁹⁰ U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/090,708, OFFICE ACTION (May 19, 2007), <http://tsdr.uspto.gov/documentviewer?caseId=sn77090708&docId=OOA20070519190640#docIndex=1&page=1>.

⁹¹ See STFU, Registration No. 4,932,276. Indeed, the PTO's treatment of the acronym STFU has been highly variable. U.S. Trademark Application Serial No. 85418,950 (filed Jan. 17, 2012), sought the mark STFU!!! in connection with apparel (Class 25) received no immoral-or-

Other examples emerge from applications for marks containing non-English words. In 2008, the PTO issued an immoral-or-scandalous refusal to an application for the mark CAJONES for dietary supplements (Class 5).⁹² It cited evidence from urbandictionary.com, among other sources, in support of the conclusion that:

the proposed mark “CAJONES” means “TESTICLES” or “BALLS” and is thus scandalous because it is a commonly used vulgar slang term for a part of the male genitalia. In addition, while the proper spelling of the term is “COJONES” the attached evidence demonstrates that “CAJONES” is a common and often intentional misspelling of the word “COJONES” and has the same overall commercial impression.⁹³

The applicant subsequently abandoned the application.

Yet in 2008, the PTO registered the mark CAJONES for party games (Class 28) without any immoral-or-scandalous objection,⁹⁴ even though it amended the application record to include the following translation statement: “The foreign wording in the mark translates into English as drawers, and *as a slang term for testicles*.”⁹⁵ Similarly, in 2005 the PTO issued no immoral-or-scandalous refusal to the mark CAJONES for beer (Class 32)⁹⁶ and published the mark. In an office action, the PTO had asked the applicant for a translation of the mark, stating: “The following translation statement is suggested: ‘The English translation of CAJONES is

scandalous refusal and was published on January 17, 2012. Similarly, U.S. Trademark Application Serial No. 85/226,902 (filed Jan. 26, 2011), sought the mark STFU in connection with apparel (Class 25) received no immoral-or-scandalous refusal and was published on May 31, 2011. Finally, U.S. Trademark Application Serial No. 77/794,617 (filed Jan. 31, 2009), sought the mark STFU in connection with apparel (Class 25) received no immoral-or-scandalous refusal and was published on January 12, 2010. (None of these three applications proceeded to registration because each of the applicants failed to file evidence that it was using its respective mark in commerce.)

⁹² See U.S. Trademark Application Serial No. 77/291,198 (filed Sept. 28, 2007).

⁹³ U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 77/291,198, OFFICE ACTION, at 1 (Jan. 4, 2008), <http://tsdr.uspto.gov/documentviewer?caseId=sn77291198&docId=OOA20080104140332#docIndex=2&page=1>.

⁹⁴ See CAJONES, Registration No. 3,444,976.

⁹⁵ *Id.* (emphasis added).

⁹⁶ See U.S. Trademark Application Serial No. 78/452,365 (filed July 17, 2004).

drawers.”⁹⁷ (The application subsequently failed to proceed to registration because the applicant failed to submit evidence of actual use of the mark).

As a final example, the PTO has been inconsistent in its treatment of “obscenicons” (defined as “strings of symbols, like %\$*\$##@, used in comic books to represent obscenities”⁹⁸). It approves some for publication, while refusing to register other very similar obscenicons on the basis that they are immoral or scandalous. For example, in 2009 the PTO issued no immoral-or-scandalous refusal to the mark \$#!+ for use in connection with novelty gift items (Class 20) and apparel (Class 25).⁹⁹ By contrast, the PTO issued immoral-or-scandalous refusals to the marks NO \$#!+¹⁰⁰ and APE \$#!+,¹⁰¹ both filed only a few years after the application for the mark \$#!+.

⁹⁷ U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 78/452,365, OFFICE ACTION, at 1 (Feb. 20, 2005), <https://tsdr.uspto.gov/documentviewer?caseId=sn78452365&docId=OOA20050220094403#docIndex=5&page=1>.

⁹⁸ Patricia T. O’Conner & Stewart Kellerman, *What Do You Call a %\$*\$##@?*, GRAMMARPHOBIA BLOG (Mar. 1, 2011), <https://www.grammarphobia.com/blog/2011/03/grawlix.html>.

⁹⁹ See U.S. Trademark Application Serial No. 77/668,860 (filed Feb. 12, 2009). The mark was published on January 5, 2010 (but failed to register because the applicant filed no evidence of use in commerce).

¹⁰⁰ See U.S. Trademark Application Serial No. 85/855,449 (filed Feb. 20, 2013), sought the mark NO \$#!+ for website (Class 41). In an office action dated May 15, 2013, the PTO explained: “The attached evidence from The Merriam-Webster On-line Dictionary, Dictionary.com, and the Urban Dictionary show[s] that this wording is an expression of incredulity and is considered to be vulgar. The substitution of the symbols \$ # ! + for the letters S H I T is a chat room designation used to circumvent language filters.” U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 85/855,449 OFFICE ACTION (May 15, 2013), <http://tsdr.uspto.gov/documentviewer?caseId=sn85855449&docId=OOA20130515082926#docIndex=8&page=1>.

¹⁰¹ See U.S. Trademark Application Serial No. 85/611,740 (filed Apr. 30, 2012), sought the mark APE \$#!+ for apparel (Class 25). In an office action dated May 22, 2013, the PTO explained: “The attached evidence from the web-based *Urban Dictionary* shows that the lettering \$#!+ is a common substitution for the word ‘shit.’” U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 85/611,740, OFFICE ACTION, at 3 (May 22, 2013), <http://tsdr.uspto.gov/documentviewer?caseId=sn85611740&docId=OOA20130522162859#docIndex=6&page=1>.

Again, these are not isolated examples. Appendix 4 sets forth all word-mark applications for words longer than one letter filed from 2003 through 2015 that received no immoral-or-scandalous refusal and proceeded to publication (and often to registration), even though the applications were for word marks that identically matched terms which had elsewhere triggered an immoral-or-scandalous refusal. Perhaps context could explain some of the rejections—i.e., the PTO might have thought some of the word marks listed in Appendix 4 were immoral or scandalous with respect to some goods or services, but not others.¹⁰² But context cannot explain them all. And in any event, the need for the PTO to engage in such difficult contextual judgments helps show the essential arbitrariness of the process of determining that certain uses of a word mark are immoral or scandalous while certain other uses of the same mark are not.¹⁰³

V

VIEWPOINT DISCRIMINATION AT THE PTO UNDER SECTION 2(a)

From 2003 through 2015, the PTO issued immoral-or-scandalous refusals to at least 50 applied-for marks for being drug-related (including TIGHT BLUNTS for

¹⁰² For example, the PTO has refused registration of numerous applications for marks consisting in whole or part of the term BALLS. *See, e.g.*, U.S. Trademark Application Serial No. 77/587,730 (filed Oct. 7, 2008), sought the mark GOT BALLS... in connection with apparel (Class 25); U.S. Trademark Application Serial No. 85/051,113 (filed May 31, 2010), sought the mark FEEL YOUR BALLS in connection with apparel (Class 25). However, the PTO issued no immoral-or-scandalous refusal to U.S. Trademark Application Serial No. 85/071,112 (filed June 24, 2010), which sought the mark BALLS for use in connection with services relating to the organizing of rocketry conventions (Class 41). In response to a PTO request for clarification of the meaning of the mark, the applicant stated: “The term ‘Balls’ does not have a particular meaning or significance in the relevant industry, nor is it a term of art within the industry. The term is being used solely in a suggestive sense.” U.S. PAT. & TRADEMARK OFFICE, U.S. DEP’T OF COMMERCE, U.S. Trademark Application Serial No. 85/071,112, RESPONSE TO OFFICE ACTION OF OCT. 4, 2010, at 1 (Apr. 4, 2011), <http://tsdr.uspto.gov/documentviewer?caseId=sn85071112&docId=ROA20110405173926#docIndex=8&page=1>. Apparently satisfied with this explanation, the PTO published the mark on June 7, 2011, and it was subsequently registered on August 23, 2011. Yet the “suggestive sense” of BALLS presumably is the same sense in which the earlier applicants wanted to use it on apparel—yet the PTO refused those applications.

¹⁰³ *See also* Carpenter & Garner, *supra* note 8, at 356-62 (reporting inconsistencies in the PTO’s issuance of immoral-or-scandalous refusals to different applications for similar or identical marks on similar goods or services).

apparel,¹⁰⁴ WHITE POWDER for apparel,¹⁰⁵ COCAINE for soft drinks and energy drinks,¹⁰⁶ and YOU CAN'T SPELL HEALTHCARE WITHOUT THC for pain-relief medication¹⁰⁷). In its immoral-or-scandalous refusals, the PTO frequently cites the glorification of drug usage as the basis for the immorality or scandalousness of these marks.¹⁰⁸

By contrast, during the same time period, the PTO has both not issued an immoral-or-scandalous refusal and has published marks that contain an anti-drug message (such as DOGS AGAINST DRUGS / DOGS AGAINST CRIME for charity services,¹⁰⁹ D.A.R.E. TO RESIST DRUGS AND VIOLENCE for apparel and other goods,¹¹⁰ and SAY NO TO DRUGS - REALITY IS THE BEST TRIP IN LIFE for printed matter¹¹¹).

VI

FIT AND VAGUENESS UNDER THE FIRST AMENDMENT

The Supreme Court made clear in *Matal v. Tam* that the law's regulation of trademarks, specifically legal prohibitions on registration of certain categories of marks, implicates First Amendment interests.¹¹² Viewed through the lens of the First Amendment, many of the marks subject to an immoral-or-scandalous refusal are instances of high-value speech. Whichever level of scrutiny is applied to analyze the

¹⁰⁴ See U.S. Trademark Application Serial No. 78/521,773 (filed Nov. 23, 2004).

¹⁰⁵ See U.S. Trademark Application Serial No. 78/674,808 (filed July 20, 2005).

¹⁰⁶ See U.S. Trademark Application Serial No. 77/006,212 (filed Sept. 25, 2006).

¹⁰⁷ See U.S. Trademark Application Serial No. 77/833,964 (filed Sept. 24, 2009).

¹⁰⁸ See, e.g., U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 77/006,212, OFFICE ACTION (Oct. 19, 2006), <http://tsdr.uspto.gov/documentviewer?caseId=sn77006212&docId=OOA20061019082158#docIndex=12&page=1>; U.S. PAT. & TRADEMARK OFFICE, U.S. DEP'T OF COMMERCE, U.S. Trademark Application Serial No. 78/674,808, OFFICE ACTION (Feb. 8, 2006), <http://tsdr.uspto.gov/documentviewer?caseId=sn78674808&docId=OOA20060208095100#docIndex=2&page=1>.

¹⁰⁹ See DOGS AGAINST DRUGS / DOGS AGAINST CRIME Registration No. 2,822,861.

¹¹⁰ See D.A.R.E. TO RESIST DRUGS AND VIOLENCE Registration No. 2,975,163.

¹¹¹ See SAY NO TO DRUGS - REALITY IS THE BEST TRIP IN LIFE Registration No. 2,966,019.

¹¹² See *Matal v. Tam*, 137 S. Ct. 1744, 1751 (2017) ("We now hold that [§ 1052(a)'s disparagement] provision violates the Free Speech Clause of the First Amendment. It offends a bedrock First Amendment principle: Speech may not be banned on the ground that it expresses ideas that offend.").

constitutionality of the immoral-or-scandalous-marks provision, the PTO's inconsistent and arbitrary enforcement of the provision is problematic. The PTO's enforcement suggests a lack of fit between the purposes of the provision and the provision as enforced. The PTO's inconsistent and arbitrary enforcement also indicates unconstitutional vagueness.

A. *High-Value Speech*

Although it might be tempting to dismiss many of the marks refused as immoral or scandalous as low-value speech at best, a good number of the mark applications in our study that received a § 2(a) immoral-or-scandalous refusal contain political speech or “speech concerning public affairs.”¹¹³ Such speech “occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection.”¹¹⁴ For example, of the 1,091 word-mark applications in our sample that received an immoral-or-scandalous refusal, 22 of them are a variation of one kind or another on FUCK CANCER (listed in Appendix 5).¹¹⁵ Others contain political commentary, such as mark applications for OBAMA BIN LADEN for apparel,¹¹⁶ KATRINA BLOWS BUSH SUCKS for bumper stickers,¹¹⁷ CRAPITOL HILL for magnets, printed matter, and apparel, among other things,¹¹⁸ REPUBLICANS ARE LIKE DIAPERS... TIGHT ON THE POOR MAN'S ASS AND ALWAYS FULL OF SHIT for bumper stickers,¹¹⁹ and FUCK PARIS FUCK LONDON I LOVE NEW YORK for apparel.¹²⁰

¹¹³ *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *Garrison v. Louisiana*, 379 U.S. 64, 74-75 (1964)).

¹¹⁴ *Id.* (quoting *Connick v. Myers*, 461 U.S. 138, 145 (1983)).

¹¹⁵ See generally Denise Restauri, *When Cancer Gets Personal, a Daughter Gets Mad and Starts a Human Movement*, FORBES (Dec. 17, 2013), <https://www.forbes.com/sites/deniserestauri/2013/12/17/when-cancer-gets-personal-a-daughter-gets-mad-and-starts-a-human-movement> (“That was the beginning of the charity Fuck Cancer—a story about a young women who really just wanted to help her mom and ended up starting a movement that targets Millennials to engage them in an open dialogue about early detection with a clear call to action to involve, engage and educate their parents—and put an end to late stage cancer.”). Of these marks, only two were published, both for F CANCER, and only one of these registered. U.S. Trademark Application Serial No. 77/954,532 (filed Mar. 9, 2010) (published only); U.S. Trademark Application Serial No. 77/983,618 (filed Mar. 9, 2010) (registered).

¹¹⁶ U.S. Trademark Application Serial No. 77/086,418 (filed Jan. 19, 2007).

¹¹⁷ U.S. Trademark Application Serial No. 78/706,886 (filed Sept. 5, 2005).

¹¹⁸ U.S. Trademark Application Serial No. 85/503,117 (filed Dec. 23, 2011).

¹¹⁹ U.S. Trademark Application Serial No. 85/506,065 (filed Dec. 29, 2011).

¹²⁰ U.S. Trademark Application Serial No. 86/727,750 (filed Aug. 17, 2015).

Compare these marks with a jacket worn by an individual in public bearing the visible words “Fuck the Draft.” With regard to that behavior, the Supreme Court held in *Cohen v. California*¹²¹ that criminalization of this individual’s conduct was inconsistent with the First Amendment for forbidding core speech.¹²² The Court reasoned that despite the distastefulness of the language used:

Surely the State has no right to cleanse public debate to the point where it is grammatically palatable to the most squeamish among us. Yet no readily ascertainable general principle exists for stopping short of that result were we to affirm the judgment below. For, while the particular four-letter word being litigated here is perhaps more distasteful than most others of its genre, it is nevertheless often true that one man’s vulgarity is another’s lyric. Indeed, we think it is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual.¹²³

The Court also emphasized that:

[M]uch linguistic expression serves a dual communicative function: it conveys not only ideas capable of relatively precise, detached explication, but otherwise inexpressible emotions as well. In fact, words are often chosen as much for their emotive as their cognitive force. We cannot sanction the view that the Constitution, while solicitous of the cognitive content of individual speech has little or no regard for that emotive function which practically speaking, may often be the more important element of the overall message sought to be communicated. Indeed, as Mr. Justice Frankfurter has said, “[o]ne of the prerogatives of American citizenship is the right to criticize public men and measures—and that means not only informed and responsible criticism but the freedom to speak foolishly and without moderation.”¹²⁴

¹²¹ *Cohen v. California*, 403 U.S. 15 (1971).

¹²² *Id.* at 26.

¹²³ *Id.* at 25.

¹²⁴ *Id.* at 26 (quoting *Baumgartner v. United States*, 322 U.S. 665, 673-74 (1944)). It is principally only in the narrow context of broadcast television, which appears “in the privacy of the home” and “is uniquely accessible to children, even those too young to read,” that the Supreme

Furthermore, many of the mark applications in our study involve sex or sexuality, a category of speech that the Supreme Court has treated as valuable and protected. For example, the Supreme Court has subjected restrictions of sexually-oriented programming on cable television to strict scrutiny.¹²⁵ Moreover, in this context, the Supreme Court has expressed doubt whether it is even possible to locate “a principled standard” to separate a parody advertisement with sexual content—about a minister’s first time having sexual relations with his mother in an outhouse—from “more traditional political cartoons.”¹²⁶

B. Fit

First, the PTO’s inconsistency and arbitrariness in enforcing the provision shows that there is insufficient fit between the governmental purpose of the provision and the provision’s enforcement. In defending the constitutionality of the provision, the government has asserted three interests that the provision serves: “protecting the sensibilities of the public,”¹²⁷ “the orderly flow of commerce,”¹²⁸ and “avoiding any appearance that the government approves of such marks.”¹²⁹

This fit is relevant for both more relaxed and stricter forms of scrutiny.

To the extent that this provision must withstand strict scrutiny, the inconsistency and arbitrariness of the PTO’s enforcement of the immoral-or-scandalous-marks provision bears on the provision’s constitutionality. Specifically, the inconsistency and arbitrariness of the PTO’s enforcement of the provision shows that the provision is substantially underinclusive (by failing to refuse registration to all immoral or scandalous marks) and overinclusive (by refusing registration to marks that are not immoral or scandalous). As the Supreme Court has made clear, when a law “imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, ‘which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest.’”¹³⁰ This standard requires that “when [laws] affect First Amendment

Court has limited the First Amendment protection afforded to explicit speech. *FCC v. Pacifica Found.*, 438 U.S. 726, 748-51 (1978).

¹²⁵ *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 813-14 (2000).

¹²⁶ *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 55 (1988).

¹²⁷ Brief for Petitioner at 32, *Iancu v. Brunetti*, 139 S. Ct. 782 (Jan. 4, 2019) (No. 18-302).

¹²⁸ *Id.* at 34.

¹²⁹ *Id.*

¹³⁰ *Reed v. Town of Gilbert, Ariz.*, 135 S. Ct. 2218, 2231 (2015) (quoting *Ariz. Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U.S. 721, 734 (2011)); *accord Church of the Lukumi*

rights they must be pursued by means that are neither seriously underinclusive nor seriously overinclusive.”¹³¹ When a law’s enforcement is “riddled with exceptions”—as our data show to be true of the PTO’s enforcement of the immoral-or-scandalous-marks provision—the “law’s underinclusivity raises a red flag.”¹³² Such exceptions “diminish the credibility of the government’s rationale for restricting speech in the first place.”¹³³ Analysis of the immoral-or-scandalous provision pursuant to strict scrutiny therefore suggests a lack of fit between the government’s asserted purposes for the provision and its enforcement of the provision.

The analysis is similar even if the immoral-or-scandalous-marks provision is subject to a more relaxed form of constitutional scrutiny pursuant to *Central Hudson*—the standard the Federal Circuit applied in *Brunetti*¹³⁴—as a regulation of commercial speech. Recall that the fourth prong of the *Central Hudson* inquiry requires a determination whether the law at issue “is not more extensive than necessary to serve [a substantial government] interest.”¹³⁵ The Federal Circuit found the immoral-or-scandalous-marks provision constitutionally wanting under this prong, as discussed above.¹³⁶

Our data support a failure of the fourth *Central Hudson* prong. Specifically, the Supreme Court has made clear that when, as here, “[t]he operation of [a law] is so pierced by exemptions and inconsistencies . . . the Government cannot hope to exonerate it” under the fourth prong of *Central Hudson*.¹³⁷

Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520, 546-47 (1993) (“Where government restricts only conduct protected by the First Amendment and fails to enact feasible measures to restrict other conduct producing substantial harm or alleged harm of the same sort, the interest given in justification of the restriction is not compelling.”).

¹³¹ *Brown v. Entertainment Merchants Ass’n*, 564 U.S. 786, 805 (2011).

¹³² *Williams-Yulee v. Fla. Bar*, 135 S. Ct. 1656, 1668 (2015).

¹³³ *City of Ladue v. Gilleo*, 512 U.S. 43, 52-53 (1994).

¹³⁴ *Supra* section I.B.

¹³⁵ *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, 447 U.S. 557, 566 (1980).

¹³⁶ *Supra* section I.B.

¹³⁷ *Greater New Orleans Broad. Ass’n v. United States*, 527 U.S. 173, 190 (1999); *cf. Rubin v. Coors Brewing Co.*, 514 U.S. 476, 489 (1995) (“[E]xemptions and inconsistencies [in an alcohol labeling ban] bring into question the purpose of the labeling ban.”).

C. Vagueness

The PTO's inconsistency and arbitrariness in enforcement of the § 2(a) prohibition on the registration of immoral or scandalous marks shows that the provision is also unconstitutionally vague in the context of the First Amendment. The Supreme Court has consistently emphasized that a law that contains "no standard for determining" how to satisfy a requirement of the law is constitutionally problematic.¹³⁸ That is because in such an instance, the law "vests virtually complete discretion in the hands of the [government] to determine whether the" legal requirement is met.¹³⁹ The Court has concluded that such a law "is unconstitutionally vague on its face because it encourages arbitrary enforcement by failing to describe with sufficient particularity what [one] must do in order to satisfy the statute."¹⁴⁰

To the Court, the constitutional "concern [with vagueness] . . . is based upon the 'potential for arbitrarily suppressing First Amendment liberties.'"¹⁴¹ Specifically, "the vagueness of . . . a [content-based] regulation [of speech] raises special First Amendment concerns because of its obvious chilling effect on free speech."¹⁴² For this reason, although unconstitutional vagueness arises in multiple contexts, the Court has made clear that "[i]f . . . [a] law interferes with the right of free speech . . . , a more stringent vagueness test should apply."¹⁴³

With respect to § 2(a), the inconsistent and arbitrary enforcement by the PTO of the immoral-or-scandalous-marks provision suggests that the provision is unconstitutionally vague, in that the vagueness engenders trademark examiners' widely inconsistent and arbitrary applications of the provision. In fact, in the related context of § 2(a)'s disparagement provision, the *Tam* Court acknowledged the "admitted vagueness of the disparagement test."¹⁴⁴

¹³⁸ *Kolender v. Lawson*, 461 U.S. 352, 358 (1983).

¹³⁹ *Id.*

¹⁴⁰ *Id.* at 361.

¹⁴¹ *Id.* (quoting *Shuttlesworth v. City of Birmingham*, 382 U.S. 87, 91 (1965)).

¹⁴² *Reno v. Am. Civil Liberties Union*, 521 U.S. 844, 871-72 (1997).

¹⁴³ *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 499 (1982); *cf. Winters v. New York*, 333 U.S. 507, 509-10 (1948) (finding unconstitutionally vague a criminal law prohibiting the sale of obscene magazines, and reasoning that "[a] failure of a statute limiting freedom of expression to give fair notice of what acts will be punished and such a statute's inclusion of prohibitions against expressions, protected by the principles of the First Amendment violates a[subject's] rights under . . . freedom of speech").

¹⁴⁴ *Matal v. Tam*, 137 S. Ct. 1744, 1756 (2017).

CONCLUSION

Our study shows that the PTO's enforcement of the immoral-or-scandalous-marks provision is systematically inconsistent and arbitrary. This inconsistency and arbitrariness suggest that the provision violates the First Amendment's Free Speech clause because of a lack of fit between the provision's purposes and its enforcement. Furthermore, the provision abets viewpoint discrimination and is unconstitutionally vague.

Beyond the bounds of this Article, but of significant theoretical interest, is the question of how courts should assess claims of lack of fit when those claim are based on "big data," particularly when a party challenging a statutory provision is able to show exactly how many false positives and false negatives the provision has produced in practice. While previously parties may have relied on handpicked collections of representative anecdotes and courts on vague admonitions against statutes that are "seriously" underinclusive or overinclusive,¹⁴⁵ it is now not difficult to imagine the emergence of "big data Brandeis briefs"¹⁴⁶ that will compel courts to specify precisely how much fit is necessary for a provision to pass constitutional muster.¹⁴⁷

¹⁴⁵ *Brown v. Entertainment Merchants Ass'n*, 564 U.S. 786, 805 (2011).

¹⁴⁶ The ordinary "Brandeis brief" was "the first brief that had more pages by far of statistics than of legal principles It exemplified the method of explaining to a court the facts that make a law reasonable[.]" Phillipa Strum, *Brandeis and the Living Constitution*, in *BRANDEIS AND AMERICA* 120 (Nelson L. Dawson ed., 1989).

¹⁴⁷ The Supreme Court has done something similar in the context of election law, after it had ruled that redistricting plans must satisfy the constitutional principle under the Equal Protection Clause of "one person, one vote." See *Gray v. Sanders*, 372 U.S. 368 (1963); *Baker v. Carr*, 369 U.S. 186 (1962). In subsequent decisions, the Supreme Court noted that state legislative redistricting plans with "a maximum population deviation under 10%" among districts are presumptively constitutional. *Brown v. Thomson*, 462 U.S. 835, 842 (1983).

APPENDIX 1*International Classification of Goods and Services for the Purposes of the
Registration of Marks¹⁴⁸**Goods*

Class 1: Chemicals for use in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; fire extinguishing and fire prevention compositions; tempering and soldering preparations; substances for tanning animal skins and hides; adhesives for use in industry; putties and other paste fillers; compost, manures, fertilizers; biological preparations for use in industry and science.

Class 2: Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants, dyes; inks for printing, marking and engraving; raw natural resins; metals in foil and powder form for use in painting, decorating, printing and art.

Class 3: Non-medicated cosmetics and toiletry preparations; non-medicated dentifrices; perfumery, essential oils; bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations.

Class 4: Industrial oils and greases, wax; lubricants; dust absorbing, wetting and binding compositions; fuels and illuminants; candles and wicks for lighting.

Class 5: Pharmaceuticals, medical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for human beings and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

Class 6: Common metals and their alloys, ores; metal materials for building and construction; transportable buildings of metal; non-electric cables and wires of common metal; small items of metal hardware; metal containers for storage or transport; safes.

Class 7: Machines, machine tools, power-operated tools; motors and engines, except for land vehicles; machine coupling and transmission components, except for

¹⁴⁸*List of Classes with Explanatory Notes*, WIPO (last updated Dec. 19, 2018), https://www.wipo.int/classifications/nice/nclpub/en/fr/20190101/classheadings/?explanatory_not es=show&lang=en&menulang=en

land vehicles; agricultural implements, other than hand-operated hand tools; incubators for eggs; automatic vending machines.

Class 8: Hand tools and implements, hand-operated; cutlery; side arms, except firearms; razors.

Class 9: Scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signalling (sic), detecting, testing, inspecting, life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling the distribution or use of electricity; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable media, computer software, blank digital or analogue recording and storage media; mechanisms for coin-operated apparatus; cash registers, calculating devices; computers and computer peripheral devices; diving suits, divers' masks, ear plugs for divers, nose clips for divers and swimmers, gloves for divers, breathing apparatus for underwater swimming; fire-extinguishing apparatus.

Class 10: Surgical, medical, dental and veterinary apparatus and instruments; artificial limbs, eyes and teeth; orthopaedic articles; suture materials; therapeutic and assistive devices adapted for the disabled; massage apparatus; apparatus, devices and articles for nursing infants; sexual activity apparatus, devices and articles.

Class 11: Apparatus and installations for lighting, heating, cooling, steam generating, cooking, drying, ventilating, water supply and sanitary purposes.

Class 12: Vehicles; apparatus for locomotion by land, air or water.

Class 13: Firearms; ammunition and projectiles; explosives; fireworks.

Class 14: Precious metals and their alloys; jewellery (sic), precious and semi-precious stones; horological and chronometric instruments.

Class 15 Musical instruments; music stands and stands for musical instruments; conductors' batons.

Class 16: Paper and cardboard; printed matter; bookbinding material; photographs; stationery and office requisites, except furniture; adhesives for stationery or household purposes; drawing materials and materials for artists; paintbrushes; instructional and teaching materials; plastic sheets, films and bags for wrapping and packaging; printers' type, printing blocks.

Class 17: Unprocessed and semi-processed rubber, gutta-percha, gum, asbestos, mica and substitutes for all these materials; plastics and resins in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, tubes and hoses, not of metal.

Class 18: Leather and imitations of leather; animal skins and hides; luggage and carrying bags; umbrellas and parasols; walking sticks; whips, harness and saddlery; collars, leashes and clothing for animals.

Class 19: Materials, not of metal, for building and construction; rigid pipes, not of metal, for building; asphalt, pitch, tar and bitumen; transportable buildings, not of metal; monuments, not of metal.

Class 20: Furniture, mirrors, picture frames; containers, not of metal, for storage or transport; unworked or semi-worked bone, horn, whalebone or mother-of-pearl; shells; meerschaum; yellow amber.

Class 21: Household or kitchen utensils and containers; cookware and tableware, except forks, knives and spoons; combs and sponges; brushes, except paintbrushes; brush-making materials; articles for cleaning purposes; unworked or semi-worked glass, except building glass; glassware, porcelain and earthenware.

Class 22: Ropes and string; nets; tents and tarpaulins; awnings of textile or synthetic materials; sails; sacks for the transport and storage of materials in bulk; padding, cushioning and stuffing materials, except of paper, cardboard, rubber or plastics; raw fibrous textile materials and substitutes therefor.

Class 23: Yarns and threads for textile use.

Class 24: Textiles and substitutes for textiles; household linen; curtains of textile or plastic.

Class 25: Clothing, footwear, headwear.

Class 26: Lace, braid and embroidery, and haberdashery ribbons and bows; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair.

Class 27: Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings, not of textile.

Class 28: Games, toys and playthings; video game apparatus; gymnastic and sporting articles; decorations for Christmas trees.

Class 29: Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs; milk, cheese, butter, yoghurt and other milk products; oils and fats for food.

Class 30: Coffee, tea, cocoa and artificial coffee; rice, pasta and noodles; tapioca and sago; flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water).

Class 31: Raw and unprocessed agricultural, aquacultural (sic), horticultural and forestry products; raw and unprocessed grains and seeds; fresh fruits and vegetables, fresh herbs; natural plants and flowers; bulbs, seedlings and seeds for planting; live animals; foodstuffs and beverages for animals; malt.

Class 32: Beers; non-alcoholic beverages; mineral and aerated waters; fruit beverages and fruit juices; syrups and other non-alcoholic preparations for making beverages.

Class 33: Alcoholic beverages, except beers; alcoholic preparations for making beverages.

Class 34: Tobacco and tobacco substitutes; cigarettes and cigars; electronic cigarettes and oral vaporizers for smokers; smokers' articles; matches.

Services

Class 35: Advertising; business management; business administration; office functions.

Class 36: Insurance; financial affairs; monetary affairs; real estate affairs.

Class 37: Building construction; repair; installation services.

Class 38: Telecommunications.

Class 39: Transport; packaging and storage of goods; travel arrangement.

Class 40: Treatment of materials.

Class 41: Education; providing of training; entertainment; sporting and cultural activities.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and industrial research services; design and development of computer hardware and software.

Class 43: Services for providing food and drink; temporary accommodation.

Class 44: Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

Class 45: Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals.

APPENDIX 2

All Word-Mark Applications Filed From 2003 Through 2015 That Received Both a § 2(a) Refusal on the Basis That the Applied-For Mark Was Immoral or Scandalous and a § 2(d) Refusal on the Basis That the Applied-For Mark Was Confusingly-Similar with an Already Published or Registered Mark

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| DICKWEAR <Class 10> | 78,207,741 (1/28/2003) | DICKS <Class 35> | 75,658,351 (3/11/1999) [10/22/2002] |
| | | DICK'S <Class 35> | 75,658,352 (3/11/1999) [4/9/2002] |
| THE BIG WOODIE <Class 28> | 78,214,752 (2/13/2003) | WOODY <Class 28> | 75,251,914 (3/5/1997) [6/9/1998] |
| NAKA DASHI <Class 9> | 76,501,004 (3/26/2003) | CREAM PIE <Class 41> | 75,740,629 (6/30/1999) [3/21/2000] |
| C P CREAM PIE <Classes 9, 41> | 76,511,051 (5/2/2003) | CREAM PIE <Class 41> | 75,740,629 (6/30/1999) [3/21/2000] |
| NICE CAMELTOE <Class 28> | 78,253,440 (5/22/2003) | CAMEL TOES <Class 25> | 74,439,311 (9/23/1993) [1/10/1995] |
| WIFEBEADER <Class 25> | 78,282,968 (8/4/2003) | HUSBAND * BEATER <Class 25> | 78,353,517 (1/18/2004) [2/28/2006] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| M F MO FO WWW.MOFOSHOP. COM GEAR WITH A FLIPPIN' ATTITUDE <Class 25> | 76,550,070 (10/6/2003) | MOFO <Class 25,41> | 73,593,770 (4/16/1986) [2/23/1988] |
| BRASS BALLS <Classes 32, 33> | 78,335,045 (12/2/2003) | BRASS BALLS SALOON <Class 42> | 73,500,342 (9/20/1984) [5/28/1985] |
| NICE SNATCH <Class 25> | 78,393,971 (3/31/2004) | SNACH CLOTHING COMPANY <Class 25> | 76,205,985 (2/7/2001) [6/8/2004] |
| RUSKY STANDART <Class 32> | 78,452,112 (7/16/2004) | RUSKI <Class 33> | 75,737,420 (6/25/1999) [6/17/2003] |
| | | LEMON RUSKI <Class 33> | 75,737,422 (6/25/1999) [8/12/2003] |
| RUSKY STANDART <Class 32> | 78,452,091 (7/16/2004) | RUSKI <Class 33> | 75,737,420 (6/25/1999) [6/17/2003] |
| | | LEMON RUSKI <Class 33> | 75,737,422 (6/25/1999) [8/12/2003] |
| PHUKIT APPAREL <Class 25> | 78,451,664 (7/16/2004) | PHUKIT <Class 25> | 78,257,504 (6/3/2003) [3/22/2005] |
| DS DIRTY SANCHEZ <Class 25> | 78,495,056 (10/5/2004) | DIRTY SANCHEZ <Classes 9, 41> | 76,132,917 (9/20/2000) [2/15/2005] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| A DOZICH <WITH IMAGE> <Class 25> | 78,515,009 (11/11/2004) | <IMAGE OF TWO STICK FIGURES ENGAGED IN SEX> <Class 25> | 78,121,581 (4/14/2002) [9/19/2006] |
| TIGHT BLUNTS <Class 25> | 78,521,773 (11/23/2004) | BLUNT <Class 25> | 74,338,427 (12/9/1992) [1/18/1994] |
| MO FO JEANS <Class 25> | 78,541,440 (1/3/2005) | MOFO.COM <Class 42> | 75,914,802 (2/9/2000) [10/23/2001] |
| FUKITOL <Classes 21, 25> | 78,564,750 (2/10/2005) | PHUKIT <Class 25> | 78,257,504 (6/3/2003) [3/22/2005] |
| WANKER <Class 25> | 78,610,369 (4/16/2005) | WANK. <Class 25> | 78,421,170 (5/18/2004) [9/26/2006] |
| | | WANCHORS <Class 25> | 78,591,173 (3/21/2005) [9/26/2006] |
| MILF GOLF <Class 25> | 78,614,007 (4/21/2005) | MYLF <Class 25> | 78,351,515 (1/13/2004) [5/17/2005] |
| BANGBOAT <Class 42> | 78,618,356 (4/27/2005) | BANGBUS <Class 41> | 76,483,301 (1/21/2003) [2/3/2004] |
| MILF SEEKER <Class 42> | 78,618,337 (4/27/2005) | MILFHUNTER <Class 41> | 78,306,103 (9/26/2003) [3/29/2005] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| THE SHOCKER <Class 25> | 78,638,901 (5/27/2005) | SHOCKERS <Class 25> | 73,120,720 (3/28/1977) [12/23/1980] |
| HB HUSBANDBEATER <Class 25> | 78,638,942 (5/27/2005) | HUSBAND * BEATER <Class 25> | 78,353,517 (1/18/2004) [2/28/2006] |
| CLONE A PUSSY <Class 20> | 78,692,020 (8/12/2005) | CLONE-A-WILLY <Classes 10, 28> | 78,419,307 (5/14/2004) [1/10/2006] |
| CAMEL TOES <Class 25> | 78,697,334 (8/22/2005) | CAMEL TOES <Class 25> | 74,439,311 (9/23/1993) [1/10/1995] |
| TALKING COCK <Class 10> | 78,716,443 (9/20/2005) | TALKING HEAD <Class 10> | 78,686,087 (8/4/2005) [7/17/2007] |
| THE JACK MAG <Class 16> | 78,772,903 (12/14/2005) | JACK <Classes 9, 16, 41> | 76,448,506 (9/6/2002) [2/22/2005] |
| SOFA KING AWESOME <Class 14> | 78,784,188 (1/3/2006) | TEAM SOFA KING <Classes 16, 21, 25, 35, 41> | 76,514,970 (5/16/2003) [6/3/2008] |
| MIDDLEFINGER <Class 25> | 78,863,232 (4/17/2006) | JONNY MIDDLEFINGER <Classes 18, 25> | 75,685,285 (5/11/1999) [8/29/2000] |
| BONER BATS ROCK HARD WOOD <Class 28> | 78,904,458 (6/9/2006) | BONER <Classes 25, 28> | 76,535,752 (8/11/2003) [8/3/2004] |
| WIGGA PLEASE <Class 25> | 78,951,841 (8/14/2006) | WIGGA WEAR <Class 25> | 78,160,418 (9/4/2002) [8/10/2004] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| BALL SACK POWDER <Class 3> | 78,963,466 (8/30/2006) | BALSAC <Class 3,18> | 75,649,424 (3/1/1999) [5/7/2002] |
| MILF DUDS <Class 25> | 77,004,154 (9/21/2006) | MYLF <Class 25> | 78,351,515 (1/13/2004) [5/17/2005] |
| UKININAM <Class 25> | 77,004,145 (9/21/2006) | SCREW YOU <Class 25> | 78,699,134 (8/24/2005) [9/24/2013] |
| HARDWOODY LURES <Class 28> | 77,007,106 (9/25/2006) | WOODY LURE COMPANY <Class 28> | 78,693,734 (8/16/2005) [†] |
| MILF SEEKER <Class 41> | 77,043,802 (11/14/2006) | MILFHUNTER <Class 41> | 78,306,103 (9/26/2003) [3/29/2005] |
| UN CABRON POR MI PATRON <Class 32> | 77,060,638 (12/8/2006) | KBRON <Class 25> | 78,070,454 (6/21/2001) [8/15/2006] |
| | | CABRON 49 <Class 3, 18, 25> | 79,015,795 (2/17/2005) [1/23/2007] |
| MILF DUDS #1-B <Class 25> | 77,070,433 (12/22/2006) | MYLF <Class 25> | 78,351,515 (1/13/2004) [5/17/2005] |
| WIFEBEATER <Class 25> | 77,121,502 (3/2/2007) | HUSBAND*BEATER R <Class 25> | 78,353,517 (1/18/2004) [2/28/2006] |
| FIELD NEGRO <Class 25> | 77,124,403 (3/7/2007) | PHIELD NEGRO 74 <Class 25> | 78,800,557 (1/26/2006) [3/23/2010] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| HONKEY SOCIAL <Class 25> | 77,133,487 (3/16/2007) | HONKEE <Class 25> | 76,594,332 (5/26/2004) [8/15/2006] |
| HARD ASS CRACKER <Class 25> | 77,163,723 (4/23/2007) | CRACKER <Class 25> | 75,048,627 (1/25/1996) [5/27/1997] |
| PUSSY VODKA <Class 33> | 77,174,382 (5/7/2007) | RED PUSSY <Class 32> | 77,162,516 (4/21/2007) [†] |
| AY CABRON <Classes 16, 25, 29, 30, 32> | 77,184,231 (5/17/2007) | CABRON 44 <Classes 3, 18, 25> | 79,015,795 (2/17/2005) [1/23/2007] |
| PUSSIE VODKA <Class 33> | 77,201,989 (6/8/2007) | RED PUSSY <Class 32> | 77,162,516 (4/21/2007) [†] |
| FADED. TITTIES. BEER. <Class 25> | 77,263,236 (8/23/2007) | TITTY'S BEER <Class 25> | 78,820,782 (2/22/2006) [†] |
| POTHEAD 420 <Class 25> | 77,290,998 (9/27/2007) | POTTHEAD <Class 25> | 77,235,554 (7/22/2007) [†] |
| PUSSY <Class 33> | 77,314,522 (10/26/2007) | RED PUSSY <Class 32> | 77,162,516 (4/21/2007) [†] |
| SUCK IT! <Class 25> | 77,350,732 (12/12/2007) | SUCKIT. <Class 16> | 77,296,697 (10/4/2007) [3/23/2010] |
| THE G-MILF HUNTER <Class 41> | 77,376,265 (1/20/2008) | MILFHUNTER <Class 41> | 78,306,103 (9/26/2003) [3/29/2005] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| PINCHE TAQUERIA <Class 43> | 77,519,564 (7/10/2008) | PINCHES TACOS <Class 43> | 77,513,028 (7/1/2008) [2/10/2009] |
| DAMN! DIGITAL MAGAZINE <Class 9> | 77,538,713 (8/4/2008) | DAMN GIRL MAGAZINE <Class 41> | 77,390,430 (2/6/2008) [10/12/2010] |
| SCRW-U <Class 25> | 77,558,390 (8/28/2008) | SCREW YOU <Class 25> | 78,699,134 (8/24/2005) [9/24/2013] |
| BOYS2RENT <Class 45> | 77,646,070 (1/8/2009) | MEN4RENTNOW.COM <Class > | 77,150,767 (4/6/2007) [3/31/2009 – Supp. Reg.] |
| BAMF BRAND <Class 25> | 77,665,028 (2/6/2009) | B.A.M.F. <Class 25> | 78,345,314 (12/24/2003) [9/19/2006] |
| MARYJANE COLA <Classes 5, 32> | 77,673,405 (2/19/2009) | MARY JANE'S RELAXING SODA <Class 32> | 77,687,542 (3/10/2009) [2/21/2012] |
| | | MARY JANE'S SODA <Class 5> | 77,642,501 (1/2/2009) [2/21/2012] |
| BAMF <Class 25> | 77,687,946 (3/10/2009) | B.A.M.F. <Class 25> | 78,345,314 (12/24/2003) [9/19/2006] |
| COCK BLOC <Class 25> | 77,798,234 (8/6/2009) | KOK-BLOCKERS <Class 25> | 76,348,076 (12/13/2001) [3/2/2004] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| FU <Classes 21, 25> | 77,814,006 (8/27/2009) | F.U. HOLLYWOOD <Class 25> | 77,778,897 (7/10/2009) [8/14/2012] |
| FUK!T <Classes 25, 42> | 77,818,033 (9/1/2009) | PHUKIT <Class 25> | 78,257,504 (6/3/2003) [3/22/2005] |
| OMFG <Class 25> | 77,835,813 (9/26/2009) | OMFG <Class 25> | 77,607,951 (11/5/2008) [2/9/2010] |
| SON OF A BITCH <Classes 9, 18, 25, 28, 41> | 77,852,839 (10/20/2009) | SOM BITCH <Class 25> | 75,353,099 (9/8/1997) [1/9/2001] |
| TITS 'N PEARL GIRL <Class 25> | 77,859,966 (10/28/2009) | TITS <WITH IMAGE OF BIRDS> <Class 25> | 76,379,045 (3/5/2002) [8/15/2006] |
| PUSSY NATURAL ENERGY <Classes 25, 32> | 77,880,452 (11/25/2009) | PUSSY NATURAL ENERGY <Class 32> | 77,817,308 (9/1/2009) [12/4/2012] |
| KO KANE <Class 33> | 85,038,867 (5/14/2010) | KOKANEE <Class 32> | 73,572,784 (12/10/1985) [2/3/1987] |
| UNGLORYHOLE <Class 41> | 85,114,580 (8/24/2010) | GLORYHOLE <Class 41> | 77,389,462 (2/5/2008) [8/26/2008] |
| FUCK CANCER <Class 16> | 85,237,359 (2/8/2011) | SCREW CANCER <Class 36> | 85,207,375 (12/29/2010) [8/16/2011] |
| FAT COCK BEER <Class 32> | 85,253,332 (2/28/2011) | RED COCK BEER <Class 32> | 77,875,474 (11/18/2009) [5/25/2010] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| SOCK MY COCK <Class 25> | 85,264,154 (3/11/2011) | COCKSOX <Class 25> | 85,185,067 (11/24/2010) [4/10/2012] |
| CAMEL TOE BLUE JEANS <Class 25> | 85,277,696 (3/25/2011) | CAMEL TOES <Class 25> | 74,439,311 (9/23/1993) [1/10/1995] |
| THE GLORY HOLE <Class 9> | 85,329,178 (5/24/2011) | GLORYHOLE INITIATIONS <Class 41> | 77,389,460 (2/5/2008) [8/26/2008] |
| | | GLORYHOLE <Class 41> | 77,389,462 (2/5/2008) [8/26/2008] |
| HAUTE COCK <Class 25> | 85,333,389 (5/30/2011) | HAUTE COQ <Class 25> | 78,461,869 (8/4/2004) [9/20/2005] |
| BIG DICK'N IT <Class 25> | 85,344,736 (6/13/2011) | BIG DICK'S <Class 25> | 74,266,388 (4/16/1992) [12/8/1992] |
| COCKSTAR <Classes 5, 10, 35> | 85,376,863 (7/21/2011) | PARTY LIKE A COCKSTAR <Class > | 77,312,851 (8/5/2007) [8/21/2008 – Supp. Reg.] |
| I BANGED BETTY <Class 25> | 85,386,222 (8/1/2011) | BETTY BANGS <Class 25> | 77,447,517 (4/14/2008) [12/9/2008] |
| POK-HER GOOD <Class 10> | 85,386,833 (8/2/2011) | POKER <Class 10> | 78,566,655 (2/14/2005) [8/8/2006] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| LITTLE PUSSIE <Class 32> | 85,408,947 (8/27/2011) | PUSSY NATURAL ENERGY <Class 32> | 77,817,308 (9/1/2009) [12/4/2012] |
| CHINGA <Class 25> | 85,464,503 (11/4/2011) | CHENGGA <Class 25> | 85,006,316 (4/5/2010) [4/12/2011] |
| PHUCKET! <Class 25> | 85,482,448 (11/29/2011) | PHUKET THAI <Class 25> | 76,202,633 (1/26/2001) [12/23/2003] |
| COCKED N LOADED <Class 5> | 85,561,169 (3/6/2012) | COCKED & LOADED <Class 32> | 85,146,710 (10/6/2010) [5/31/2011] |
| OINK <Classes 16, 35, 38, 41, 42, 45> | 85,587,247 (4/3/2012) | OINK.COM <Class 35> | 85,137,460 (9/24/2010) [5/24/2011] |
| PHUP DUC <Class 25> | 85,716,502 (8/29/2012) | PHUP DUC <Class 25> | 85,640,365 (5/31/2012) [†] |
| #@%&! BREAST CANCER <Class 25> | 76,712,792 (11/6/2012) | #@%&! <Class 25> | 75,770,446 (9/2/1999) [8/14/2001] |
| COOLIE <Class 25> | 85,785,992 (11/22/2012) | KOOLEY <Class 25> | 85,489,665 (12/7/2011) [5/29/2012] |
| P.H.U.C. CANCER (PLEASE HELP US CURE CANCER) <Class 25> | 85,855,531 (2/20/2013) | PHUC <Class 25> | 85,418,294 (9/8/2011) [6/18/2013] |
| CAMO-TOE <Class 25> | 85,866,252 (3/4/2013) | CAMOTOES <Class 25> | 85,775,183 (11/8/2012) [†] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| T.I.T.S. (TOES IN THE SAND) <Class 25> | 85,872,690 (3/11/2013) | TITS <WITH IMAGE OF BIRDS> <Class 25> | 76,379,045 (3/5/2002) [8/15/2006] |
| BEAVER BUTTER <Class 3> | 85,923,590 (5/4/2013) | BEAVER <Class 3> | 85,821,724 (1/11/2013) [4/15/2014] |
| PRETTY PUSSY <Class 25> | 85,939,135 (5/22/2013) | THE PRETTY PUSSYCAT <Class 25> | 76,453,991 (9/30/2002) [4/3/2007] |
| F K CANCER <Class 25> | 86,016,028 (7/22/2013) | F CANCER <Class 25> | 77,954,532 (3/9/2010) [†] |
| LADIES LOVE BIG ROD'S <Class 43> | 86,048,968 (8/27/2013) | BIG ROD'S <Class 43> | 78,377,360 (3/2/2004) [6/7/2005] |
| I GOT STUFFED AT BIG ROD'S <Class 43> | 86,050,041 (8/28/2013) | BIG ROD'S <Class 43> | 78,377,360 (3/2/2004) [6/7/2005] |
| COOLIE <Class 25> | 86,092,994 (10/16/2013) | KOOLEY <Class 25> | 85,489,665 (12/7/2011) [5/29/2012] |
| | | COOLEY HIGH CLOTHING COMPANY <Class 25> | 85,834,638 (1/28/2013) [7/15/2014] |
| FUCK CANCER <Class 25> | 86,286,757 (5/20/2014) | F CANCER <Class 25> | 77,983,618 (3/9/2010) [6/10/2014] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| F CK CANCER <Class 42> | 86,288,375 (5/21/2014) | F CANCER <Class 25> | 77,983,618 (3/9/2010) [6/10/2014] |
| FUCK CANCER <Class 25> | 86,290,011 (5/23/2014) | F CANCER <Class 25> | 77,983,618 (3/9/2010) [6/10/2014] |
| SHE GOT THE D <Class 25> | 86,295,630 (5/30/2014) | THE D <Class 25> | 85,654,302 (6/18/2012) [4/9/2013] |
| NAMASTE MOTHER FUCKER <Class 25> | 86,350,476 (7/28/2014) | NAMASTE MF <Class 25> | 85,827,086 (1/18/2013) [4/1/2014] |
| JEBAO <Class 7> | 86,350,659 (7/29/2014) | JEBO <Classes 7, 11, 16> | 79,033,500 (4/17/2006) [9/1/2009] |
| FREE THE NIPPLE X X <Class 25> | 86,380,758 (8/29/2014) | FREE THE NIPPLE <Class 25> | 86,151,239 (12/23/2013) [10/21/2014] |
| SUPER WANG <Class 5> | 86,400,750 (9/19/2014) | SUPERWANG <Class 5> | 85,962,120 (6/17/2013) [7/29/2014] |
| FVCK LA <Class 25> | 86,405,502 (9/25/2014) | FVCK STREET WEAR <Class 25> | 85,826,194 (1/17/2013) [4/15/2014] |
| F.U! <Class 25> | 86,468,096 (12/1/2014) | F U 2 <Class 25> | 85,394,120 (8/10/2011) [12/4/2012] |
| HOLY SH!T <Class 33> | 86,507,039 (1/19/2015) | HOLY EXPLETIVE <Class 33> | 85,142,000 (9/30/2010) [1/10/2012] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| F.U. <Class 25> | 86,533,866 (2/12/2015) | F U 2 <Class 25> | 85,394,120 (8/10/2011) [12/4/2012] |
| FVCK IT <Class 25> | 86,535,216 (2/13/2015) | FVCK STREET WEAR <Class 25> | 85,826,194 (1/17/2013) [4/15/2014] |
| CAMELTOENER <Class 16> | 86,535,371 (2/14/2015) | CAMEL TOES <Class 25> | 74,439,311 (9/23/1993) [1/10/1995] |
| BULLSHIT FLAG <Class 24> | 86,550,661 (3/2/2015) | BS <Classes 20, 24> | 76,528,727 (7/9/2003) [12/27/2005] |
| BOMB PUNANI <Class 25> | 86,550,637 (3/2/2015) | PUNANI <Class 25> | 77,396,582 (2/14/2008) [9/15/2009] |
| I (HEART DESIGN) BALLS! <Classes 14, 25> | 86,570,398 (3/19/2015) | I (HEART DESIGN) MY BALLS <Class 14> | 85,291,848 (4/11/2011) [1/15/2013] |
| CRACKER LIFE <Class 25> | 86,616,548 (5/1/2015) | CRACKER LIFE <Class 25> | 85,236,440 (2/8/2011) [8/30/2011] |
| BIG COCK SPORTSWEAR <Class 25> | 86,661,862 (6/14/2015) | BIG COCKE <Class 25> | 77,870,338 (11/11/2009) [5/3/2011] |
| | | BIG COCK COUNTRY <Class 25> | 85,225,003 (1/24/2011) [3/26/2013] |

| Applied-For Word Mark Receiving § 1052(a) & § 1052(d) Refusals <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Word Mark Cited in § 1052(d) Refusal <Int'l Class> | Cited Mark Serial No. (Application Date) [Registration Date] |
|---|--|---|---|
| CRACKER LIFE <Class 25> | 86,707,984 (7/29/2015) | CRACKER LIFE <Class 25> | 85,236,440 (2/8/2011) [8/30/2011] |
| FVCKD <Class 25> | 86,808,278 (11/3/2015) | FVCK STREET WEAR <Class 25> | 85,826,194 (1/17/2013) [4/15/2014] |

† The application was abandoned after publication.

APPENDIX 3

All Trademark Applications Filed From 2003 Through 2015 That Received a § 2(a) Immoral-or-Scandalous Refusal and That Overcame That Refusal and Were Published/Registered

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|---|------------------|-------------------|
| COOCHY <Class 3> | 78,214,120 (2/12/2003) | 6/1/2004 | 8/24/2004 |
| POTATOFINGER <Class 29> | 78,215,674 (2/17/2003) | 5/3/2005 | 7/26/2005 |
| BIG BLACK DICK - PREMIUM RUM- NORTH SOUTH GRAND CAYMAN SEVEN MILE BEACH CARRIBEAN SEA BBD <Classes 21, 25, 33> | 78,219,113 (2/26/2003) | 12/28/2004 | 11/22/2005 |
| HONKIES <Class 28> | 78,233,268 (4/2/2003) | 9/14/2004 | † |
| BITCH WHIFFS <Class 34> | 78,390,812 (3/25/2004) | 9/20/2005 | † |
| BITCH WHIFFS <Class 25> | 78,397,712 (4/7/2004) | 9/13/2005 | 12/6/2005 |
| BITCH WHIFFS <Class 28> | 78,398,827 (4/8/2004) | 9/20/2005 | † |
| CHILITOS CAFE <Class 35> | 78,406,642 (4/22/2004) | 7/17/2007 | † |
| WANK. <Class 25> | 78,421,170 (5/18/2004) | 3/7/2006 | 9/26/2006 |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| VELVETPARK DYKE CULTURE IN BLOOM <Class 16> | 78,448,110 (7/8/2004) | 5/23/2006 | 8/15/2006 |
| DYKEDOLLS <Class 28> | 78,497,352 (10/9/2004) | 4/10/2007 | 6/26/2007 |
| OSHIRT <Class 25> | 78,522,338 (11/24/2004) | 9/27/2005 | † |
| EFENK?L <Classes 16, 25> | 78,536,608 (12/21/2004) | 11/21/2006 | 2/6/2007 |
| OUR MEMBERS GET LAID & OUR AFFILIATES GET PAID! <Class 35> | 78,545,359 (1/11/2005) | 6/13/2006 | 9/5/2006 |
| ONE JACK OFF <Class 25> | 78,604,378 (4/7/2005) | 9/18/2007 | 6/17/2008 |
| FUW <Class 25> | 78,613,631 (4/21/2005) | 8/8/2006 | 10/24/2006 |
| WTF <Class 41> | 78,623,114 (5/4/2005) | 8/15/2006 | † |
| ANGRY PUSSY <Class 25> | 78,657,002 (6/23/2005) | 9/2/2008 | † |
| DIRTY HOE LANDSCAPING <Class 44> | 78,677,596 (7/25/2005) | 11/14/2006 | 1/30/2007 |
| WHIPPEDASS <Class 41> | 78,680,652 (7/28/2005) | 8/14/2007 | 10/30/2007 |
| PRICK PILLS <Class 20> | 78,684,903 (8/3/2005) | 1/9/2007 | 1/1/2008 |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| SCREW YOU <Class 25> | 78,699,134 (8/24/2005) | 12/1/2009 | 9/24/2013 |
| THE SEX WHISPERER <Class 9> | 78,791,631 (1/13/2006) | 9/4/2007 | † |
| SWEATYBALLZ <Class 25> | 78,834,247 (3/10/2006) | 1/30/2007 | † |
| SCREW YOU <Classes 3, 10, 32> | 78,874,735 (5/2/2006) | 11/17/2009 | 4/2/2013 |
| GOY CRAZY <Class 25> | 78,898,405 (6/1/2006) | 8/28/2007 | † |
| MILPH <Classes 16, 25, 26> | 78,980,326 (6/8/2006) | 8/21/2007 | 7/8/2008 |
| MILPH <Class 14> | 78,903,398 (6/8/2006) | 8/21/2007 | † |
| CHASING PURPOSE 'TIL IT MEETS EXISTENCE CP TIME EST 1999 <Class 25> | 78,917,364 (6/26/2006) | 4/1/2008 | 6/17/2008 |
| SUPER GIMP <Classes 16, 25> | 78,917,737 (6/27/2006) | 9/25/2007 | † |
| POCHA <Class 25> | 78,919,432 (6/28/2006) | 5/22/2007 | 2/5/2008 |
| POCHO <Class 25> | 78,919,434 (6/28/2006) | 5/22/2007 | 2/5/2008 |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| EL CARAJOS INTERNATIONAL TAPAS & WINES <Class 43> | 77,004,537 (9/21/2006) | 11/20/2007 | 2/5/2008 |
| CP TIME <Class 25> | 77,019,230 (10/11/2006) | 3/25/2008 | 6/10/2008 |
| DAME UN CABRON <Class 32> | 77,060,641 (12/8/2006) | 10/23/2007 | † |
| BAZZA A BAMF TEA! <Class 30> | 77,063,697 (12/13/2006) | 5/20/2008 | † |
| MILF NEXT DOOR <Class 41> | 77,064,757 (12/14/2006) | 8/5/2008 | 10/21/2008 |
| ROADHEAD INDUSTRIES NEED IT. WANT IT. GOT IT. <Class 25> | 77,093,949 (1/29/2007) | 1/22/2008 | † |
| LONGCOCK'S <Class 33> | 77,161,404 (4/20/2007) | 6/17/2008 | † |
| RED PUSSY <Class 32> | 77,162,516 (4/21/2007) | 8/26/2008 | † |
| I'M RICK JAMES BITCH <Class 25> | 77,207,411 (6/15/2007) | 12/16/2008 | † |
| HIMMEL ARSCH & ZWIRN <Classes 18, 21, 25, 32> | 77,242,166 (7/30/2007) | 3/17/2009 | 6/2/2009 |
| TERDZ <Class 30> | 77,258,747 (8/18/2007) | 4/29/2008 | 9/23/2008 |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| DAMN GIRL MAGAZINE <Class 41> | 77,390,430 (2/6/2008) | 1/27/2009 | 10/12/2010 |
| TA-CABRON <Class 43> | 77,410,171 (2/29/2008) | 4/28/2009 | 4/6/2010 |
| FUBAR <Class 5> | 77,419,918 (3/12/2008) | 3/10/2009 | 11/10/2009 |
| PURPLE STUFF <Class 32> | 77,446,644 (4/11/2008) | 5/18/2010 | 8/3/2010 |
| .XXX <Class 16> | 77,510,626 (6/28/2008) | 5/19/2009 | 4/20/2010 |
| PURPLE STUFF <Class 32> | 77,520,464 (7/11/2008) | 5/11/2010 | 7/27/2010 |
| PURPLE STUFF <Class 32> | 77,520,466 (7/11/2008) | 5/11/2010 | 7/27/2010 |
| AXE HOLE <Class 25> | 77,522,972 (7/15/2008) | 5/12/2009 | † |
| BLONDE PUSSY <Class 32> | 77,523,080 (7/15/2008) | 3/10/2009 | † |
| AXE HOLE <Class 25> | 77,979,567 (7/15/2008) | 5/12/2009 | † |
| MERDE <Class 16> | 77,537,063 (8/1/2008) | 6/1/2010 | 8/17/2010 |
| BIG EFFIN GARAGE <Class 42> | 77,595,225 (10/17/2008) | 4/5/2011 | † |
| BIG F'N GARAGE <Class 42> | 77,595,240 (10/17/2008) | 3/29/2011 | † |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| NASTY BITCH <Class 32> | 77,616,001 (11/17/2008) | 5/25/2010 | 9/27/2011 |
| TOPA <Class 33> | 77,637,758 (12/22/2008) | 5/3/2011 | 12/27/2011 |
| SNATCH <Class 25> | 77,639,364 (12/23/2008) | 1/5/2010 | † |
| COCKTALES <Class 41> | 77,641,819 (12/30/2008) | 6/21/2011 | 9/6/2011 |
| SNATCH <Class 25> | 77,665,554 (2/6/2009) | 12/29/2009 | 3/16/2010 |
| COCKSURE <Classes 9, 41> | 77,778,633 (7/10/2009) | 7/13/2010 | 9/28/2010 |
| MBS COCKTALE COLLECTION <Class 25> | 77,797,702 (8/5/2009) | 3/30/2010 | 7/17/2012 |
| PUSSY NATURAL ENERGY <Class 32> | 77,817,308 (9/1/2009) | 1/4/2011 | 12/4/2012 |
| BLEAUMEI <Class 25> | 77,841,081 (10/5/2009) | 4/13/2010 | † |
| COCKTANE <Class 32> | 77,877,163 (11/20/2009) | 7/27/2010 | † |
| BEITZIM <Classes 14, 25> | 77,890,751 (12/10/2009) | 5/25/2010 | 8/10/2010 |
| FRESH BALLS <Class 3> | 77,897,974 (12/21/2009) | 1/4/2011 | 3/22/2011 |
| HTFU <Class 25> | 77,902,017 (12/29/2009) | 5/31/2011 | 3/13/2012 |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BOYS ARE STUPID, THROW ROCKS AT THEM <Classes 16, 18, 25> | 77,934,946 (2/12/2010) | 5/1/2012 | 7/17/2012 |
| BOYS ARE STUPID, THROW ROCKS AT THEM <Class 41> | 77,934,899 (2/12/2010) | 5/1/2012 | † |
| F CANCER <Class 25> | 77,983,618 (3/9/2010) | 5/31/2011 | 6/10/2014 |
| CMTHR FCKNT <Class 41> | 77,954,054 (3/9/2010) | 3/8/2011 | † |
| CMTHR FCKNT <Class 25> | 77,954,169 (3/9/2010) | 3/8/2011 | † |
| F CANCER <Class 25> | 77,954,532 (3/9/2010) | 5/31/2011 | † |
| CMTHR FCKNT <Class 9> | 77,956,237 (3/11/2010) | 3/8/2011 | † |
| BAMF <Class 12> | 85,012,455 (4/13/2010) | 12/20/2011 | 10/16/2012 |
| DILLIGAF BY BOHICA BILL <Classes 25, 35> | 85,020,964 (4/22/2010) | 3/19/2013 | 6/4/2013 |
| COCK RUB <Class 30> | 85,050,620 (5/28/2010) | 5/24/2011 | 12/11/2012 |
| FUGGIN AWESOME <Class 41> | 85,056,466 (6/7/2010) | 10/8/2013 | 9/2/2014 |
| WHITE ASS <Class 33> | 85,100,568 (8/5/2010) | 7/19/2011 | † |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| FN GOLDEN <Class 41> | 85,129,726 (9/15/2010) | 12/6/2011 | 2/21/2012 |
| IF WE TOUCH IT, IT'S FN GOLDEN <Class 41> | 85,129,728 (9/15/2010) | 12/6/2011 | 2/21/2012 |
| F* WORD FRIDAY <Class 41> | 85,133,005 (9/19/2010) | 6/28/2011 | 9/13/2011 |
| BUTTERLOADS <Class 41> | 85,134,454 (9/21/2010) | 9/20/2011 | 12/6/2011 |
| ROCK THE F OUT <Class 42> | 85,145,075 (10/5/2010) | 10/4/2011 | 8/14/2012 |
| DUBE HEMP <Class 32> | 85,181,806 (11/20/2010) | 7/31/2012 | 11/5/2013 |
| HOTTER THAN A MOFO <Classes 29, 30> | 85,237,185 (2/8/2011) | 7/26/2011 | 7/29/2014 |
| HOTTER THAN A MOFO <Class 30> | 85,977,648 (2/8/2011) | 7/26/2011 | 11/27/2012 |
| 69 LUNCH FOR TWO <Class 25> | 85,282,477 (3/31/2011) | 10/25/2011 | 6/19/2012 |
| HAPPY TUGS <Class 41> | 85,342,637 (6/9/2011) | 5/14/2013 | 7/30/2013 |
| SLOPPY POPPY <Class 33> | 85,373,166 (7/16/2011) | 2/7/2012 | 7/31/2012 |
| SLOPPY BALLS <Class 43> | 85,373,158 (7/16/2011) | 2/7/2012 | † |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| ROCK 'N' SANDWICHES R'N'R HOME OF THE PIZZA SANDWICH <Class 43> | 85,415,963 (9/6/2011) | 9/11/2012 | † |
| SNACK BOX <Class 10> | 85,458,774 (10/28/2011) | 2/12/2013 | 4/30/2013 |
| BOOTY <Class 10> | 85,458,830 (10/28/2011) | 2/12/2013 | † |
| MUFF SPIDER <Class 10> | 85,464,510 (11/4/2011) | 2/12/2013 | † |
| SLUTLOAD <Class 38> | 85,484,399 (11/30/2011) | 1/1/2013 | 3/19/2013 |
| LAY PIPE <Class 25> | 85,525,358 (1/25/2012) | 5/7/2013 | 3/11/2014 |
| A F S U <Class 25> | 85,547,238 (2/20/2012) | 1/1/2013 | † |
| BLACK KANGO <Class 42> | 85,619,830 (5/8/2012) | 1/15/2013 | 9/10/2013 |
| THE HANDIE <Class 10> | 85,620,655 (5/9/2012) | 5/21/2013 | 9/16/2014 |
| PAWG <Class 41> | 85,627,933 (5/17/2012) | 10/23/2012 | 12/8/2015 |
| FOXY BOX <Class 44> | 85,668,913 (7/4/2012) | 1/22/2013 | 4/9/2013 |
| FOXY BOX <Class 3> | 85,668,920 (7/4/2012) | 1/22/2013 | † |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BAKED BY A NEGRO <Class 30> | 85,708,593 (8/21/2012) | 8/13/2013 | 10/29/2013 |
| THE ORIGINAL GANG BANGERS <Class 25> | 85,723,051 (9/7/2012) | 3/26/2013 | 6/11/2013 |
| F'D UP <Classes 25, 28> | 85,762,896 (10/24/2012) | 9/3/2013 | 3/11/2014 |
| BACKROOM FACIALS <Class 41> | 85,768,581 (10/31/2012) | 11/12/2013 | 1/28/2014 |
| GIRL BONER <Class 41> | 85,770,192 (11/2/2012) | 6/17/2014 | 4/7/2015 |
| FACIAL FEST <Class 41> | 85,771,170 (11/5/2012) | 11/12/2013 | 1/28/2014 |
| CAMOTOES <Class 25> | 85,775,183 (11/8/2012) | 12/10/2013 | † |
| CANNABIS.CA <Classes 16, 44> | 85,779,234 (11/14/2012) | 6/13/2017 | 8/29/2017 |
| FA'QUE <Class 33> | 85,815,206 (1/3/2013) | 6/24/2014 | † |
| COOLIE HIGH CLOTHING COMPANY <Class 25> | 85,834,638 (1/28/2013) | 2/25/2014 | 7/15/2014 |
| THAT'S SO GAY <Class 28> | 85,876,216 (3/14/2013) | 6/3/2014 | 9/30/2014 |
| THAT'S SO GAY <Class 9> | 85,876,233 (3/14/2013) | 6/3/2014 | † |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| COOCH <Class 9> | 85,896,602 (4/5/2013) | 10/1/2013 | 12/17/2013 |
| #DATASS <Class 16> | 85,915,438 (4/26/2013) | 4/8/2014 | 6/24/2014 |
| CRACKA AZZ SKATEBOARDS <Classes 25, 28> | 85,927,818 (5/9/2013) | 12/17/2013 | 8/19/2014 |
| LEFT NUT BREWING CO. <Class 32> | 85,935,569 (5/17/2013) | 12/22/2015 | 11/14/2017 |
| FU-C <Class 36> | 85,945,468 (5/29/2013) | 6/3/2014 | 4/14/2015 |
| THE MIDDLE FINGER PROJECT <Classes 9, 35, 41> | 85,968,620 (6/24/2013) | 9/2/2014 | 11/18/2014 |
| #DATASS <Classes 22, 25> | 86,034,915 (8/12/2013) | 4/15/2014 | 12/30/2014 |
| NUT SACK DOUBLE BROWN ALE <Class 32> | 86,038,803 (8/15/2013) | 12/15/2015 | 3/1/2016 |
| HUGE WOOD <Class 41> | 86,076,522 (9/27/2013) | 9/30/2014 | 12/16/2014 |
| EFFÜE <Class 25> | 86,164,156 (1/13/2014) | 2/17/2015 | † |
| FLIPSTOP <Classes 9, 35, 42> | 86,198,426 (2/20/2014) | 9/19/2017 | † |
| COCK CONTROL <Class 41> | 86,270,103 (5/2/2014) | 5/5/2015 | † |

| Applied-For Word Mark Receiving § 1052(a) Refusal <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| EFFBOMB <Class 5> | 86,356,940 (8/4/2014) | 10/20/2015 | 8/22/2017 |
| DICK <Class 25> | 86,380,071 (8/28/2014) | 3/29/2016 | 6/14/2016 |
| CHUCHA CAPONE'S <Classes 30, 32, 33, 43> | 86,423,765 (10/14/2014) | 5/17/2016 | † |
| ARMAFUGGINGE DDON <Class 25> | 86,512,620 (1/23/2015) | 12/29/2015 | 8/2/2016 |
| FUGAZI <Class 9> | 86,517,426 (1/28/2015) | 3/15/2016 | 5/31/2016 |
| WONDERFUL WORLD OF BONING <Class 41> | 86,539,463 (2/19/2015) | 1/19/2016 | 4/5/2016 |
| COCK N' KITTEN <Class 3> | 86,559,304 (3/10/2015) | 2/16/2016 | † |
| TERDS <Class 30> | 86,589,075 (4/7/2015) | 7/26/2016 | † |
| EFFWORDS <Class 28> | 86,627,159 (5/12/2015) | 11/17/2015 | 4/19/2016 |
| TURKEY DICK <Class 30> | 86,648,220 (6/2/2015) | 6/13/2017 | † |
| KUM KLEAN NATURAL SOAPS <Class 3> | 86,675,699 (6/26/2015) | 2/2/2016 | † |

† The application was abandoned after publication.

APPENDIX 4

All Word-Mark Applications for Marks of More than One Letter Filed From 2003 Through 2015 That Identically Matched a Mark or Term the PTO Elsewhere Determined to Be Immoral or Scandalous But that Received No § 1052(a) Immoral-or-Scandalous Refusal

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| \$#!+ <Classes 20, 25> | 77,668,860 (2/12/2009) | 1/5/2010 | . |
| 69 <Class 25> | 78,981,098 (10/20/2004) | 2/27/2007 | . |
| 69 <Classes 3, 10> | 78,730,269 (10/10/2005) | 6/6/2006 | 9/8/2009 |
| 69 <Class 25> | 85,412,766 (9/1/2011) | 2/7/2012 | 11/20/2012 |
| 69 <Class 25> | 86,414,064 (10/3/2014) | 3/17/2015 | . |
| 69 <Class 15> | 78,502,810 (10/20/2004) | 2/27/2007 | . |
| A.N.A.L. <Class 25> | 78,375,319 (2/27/2004) | 1/4/2005 | . |
| ASS <Class 9> | 76,674,406 (3/22/2007) | 10/14/2008 | . |
| ASS <Class 9> | 76,499,576 (3/21/2003) | 1/6/2004 | . |
| ASH-HOLE <Class 11> | 86,745,394 (9/2/2015) | 3/1/2016 | 1/3/2017 |
| ASS <Class 25> | 86,171,122 (1/21/2014) | 6/3/2014 | 10/7/2014 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|------------------|-------------------|
| BALL <Classes 18, 21, 25> | 86,458,906 (11/19/2014) | 9/1/2015 | 11/17/2015 |
| BALL <Class 6> | 85,090,087 (7/21/2010) | 1/4/2011 | 3/22/2011 |
| BALL <Class 30> | 77,847,188 (10/13/2009) | 3/27/2018 | . |
| BALL <Classes 35, 39> | 85,527,057 (1/27/2012) | 7/10/2012 | . |
| BALL <Class 40> | 86,766,948 (9/24/2015) | 3/8/2016 | 5/24/2016 |
| BALL <Class 25> | 85,966,576 (6/21/2013) | 11/19/2013 | . |
| BALL <Classes 40, 42> | 85,853,514 (2/19/2013) | 7/16/2013 | 10/1/2013 |
| BALL <Class 6> | 86,766,935 (9/24/2015) | 3/8/2016 | 5/24/2016 |
| BALL <Classes 40, 42> | 85,853,519 (2/19/2013) | 7/16/2013 | 10/1/2013 |
| BALL <Class 14> | 76,515,375 (4/24/2003) | 12/30/2003 | 7/13/2004 |
| BALL <Class 7> | 76,621,307 (11/18/2004) | 10/11/2005 | 5/9/2006 |
| BALL <Class 9> | 76,509,398 (4/25/2003) | 12/2/2003 | 3/15/2005 |
| BALL <Class 41> | 77,391,723 (2/7/2008) | 7/22/2008 | 10/7/2008 |
| BALL <Class 25> | 85,966,545 (6/21/2013) | 11/19/2013 | . |
| BALL <Classes 1, 31> | 86,426,688 (10/17/2014) | 5/19/2015 | 8/4/2015 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BALLZACK <Class 9> | 77,807,774 (8/19/2009) | 6/29/2010 | 9/14/2010 |
| BS <Class 25> | 77,143,985 (3/29/2007) | 10/2/2007 | 3/25/2008 |
| BALLS <Class 35> | 77,085,961 (1/18/2007) | 7/3/2007 | 9/18/2007 |
| BALLS <Class 16> | 76,578,485 (3/1/2004) | 11/30/2004 | . |
| BALLS <Class 33> | 77,777,661 (7/9/2009) | 11/24/2009 | 4/26/2011 |
| BALLZ <Class 16> | 78,715,110 (9/17/2005) | 12/19/2006 | . |
| BALLZ <Class 43> | 86,327,244 (7/2/2014) | 11/18/2014 | . |
| BALLS <Classes 16, 41> | 77,468,867 (5/8/2008) | 4/14/2009 | 10/9/2012 |
| BALZ <Class 3> | 85,888,304 (3/27/2013) | 9/3/2013 | . |
| BALLS <Class 35> | 86,240,435 (4/2/2014) | 4/7/2015 | . |
| BALLZEE <Class 28> | 78,373,819 (2/25/2004) | 9/27/2005 | 12/20/2005 |
| BALZZ <Class 28> | 85,111,176 (8/19/2010) | 6/28/2011 | . |
| BALLS <Class 9> | 78,219,746 (2/27/2003) | 2/24/2004 | 8/3/2004 |
| BALLS <Class 41> | 85,071,112 (6/24/2010) | 6/7/2011 | 8/23/2011 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|------------------|-------------------|
| B.A.M.F. <Class 25> | 78,345,314 (12/24/2003) | 6/27/2006 | 9/19/2006 |
| BAMF <Class 25> | 85,496,386 (12/15/2011) | 9/24/2013 | 8/12/2014 |
| B.A.M.F. <Class 13> | 86,810,199 (11/5/2015) | 4/12/2016 | 6/28/2016 |
| BAMF <Class 9> | 76,560,985 (11/3/2003) | 7/27/2004 | . |
| BANG <Class 44> | 86,569,409 (3/19/2015) | 9/22/2015 | 12/8/2015 |
| B· A· N· G <Class 28> | 76,691,300 (7/14/2008) | 12/9/2008 | 2/24/2009 |
| BANG <Class 2> | 85,633,227 (5/23/2012) | 10/30/2012 | . |
| BANG <Classes 9, 35, 38, 42, 45> | 77,852,667 (10/20/2009) | 3/30/2010 | . |
| BANGG! <Class 25> | 76,573,894 (2/4/2004) | 11/16/2004 | 4/18/2006 |
| BANG! <Class 3> | 78,382,539 (3/11/2004) | 1/25/2005 | . |
| BANG <Class 5> | 78,637,163 (5/25/2005) | 2/28/2006 | 12/9/2008 |
| BANG! <Class 16> | 78,692,386 (8/15/2005) | 5/2/2006 | . |
| BANG <Class 9> | 77,169,046 (4/30/2007) | 4/13/2010 | . |
| BANG <Class 32> | 77,865,654 (11/5/2009) | 10/19/2010 | 2/11/2014 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| B'ANG <Classes 9, 10, 16, 18, 22, 25, 40> | 78,884,833 (5/16/2006) | 2/19/2008 | . |
| BANG <Class 32> | 77,822,181 (9/8/2009) | 3/1/2011 | 5/17/2011 |
| BANG <Class 3> | 77,451,882 (4/18/2008) | 9/9/2008 | 5/3/2011 |
| BANG <Class 33> | 76,587,708 (4/19/2004) | 2/7/2006 | 5/2/2006 |
| BANG <Class 28> | 85,180,620 (11/18/2010) | 4/5/2011 | 11/1/2011 |
| BANG! <Class 20> | 78,350,498 (1/12/2004) | 10/26/2004 | 9/13/2005 |
| BANG <Class 32> | 77,247,665 (8/6/2007) | 1/29/2008 | 5/19/2009 |
| BANG <Class 16> | 86,249,534 (4/11/2014) | 7/22/2014 | . |
| BANG! <Class 41> | 86,980,268 (11/4/2015) | 10/18/2016 | 1/3/2017 |
| BANG <Class 41> | 86,249,589 (4/11/2014) | 7/22/2014 | . |
| BANG <Class 35> | 85,549,329 (2/22/2012) | 7/10/2012 | 9/25/2012 |
| BANG <Classes 9, 34, 35> | 86,598,258 (4/15/2015) | 9/22/2015 | 3/29/2016 |
| BANG! <Class 41> | 86,980,267 (11/4/2015) | 10/18/2016 | 1/3/2017 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BANG <Classes 9, 35, 38, 42, 45> | 77,852,338 (10/20/2009) | 3/30/2010 | . |
| BANG! <Classes 16, 28> | 79,065,326 (9/24/2008) | 6/2/2009 | 8/18/2009 |
| BS <Class 35> | 77,003,124 (9/20/2006) | 6/26/2007 | . |
| BASTARD <Class 32> | 78,222,999 (3/7/2003) | 7/13/2004 | 10/18/2005 |
| BASTARD <Class 25> | 79,975,041 (3/5/2007) | 5/13/2008 | 7/29/2008 |
| BASSTURD <Class 25> | 85,657,509 (6/21/2012) | 11/13/2012 | 10/8/2013 |
| BEARD <Class 25> | 85,626,166 (5/15/2012) | 10/9/2012 | . |
| BEARD <Class 3> | 86,206,224 (2/27/2014) | 12/30/2014 | 3/17/2015 |
| BEAT IT! <Class 16> | 77,605,721 (11/2/2008) | 3/24/2009 | . |
| BEAT IT <Class 25> | 78,533,262 (12/15/2004) | 9/13/2005 | . |
| BEAT IT <Class 14> | 78,533,232 (12/15/2004) | 9/13/2005 | . |
| BEAT IT! <Class 5> | 78,451,686 (7/16/2004) | 5/29/2007 | 8/14/2007 |
| BEAT IT <Class 3> | 85,461,456 (11/1/2011) | 2/28/2012 | 7/17/2012 |
| BEATIT <Class 9> | 86,766,706 (9/24/2015) | 2/16/2016 | 5/3/2016 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BEAVER <Classes 7, 12> | 77,428,521 (3/21/2008) | 4/28/2009 | 7/14/2009 |
| BEAVER <Class 3> | 85,821,724 (1/11/2013) | 1/28/2014 | 4/15/2014 |
| BEAVER <Class 30> | 77,925,366 (2/1/2010) | 8/24/2010 | 11/9/2010 |
| BEEVER <Class 3> | 79,070,269 (4/21/2009) | 6/8/2010 | 8/24/2010 |
| BEAVER <Class 28> | 85,061,745 (6/14/2010) | 11/9/2010 | 5/24/2011 |
| BEAVER <Classes 12, 37> | 77,691,841 (3/16/2009) | 6/6/2017 | . |
| BEAVER <Class 16> | 77,113,707 (2/22/2007) | 7/21/2009 | 10/6/2009 |
| BEAVER <Class 32> | 85,016,445 (4/17/2010) | 9/14/2010 | 3/6/2012 |
| BEAVERBONG <Class 35> | 76,514,155 (5/12/2003) | 12/30/2003 | 1/4/2005 |
| BIG COCKE <Class 25> | 77,870,338 (11/11/2009) | 2/15/2011 | 5/3/2011 |
| BIG COQ <Class 33> | 85,039,558 (5/15/2010) | 10/19/2010 | 3/13/2012 |
| BS <Class 33> | 78,285,818 (8/11/2003) | 9/21/2004 | 12/14/2004 |
| BITCH <Class 32> | 77,466,281 (5/5/2008) | 9/30/2008 | . |
| BITCH <Class 3> | 78,888,670 (5/22/2006) | 8/28/2007 | 3/25/2008 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|---|---|------------------|-------------------|
| BITCH <Class 33> | 85,683,977 (7/23/2012) | 12/25/2012 | . |
| BITCH <Class 36> | 78,845,101 (3/24/2006) | 11/7/2006 | . |
| BITCH <Class 18> | 85,227,441 (1/27/2011) | 6/16/2015 | 9/29/2015 |
| BITCH <Class 33> | 78,821,582 (2/23/2006) | 5/5/2009 | 7/21/2009 |
| BITCH <Class 25> | 77,842,390 (10/6/2009) | 8/30/2011 | 6/4/2013 |
| BIT@HES! <Class 16> | 85,142,925 (10/1/2010) | 3/15/2011 | 5/31/2011 |
| BJ'S <Class 32> | 85,363,576 (7/5/2011) | 6/5/2012 | 9/15/2015 |
| BJ'S <Class 33> | 86,678,234 (6/29/2015) | 11/17/2015 | 2/2/2016 |
| BJ'S <Classes 29, 30, 32> | 86,709,014 (7/29/2015) | 5/24/2016 | . |
| BJ'S <Class 25> | 85,025,280 (4/28/2010) | 10/5/2010 | . |
| BJ'S <Class 43> | 85,314,987 (5/6/2011) | 9/20/2011 | 12/6/2011 |
| BJ'S <Class 32> | 85,830,784 (1/23/2013) | 4/16/2013 | 7/2/2013 |
| BJ'S <Class 43> | 77,103,211 (2/8/2007) | 8/7/2007 | 10/23/2007 |
| BJ'S <Class 32> | 86,065,901 (9/16/2013) | 1/21/2014 | 4/8/2014 |
| BJ'S <Classes 35, 43> | 77,451,370 (4/17/2008) | 9/16/2008 | 8/3/2010 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BLVCK <Class 34> | 85,967,785 (6/24/2013) | 5/17/2016 | 8/2/2016 |
| BLVCK <Class 34> | 86,036,156 (8/13/2013) | 5/17/2016 | 8/2/2016 |
| BLAC \$ <Class 9> | 85,077,829 (7/4/2010) | 11/30/2010 | . |
| BLACK <Classes 30, 35> | 77,605,895 (11/3/2008) | 3/24/2009 | 3/23/2010 |
| BLK <Classes 35, 36> | 85,555,020 (2/28/2012) | 7/17/2012 | 5/28/2013 |
| BLACK <Classes 35, 36, 39, 41, 42, 43, 44, 45> | 77,661,119 (2/2/2009) | 10/22/2013 | 6/10/2014 |
| BLAC <Classes 16, 41> | 86,173,621 (1/23/2014) | 1/13/2015 | 3/31/2015 |
| BLACK <Class 7> | 76,676,013 (4/26/2007) | 10/23/2007 | 1/8/2008 |
| BLAK <Class 32> | 78,771,559 (12/12/2005) | 9/26/2006 | 10/30/2007 |
| BLACCK <Classes 9, 25, 41> | 78,730,094 (10/10/2005) | 7/4/2006 | . |
| BLACK <Class 33> | 85,770,019 (11/2/2012) | 10/15/2013 | . |
| BLACK <Class 9> | 76,528,872 (7/10/2003) | 3/23/2004 | 9/19/2006 |
| BLACK <Class 36> | 78,275,043 (7/16/2003) | 8/17/2004 | 11/9/2004 |
| BLACK <Classes 6, 9, 18, 25> | 79,100,176 (4/18/2011) | 1/10/2012 | 3/27/2012 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|---|---|------------------|-------------------|
| BLACK <Class 28> | 77,445,692 (4/11/2008) | 9/9/2008 | 11/25/2008 |
| BLACK <Class 3> | 77,461,542 (4/30/2008) | 9/16/2008 | 1/19/2010 |
| BLACK <Class 12> | 86,098,721 (10/22/2013) | 10/21/2014 | 8/4/2015 |
| BLAK <Class 15> | 77,534,383 (7/30/2008) | 1/13/2009 | 12/1/2009 |
| BLACK <Class 5> | 77,671,586 (2/16/2009) | 3/9/2010 | 5/25/2010 |
| BLACK <Class 41> | 78,943,168 (8/2/2006) | 12/11/2007 | 2/26/2008 |
| BLAK <Class 15> | 77,648,248 (1/13/2009) | 5/5/2009 | 4/13/2010 |
| BLAAK <Classes 3, 18, 25> | 79,060,127 (6/20/2008) | 10/20/2009 | 1/5/2010 |
| BLAK <Class 35> | 85,670,649 (7/6/2012) | 12/4/2012 | 2/19/2013 |
| BLAX <Class 2> | 78,334,573 (12/1/2003) | 8/17/2004 | 6/6/2006 |
| BLACKZ <Classes 29, 30, 31> | 85,623,202 (5/11/2012) | 12/18/2012 | 3/24/2015 |
| BLACK'S <Class 43> | 77,328,019 (11/13/2007) | 4/29/2008 | 7/15/2008 |
| BS <Class 20> | 85,755,243 (10/16/2012) | 10/15/2013 | . |
| BLOW <Class 3> | 86,021,130 (7/26/2013) | 12/17/2013 | . |
| BLO <Class 44> | 77,040,010 (11/8/2006) | 11/3/2009 | 1/19/2010 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BLOW <Classes 35, 45> | 86,233,571 (3/27/2014) | 2/3/2015 | . |
| BLOW <Class 5> | 77,164,255 (4/24/2007) | 10/16/2007 | 8/26/2008 |
| BLOW <Class 41> | 85,197,715 (12/14/2010) | 6/14/2011 | 8/30/2011 |
| BLO <Class 21> | 77,527,717 (7/21/2008) | 6/22/2010 | 9/7/2010 |
| BLO <Class 3> | 85,199,406 (12/16/2010) | 10/11/2011 | 12/27/2011 |
| BLO <Class 45> | 86,570,376 (3/19/2015) | 8/18/2015 | 11/3/2015 |
| BLO <Classes 9, 41> | 78,516,877 (11/15/2004) | 10/11/2005 | . |
| BLOW <Classes 11, 34> | 85,817,921 (1/8/2013) | 7/16/2013 | 2/11/2014 |
| BLOW <Class 35> | 86,618,883 (5/4/2015) | 2/23/2016 | 7/11/2017 |
| BLO <Class 25> | 78,429,013 (6/2/2004) | 5/10/2005 | 8/2/2005 |
| BLO <Class 4> | 85,339,795 (6/7/2011) | 10/25/2011 | . |
| BLOW <Class 44> | 76,510,122 (4/28/2003) | 1/20/2004 | 11/2/2004 |
| BLOW ME <Class 35> | 77,932,786 (2/10/2010) | 6/22/2010 | . |
| BLOWN <Class 42> | 77,502,087 (6/18/2008) | 11/11/2008 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BLOWN <Class 44> | 85,465,489 (11/6/2011) | 4/17/2012 | . |
| BLUE BALL <Class 32> | 85,944,552 (5/29/2013) | 10/8/2013 | . |
| BLU BALL <Class 7> | 85,805,689 (12/18/2012) | 5/14/2013 | 10/22/2013 |
| BLUE BALLZ <Class 34> | 86,561,999 (3/12/2015) | 8/4/2015 | 10/20/2015 |
| BLUE BALLS <Class 25> | 86,368,818 (8/17/2014) | 3/3/2015 | 5/19/2015 |
| BLUBALLS <Class 33> | 78,400,343 (4/12/2004) | 10/4/2005 | . |
| BS <Class 25> | 85,055,249 (6/4/2010) | 11/2/2010 | 5/10/2011 |
| BONA <Classes 2, 3> | 77,279,164 (9/13/2007) | 3/4/2008 | 5/20/2008 |
| BONA <Class 20> | 77,490,258 (6/4/2008) | 5/5/2009 | 7/21/2009 |
| BONA <Class 28> | 76,525,737 (6/27/2003) | 11/11/2003 | . |
| BONE <Class 16> | 76,485,120 (1/24/2003) | 9/9/2003 | 12/2/2003 |
| BONE <Class 41> | 85,464,436 (11/4/2011) | 4/17/2012 | 7/3/2012 |
| B.O.N.E. <Class 13> | 85,233,249 (2/3/2011) | 6/21/2011 | 4/24/2012 |
| BONE <Class 28> | 85,485,407 (12/1/2011) | 5/15/2012 | 7/31/2012 |
| BONE <Class 9> | 77,123,072 (3/6/2007) | 12/25/2007 | 7/8/2008 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BONE <Class 9> | 77,921,930 (1/27/2010) | 6/15/2010 | . |
| BO KNERR <Class 5> | 86,662,909 (6/15/2015) | 10/6/2015 | . |
| BONER <Class 28> | 77,952,998 (3/8/2010) | 6/21/2011 | 7/3/2012 |
| BONER <Class 28> | 78,417,864 (5/13/2004) | 12/12/2006 | . |
| BONER <Classes 25, 28> | 76,535,752 (8/11/2003) | 5/11/2004 | 8/3/2004 |
| BONG <Class 33> | 78,503,302 (10/20/2004) | 8/22/2006 | . |
| BONG <Class 43> | 78,648,894 (6/12/2005) | 2/28/2006 | 3/17/2009 |
| BONG <Class 25> | 86,436,695 (10/28/2014) | 3/31/2015 | . |
| BOOB <Class 10> | 85,467,729 (11/8/2011) | 5/7/2013 | 7/8/2014 |
| BOOB <Classes 3, 5, 25, 35> | 79,136,180 (7/10/2013) | 7/7/2015 | 12/29/2015 |
| BOOB <Class 25> | 79,007,595 (10/25/2004) | 6/10/2008 | 8/26/2008 |
| BS <Class 42> | 86,808,250 (11/3/2015) | 4/5/2016 | 6/21/2016 |
| BOY <Class 3> | 86,983,198 (11/24/2015) | 4/19/2016 | 11/7/2017 |
| BOY <Class 3> | 86,830,248 (11/24/2015) | 4/19/2016 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BOY <Class 3> | 86,830,219 (11/24/2015) | 4/19/2016 | 9/19/2017 |
| BOY <Classes 14, 25> | 85,946,830 (5/30/2013) | 2/3/2015 | 4/21/2015 |
| BOY <Class 9> | 79,001,268 (11/12/2003) | 3/14/2006 | 6/6/2006 |
| BOY <Class 28> | 77,794,128 (7/31/2009) | 2/2/2010 | . |
| BOY <Class 18> | 77,260,208 (8/21/2007) | 2/17/2009 | 5/5/2009 |
| BRASS BALLS <Class 28> | 77,923,419 (1/29/2010) | 12/7/2010 | . |
| BRASS BALLS <Class 12> | 78,938,035 (7/26/2006) | 3/13/2007 | . |
| BRASS BALLS <Class 30> | 77,238,369 (7/25/2007) | 2/26/2008 | 5/13/2008 |
| BRASS BALLS <Class 30> | 76,503,065 (3/28/2003) | 11/11/2003 | . |
| BRASS BALLS <Class 12> | 77,345,602 (12/6/2007) | 11/25/2008 | 2/10/2009 |
| BS <Class 41> | 86,437,148 (10/28/2014) | 10/6/2015 | 12/22/2015 |
| BS <Class 28> | 78,842,363 (3/21/2006) | 11/7/2006 | 1/23/2007 |
| BS <Classes 16, 42> | 79,021,553 (4/18/2005) | 1/22/2008 | 4/8/2008 |
| BS <Classes 14, 18> | 79,046,082 (6/21/2007) | 9/9/2008 | 11/25/2008 |
| BS <Class 3> | 86,709,988 (7/30/2015) | 12/15/2015 | 3/1/2016 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| BS <Class 10> | 78,498,723 (10/12/2004) | 2/21/2006 | 5/16/2006 |
| B'S <Class 18> | 78,598,167 (3/30/2005) | 12/20/2005 | 3/14/2006 |
| BS <Class 25> | 77,787,885 (7/23/2009) | 12/22/2009 | . |
| BS <Class 26> | 86,150,561 (12/22/2013) | 8/19/2014 | 11/4/2014 |
| BS <Class 25> | 76,533,936 (7/31/2003) | 3/23/2004 | . |
| B.S. <Class 33> | 85,362,554 (7/3/2011) | 12/13/2011 | 2/28/2012 |
| BS <Class 33> | 78,276,117 (7/18/2003) | 4/20/2004 | 1/25/2005 |
| B.S. <Class 32> | 86,169,547 (1/19/2014) | 6/3/2014 | . |
| BS <Class 25> | 77,857,261 (10/26/2009) | 7/20/2010 | 10/5/2010 |
| BS <Class 9> | 85,823,545 (1/15/2013) | 6/11/2013 | 11/5/2013 |
| BS <Class 35> | 86,710,011 (7/30/2015) | 6/21/2016 | 9/6/2016 |
| B S <Class 11> | 76,613,474 (9/27/2004) | 9/6/2005 | 11/29/2005 |
| BS <Class 25> | 78,255,205 (5/28/2003) | 3/2/2004 | 5/25/2004 |
| BS <Class 18> | 78,540,598 (12/31/2004) | 11/29/2005 | 2/21/2006 |

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|---|---|------------------|-------------------|
| BS <Class 3> | 77,949,810 (3/3/2010) | 12/7/2010 | 10/18/2011 |
| BS <Class 43> | 85,469,125 (11/10/2011) | 5/1/2012 | 7/2/2013 |
| BS <Class 25> | 78,540,604 (12/31/2004) | 11/29/2005 | 2/21/2006 |
| BS <Class 7> | 79,140,045 (10/21/2013) | 5/20/2014 | 8/5/2014 |
| BS <Class 25> | 76,533,935 (7/31/2003) | 3/23/2004 | 11/9/2004 |
| BS <Class 25> | 78,915,654 (6/23/2006) | 7/24/2007 | . |
| B:S <Class 25> | 78,235,906 (4/9/2003) | 12/16/2003 | 3/9/2004 |
| BUD.TV <Class 38> | 78,952,712 (8/15/2006) | 7/24/2007 | 10/9/2007 |
| BUD.TV <Class 35> | 78,952,716 (8/15/2006) | 7/24/2007 | 10/9/2007 |
| BUD <Class 9> | 86,555,400 (3/6/2015) | 8/11/2015 | . |
| BUD <Class 35> | 85,421,634 (9/13/2011) | 2/21/2012 | . |
| ÜBUD <Class 35> | 86,783,463 (10/9/2015) | 10/25/2016 | 1/10/2017 |
| BUD <Class 21> | 86,407,686 (9/26/2014) | 3/3/2015 | . |
| BS <Classes 20, 24> | 76,528,727 (7/9/2003) | 11/23/2004 | 12/27/2005 |
| BUMBUM <Class 25> | 78,578,912 (3/2/2005) | 12/15/2009 | . |

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|--|--|-------------------------|--------------------------|
| BUTTCRACKER <Class 8> | 86,379,954 (8/28/2014) | 1/27/2015 | . |
| BUTTHOLE <Class 34> | 85,611,931 (4/30/2012) | 10/2/2012 | 6/11/2013 |
| CABRON <Classes 30, 33> | 77,195,037 (5/31/2007) | 4/28/2009 | 12/14/2010 |
| CABRON <Classes 32, 33> | 77,530,030 (7/23/2008) | 1/3/2012 | 10/16/2012 |
| CABRON <Class 32> | 77,978,287 (12/7/2006) | 10/9/2007 | 12/29/2009 |
| CABRON <Class 32> | 77,059,379 (12/7/2006) | 10/9/2007 | 12/21/2010 |
| CACHUÁ <Classes 3, 35, 44> | 86,746,759 (9/3/2015) | 1/3/2017 | . |
| CACHUÁ <Classes 3, 35, 44> | 86,746,727 (9/3/2015) | 1/3/2017 | . |
| CAJONES <Class 32> | 78,452,365 (7/17/2004) | 9/13/2005 | . |
| CAJONES <Class 28> | 77,310,580 (10/23/2007) | 3/25/2008 | 6/10/2008 |
| CAK <Classes 35, 41> | 85,850,796 (2/15/2013) | 1/14/2014 | 4/1/2014 |
| CANNABIS <Class 41> | 85,865,340 (3/4/2013) | 5/21/2013 | 1/28/2014 |
| CANNABIS <Class 41> | 85,427,784 (9/21/2011) | 2/28/2012 | . |
| CANNABIS <Class 35> | 86,067,054 (9/17/2013) | 4/15/2014 | . |

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| CANNABIS <Class 25> | 86,066,960 (9/17/2013) | 4/15/2014 | . |
| CAZZO <Class 41> | 79,006,168 (7/26/2004) | 1/17/2006 | 4/11/2006 |
| CHRIST <Class 16> | 85,487,656 (12/5/2011) | 1/15/2013 | 4/2/2013 |
| CHRIST <Class 9> | 79,157,403 (9/30/2014) | 8/11/2015 | 10/27/2015 |
| CHRIST <Classes 9, 11> | 85,099,102 (8/3/2010) | 7/26/2011 | 10/11/2011 |
| CIRCLE JERKY <Class 29> | 86,212,791 (3/6/2014) | 8/18/2015 | . |
| COÑO <Class 32> | 78,769,624 (12/8/2005) | 1/23/2007 | . |
| KOCAINE <Class 25> | 86,532,926 (2/12/2015) | 6/30/2015 | 2/28/2017 |
| COCAINE <Class 3> | 78,820,405 (2/22/2006) | 10/17/2006 | . |
| COKAINE <Class 25> | 79,029,937 (10/5/2006) | 11/27/2007 | 2/12/2008 |
| COCK <Class 5> | 85,564,335 (3/8/2012) | 7/31/2012 | 10/16/2012 |
| COCKBLOCKER <Class 5> | 86,640,395 (5/25/2015) | 10/13/2015 | . |
| COCKSOX <Class 25> | 85,185,067 (11/24/2010) | 1/24/2012 | 4/10/2012 |
| COCKED & LOADED <Class 25> | 77,051,851 (11/28/2006) | 6/19/2007 | . |
| COCKED & LOADED <Class 32> | 85,146,710 (10/6/2010) | 3/15/2011 | 5/31/2011 |

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|--|--|-------------------------|--------------------------|
| KOXX <Class 12> | 85,172,333 (11/9/2010) | 3/29/2011 | 6/14/2011 |
| COCKS <Classes 6, 16, 25> | 76,488,319 (2/6/2003) | 6/1/2004 | 8/24/2004 |
| COCKSMAN <Classes 3, 25> | 86,790,866 (10/16/2015) | 3/22/2016 | 6/7/2016 |
| COCKTAIL <Class 9> | 85,537,563 (2/8/2012) | 1/29/2013 | . |
| COCKTAIL <Class 16> | 85,104,253 (8/10/2010) | 7/12/2011 | . |
| COCKTAYL <Class 3> | 78,954,935 (8/17/2006) | 4/10/2007 | 1/26/2016 |
| COCKTAIL <Class 3> | 85,337,357 (6/3/2011) | 11/15/2011 | 4/24/2012 |
| COCKTAIL <Class 16> | 77,066,765 (12/18/2006) | 5/29/2007 | . |
| COCKTAIL <Class 24> | 76,595,921 (6/4/2004) | 7/26/2005 | . |
| COCKTAIL <Class 20> | 76,595,923 (6/4/2004) | 5/3/2005 | . |
| COKE <Class 16> | 78,264,374 (6/19/2003) | 3/9/2004 | 6/1/2004 |
| COKE <Class 32> | 78,509,548 (11/2/2004) | 4/11/2006 | 7/4/2006 |
| COKE <Class 9> | 78,264,308 (6/19/2003) | 3/9/2004 | 6/1/2004 |
| COKE <Class 20> | 78,264,397 (6/19/2003) | 3/23/2004 | 6/15/2004 |

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|---|---|------------------|-------------------|
| COKE <Class 14> | 78,264,357 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COKE <Class 32> | 77,153,712 (4/11/2007) | 9/18/2007 | 12/4/2007 |
| COKE <Class 11> | 78,264,318 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COKE <Class 21> | 78,264,405 (6/19/2003) | 3/23/2004 | 6/15/2004 |
| COKE <Class 25> | 78,264,410 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COKE <Class 12> | 78,264,345 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COKE <Class 6> | 78,264,301 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COKE <Class 28> | 78,264,421 (6/19/2003) | 3/23/2004 | 6/15/2004 |
| COKE <Class 18> | 78,264,382 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COKE <Class 4> | 78,264,295 (6/19/2003) | 3/2/2004 | 5/25/2004 |
| COME <Class 43> | 77,100,297 (2/6/2007) | 8/7/2007 | . |
| COME <Class 16> | 78,871,724 (4/27/2006) | 6/26/2007 | 9/11/2007 |
| COME <Class 16> | 86,385,988 (9/4/2014) | 2/3/2015 | 4/21/2015 |
| COME TOGETHER <Class 20> | 76,599,599 (6/25/2004) | 6/14/2005 | 1/10/2006 |
| COME TOGETHER <Class 35> | 77,528,826 (7/22/2008) | 2/10/2009 | 12/8/2009 |

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|--|--|-------------------------|--------------------------|
| COME TOGETHER <Class 16> | 77,728,519 (5/4/2009) | 9/22/2009 | . |
| COME TOGETHER <Class 43> | 77,728,527 (5/4/2009) | 9/15/2009 | . |
| COME TOGETHER <Class 45> | 77,528,843 (7/22/2008) | 2/3/2009 | 12/8/2009 |
| CUM TOGETHER <Class 9> | 76,528,502 (7/1/2003) | 3/2/2004 | 5/25/2004 |
| COME TOGETHER <Class 41> | 77,528,838 (7/22/2008) | 6/2/2009 | 12/8/2009 |
| COME TOGETHER <Class 30> | 77,728,524 (5/4/2009) | 9/15/2009 | . |
| COME TOGETHER <Class 42> | 77,224,067 (7/7/2007) | 12/18/2007 | . |
| COME TOGETHER <Class 29> | 77,728,522 (5/4/2009) | 9/15/2009 | . |
| COME TOGETHER <Class 9> | 77,224,068 (7/7/2007) | 12/18/2007 | . |
| COME TOGETHER <Classes 25, 35> | 78,599,352 (3/31/2005) | 12/27/2005 | . |
| COME TOGETHER <Class 38> | 77,528,836 (7/22/2008) | 2/3/2009 | 12/8/2009 |
| COMETOGETHER <Class 35> | 77,364,199 (1/4/2008) | 1/6/2009 | 11/24/2009 |
| COMFYBALLS <Class 25> | 86,828,902 (11/23/2015) | 5/24/2016 | 8/9/2016 |
| COMING <Classes 38, 41, 42> | 79,053,093 (3/20/2008) | 8/5/2008 | 10/21/2008 |

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|--|--|-------------------------|--------------------------|
| COMING <Class 28> | 77,739,067 (5/18/2009) | 12/8/2009 | . |
| CONO <Classes 9, 16, 28, 41> | 85,944,086 (5/28/2013) | 5/6/2014 | . |
| CONO <Class 11> | 79,172,501 (7/30/2015) | 5/24/2016 | 8/9/2016 |
| CONO <Class 33> | 78,274,387 (7/15/2003) | 4/20/2004 | . |
| CONO <Class 30> | 78,830,074 (3/6/2006) | 10/17/2006 | 1/2/2007 |
| COOLIE <Class 30> | 76,639,970 (6/2/2005) | 3/14/2006 | 6/6/2006 |
| KOOLIE <Class 28> | 85,560,444 (3/5/2012) | 7/24/2012 | 5/28/2013 |
| CRACK <Classes 9, 38, 42> | 86,542,432 (2/23/2015) | 8/9/2016 | . |
| CRACK <Class 43> | 86,087,644 (10/9/2013) | 2/18/2014 | . |
| CRAC <Class 9> | 85,456,685 (10/26/2011) | 4/3/2012 | . |
| CRACK <Class 32> | 85,953,274 (6/7/2013) | 5/13/2014 | . |
| KRACK <Class 25> | 78,785,877 (1/5/2006) | 7/4/2006 | . |
| CRACK <Class 3> | 77,916,042 (1/20/2010) | 5/4/2010 | 3/1/2011 |
| CRACKA <Class 25> | 78,800,598 (1/26/2006) | 4/10/2007 | . |
| KRACKER <Class 41> | 85,822,099 (1/14/2013) | 6/11/2013 | 12/17/2013 |

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|--|--|-------------------------|--------------------------|
| CRACKER LIFE <Class 16> | 85,517,045 (1/16/2012) | 6/19/2012 | 9/4/2012 |
| CRACKER LIFE <Class 25> | 85,236,440 (2/8/2011) | 6/14/2011 | 8/30/2011 |
| CRAWCKERS <Class 30> | 85,807,274 (12/20/2012) | 5/7/2013 | 7/23/2013 |
| CRAPP <Class 33> | 77,713,885 (4/14/2009) | 8/4/2009 | . |
| CRAP <Class 9> | 78,250,826 (5/16/2003) | 2/10/2004 | . |
| C.R.A.P. <Classes 36, 41> | 86,688,324 (7/9/2015) | 5/17/2016 | 9/27/2016 |
| CRAP <Class 28> | 85,689,315 (7/27/2012) | 1/8/2013 | 3/26/2013 |
| CRAP <Class 9> | 77,816,249 (8/31/2009) | 1/26/2010 | 4/13/2010 |
| CRAQUE <Class 30> | 86,392,848 (9/12/2014) | 2/10/2015 | 4/28/2015 |
| CREAM PIE <Class 33> | 85,370,835 (7/13/2011) | 7/10/2012 | 1/8/2013 |
| CULO <Class 24> | 85,278,900 (3/28/2011) | 9/6/2011 | . |
| CULO <Class 16> | 85,278,893 (3/28/2011) | 9/16/2014 | . |
| CULO <Class 25> | 85,859,321 (2/25/2013) | 6/14/2016 | 8/30/2016 |
| CUMMING <Classes 35, 37> | 77,009,830 (9/28/2006) | 8/26/2008 | 7/21/2009 |

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|---|---|------------------|-------------------|
| DP <Class 41> | 77,358,073 (12/21/2007) | 5/13/2008 | 7/29/2008 |
| DP <Class 14> | 77,823,283 (9/9/2009) | 2/2/2010 | 4/20/2010 |
| DAMN! <Class 25> | 77,066,071 (12/18/2006) | 7/10/2007 | . |
| DAMN! <Class 25> | 76,676,970 (5/16/2007) | 9/23/2008 | 8/25/2009 |
| DP <Class 33> | 85,897,764 (4/8/2013) | 8/27/2013 | 11/12/2013 |
| DTF <Class 32> | 85,938,946 (5/21/2013) | 10/15/2013 | . |
| DP <Class 18> | 85,132,848 (9/18/2010) | 3/8/2011 | 8/2/2011 |
| DP <Class 1> | 86,488,293 (12/22/2014) | 6/9/2015 | . |
| DP <Class 36> | 77,479,628 (5/20/2008) | 10/21/2008 | 1/6/2009 |
| DP <Class 45> | 77,808,603 (8/19/2009) | 1/19/2010 | . |
| DP <Class 9> | 86,062,873 (9/12/2013) | 4/22/2014 | 9/30/2014 |
| DP <Class 41> | 86,062,878 (9/12/2013) | 4/22/2014 | 9/30/2014 |
| DP <Class 25> | 85,832,226 (1/25/2013) | 6/11/2013 | 6/24/2014 |
| DP <Class 28> | 85,825,948 (1/17/2013) | 6/11/2013 | . |
| DP <Class 6> | 86,416,318 (10/6/2014) | 3/17/2015 | . |

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|--|--|-------------------------|--------------------------|
| DP <Class 25> | 78,669,810 (7/13/2005) | 3/28/2006 | 5/29/2007 |
| DP <Class 38> | 78,669,831 (7/13/2005) | 3/28/2006 | 10/30/2007 |
| DP <Class 38> | 86,445,973 (11/5/2014) | 12/30/2014 | 3/17/2015 |
| DP <Class 9> | 78,669,707 (7/13/2005) | 3/28/2006 | 5/6/2008 |
| DP <Class 28> | 78,669,819 (7/13/2005) | 10/10/2006 | 8/25/2009 |
| DP <Class 41> | 78,669,838 (7/13/2005) | 3/28/2006 | 5/29/2007 |
| DP <Class 16> | 78,669,792 (7/13/2005) | 3/28/2006 | 11/20/2007 |
| DP <Class 18> | 78,669,800 (7/13/2005) | 5/22/2007 | 11/4/2008 |
| DP <Classes 36, 37> | 86,343,803 (7/21/2014) | 12/9/2014 | 2/24/2015 |
| DICK <Class 16> | 86,259,681 (4/22/2014) | 9/23/2014 | 12/9/2014 |
| DICK <Class 25> | 78,832,298 (3/8/2006) | 11/14/2006 | 5/19/2009 |
| DICK <Class 8> | 79,022,510 (4/27/2005) | 8/7/2007 | 10/23/2007 |
| D I C K <Class 3> | 78,860,488 (4/12/2006) | 11/21/2006 | . |
| DICK <Class 33> | 85,635,032 (5/24/2012) | 10/23/2012 | . |

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|--|--|------------------|-------------------|
| DICKWEAR <Classes 18, 25> | 78,475,683 (8/30/2004) | 8/23/2005 | . |
| DICK'S <Class 29> | 86,343,301 (7/21/2014) | 12/16/2014 | 3/3/2015 |
| DIKS <Class 25> | 78,509,844 (11/2/2004) | 10/11/2005 | . |
| DICK'S <Class 43> | 86,343,046 (7/21/2014) | 12/16/2014 | 3/3/2015 |
| DICK'S <Class 35> | 85,414,359 (9/2/2011) | 2/28/2012 | 5/15/2012 |
| DICKTIONARY <Class 28> | 78,300,222 (9/15/2003) | 5/11/2004 | 11/2/2004 |
| DIKÉ <Class 25> | 77,029,601 (10/26/2006) | 6/19/2007 | . |
| DP <Class 45> | 77,550,165 (8/19/2008) | 1/6/2009 | . |
| DP <Class 17> | 86,517,724 (1/29/2015) | 6/16/2015 | 9/1/2015 |
| DIRTY HOE <Class 33> | 78,377,649 (3/3/2004) | 9/13/2005 | 12/6/2005 |
| DP <Class 16> | 85,352,239 (6/21/2011) | 11/8/2011 | 1/24/2012 |
| DP <Class 35> | 77,623,407 (11/30/2008) | 9/22/2009 | 12/8/2009 |
| DO ME <Class 10> | 77,783,913 (7/17/2009) | 12/15/2009 | 3/2/2010 |
| DO.ME <Class 42> | 77,492,190 (6/5/2008) | 2/3/2009 | . |
| DO ME! <Class 21> | 86,155,944 (1/2/2014) | 5/13/2014 | . |

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|--|--|-------------------------|--------------------------|
| DP <Classes 30, 43> | 85,526,804 (1/27/2012) | 11/6/2012 | 1/22/2013 |
| DP <Class 32> | 78,855,002 (4/5/2006) | 1/9/2007 | 4/22/2008 |
| DP <Class 25> | 85,826,606 (1/18/2013) | 6/4/2013 | 4/8/2014 |
| DP <Class 40> | 86,200,747 (2/21/2014) | 8/19/2014 | 11/4/2014 |
| DOGGIE STYLE <Class 41> | 78,459,917 (7/30/2004) | 6/17/2014 | . |
| DOGGIE STYLE <Class 32> | 85,307,370 (4/28/2011) | 9/13/2011 | 11/29/2011 |
| DOGGIE STYLE <Classes 16, 35> | 77,246,504 (8/3/2007) | 1/22/2008 | . |
| DOGGIE STYLE <Class 35> | 77,806,220 (8/17/2009) | 7/20/2010 | 11/29/2011 |
| DOGGIE STYLE <Class 43> | 78,407,627 (4/25/2004) | 1/25/2005 | 11/29/2005 |
| DOPE <Class 18> | 77,862,126 (10/31/2009) | 6/1/2010 | . |
| DOPE <Class 14> | 85,777,601 (11/13/2012) | 2/26/2013 | 8/20/2013 |
| DOPE <Class 34> | 86,660,147 (6/11/2015) | 1/31/2017 | . |
| DOPE <Class 3> | 85,846,893 (2/11/2013) | 7/23/2013 | . |
| DOPE <Class 25> | 85,841,683 (2/5/2013) | 7/2/2013 | 9/17/2013 |

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| DOPE <Class 35> | 85,729,957 (9/15/2012) | 2/19/2013 | . |
| DOPE <Class 25> | 85,375,315 (7/19/2011) | 12/18/2012 | 6/10/2014 |
| DOPE <Class 35> | 86,083,846 (10/7/2013) | 2/25/2014 | 5/13/2014 |
| DOPE <Class 8> | 86,686,117 (7/8/2015) | 1/12/2016 | 3/29/2016 |
| DOPE <Class 28> | 85,763,811 (10/25/2012) | 3/5/2013 | 5/21/2013 |
| DOPE <Class 5> | 85,107,525 (8/13/2010) | 2/15/2011 | . |
| DOPE <Classes 9, 25, 28, 35, 41> | 85,926,376 (5/8/2013) | 12/29/2015 | . |
| DOPE <Class 25> | 86,293,042 (5/28/2014) | 10/21/2014 | 3/15/2016 |
| DOPE <Class 34> | 86,980,958 (6/11/2015) | 1/31/2017 | . |
| DOPE <Class 34> | 86,660,157 (6/11/2015) | 1/31/2017 | . |
| DOPE <Class 25> | 85,773,190 (11/6/2012) | 2/26/2013 | 12/3/2013 |
| DOPE <Class 41> | 85,846,862 (2/11/2013) | 7/23/2013 | 10/8/2013 |
| DP <Class 1> | 77,364,537 (1/4/2008) | 5/20/2008 | 8/5/2008 |
| DP <Class 7> | 85,956,334 (6/11/2013) | 10/1/2013 | 12/17/2013 |

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|--|--|-------------------------|--------------------------|
| DP <Classes 9, 35, 38, 39, 42> | 77,966,352 (3/23/2010) | 2/8/2011 | . |
| DP <Class 41> | 76,484,581 (1/23/2003) | 9/16/2003 | 12/9/2003 |
| DP <Classes 2, 3> | 77,233,254 (7/19/2007) | 7/22/2008 | . |
| DP <Class 35> | 77,976,424 (12/20/2006) | 12/25/2007 | 4/28/2009 |
| PP PARKER POE <Class 45> | 77,708,600 (4/7/2009) | 8/4/2009 | 4/13/2010 |
| DP <Class 7> | 79,069,979 (3/5/2009) | 9/15/2009 | 12/1/2009 |
| DP <Class 0> | 76,657,266 (3/22/2006) | 6/26/2007 | 12/29/2009 |
| DP <Classes 9, 11> | 79,152,520 (3/5/2014) | 4/5/2016 | 6/21/2016 |
| DP <Classes 16, 41, 45> | 77,068,555 (12/20/2006) | 12/25/2007 | 7/21/2009 |
| DP <Class 9> | 85,277,491 (3/25/2011) | 11/1/2011 | 11/26/2013 |
| DP <Class 29> | 78,854,873 (4/5/2006) | 11/14/2006 | . |
| DP <Class 11> | 79,102,496 (8/26/2011) | 5/8/2012 | 7/24/2012 |
| DP <Class 25> | 85,927,570 (5/9/2013) | 4/8/2014 | 11/4/2014 |
| PP <Class 10> | 76,609,284 (8/30/2004) | 9/18/2007 | 12/4/2007 |

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|---|---|------------------|-------------------|
| DP <Classes 6, 9, 25, 28> | 86,836,517 (12/2/2015) | 5/30/2017 | 8/15/2017 |
| <DP> <Class 9> | 79,108,772 (1/3/2012) | 3/19/2013 | 6/4/2013 |
| DP <Class 25> | 86,631,293 (5/15/2015) | 8/18/2015 | 11/3/2015 |
| DP <Class 2> | 77,233,252 (7/19/2007) | 7/22/2008 | 7/13/2010 |
| DP <Class 25> | 86,346,259 (7/23/2014) | 12/2/2014 | 2/17/2015 |
| DP <Classes 35, 40, 43> | 78,854,897 (4/5/2006) | 8/21/2007 | . |
| DP <Classes 20, 24> | 77,216,060 (6/26/2007) | 9/16/2008 | 12/2/2008 |
| DP <Class 9> | 85,049,684 (5/27/2010) | 10/26/2010 | 5/31/2011 |
| DP <Class 5> | 77,523,815 (7/16/2008) | 5/19/2009 | . |
| DP <Classes 9, 11> | 77,424,527 (3/18/2008) | 4/28/2009 | . |
| DP <Class 5> | 78,443,319 (6/29/2004) | 11/1/2005 | 1/24/2006 |
| DP <Classes 9, 11> | 85,074,078 (6/29/2010) | 11/30/2010 | 2/15/2011 |
| DP <Class 20> | 76,711,055 (3/26/2012) | 8/14/2012 | . |
| DP+ <Class 9> | 85,168,832 (11/4/2010) | 12/6/2011 | 9/25/2012 |

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| DP <Classes 8, 25> | 85,363,433 (7/5/2011) | 6/12/2012 | 8/28/2012 |
| DP <Class 18> | 78,626,336 (5/10/2005) | 4/25/2006 | . |
| DP <Class 32> | 78,854,953 (4/5/2006) | 1/9/2007 | 4/22/2008 |
| DP <Classes 1, 19> | 79,024,196 (3/6/2006) | 5/22/2007 | 8/7/2007 |
| DP <Class 25> | 85,750,806 (10/10/2012) | 3/19/2013 | 6/4/2013 |
| DTF <Class 0> | 85,293,485 (4/12/2011) | 7/5/2011 | 9/2/2014 |
| DTF <Classes 12, 16, 17, 28> | 86,009,765 (7/14/2013) | 7/15/2014 | . |
| DTF <Class 8> | 77,222,281 (7/5/2007) | 4/29/2008 | . |
| DTF <Classes 6, 7, 8> | 77,802,467 (8/12/2009) | 6/1/2010 | 8/17/2010 |
| DTF <Class 25> | 85,056,754 (6/7/2010) | 4/26/2011 | . |
| DTF <Class 6> | 77,202,312 (6/10/2007) | 5/6/2008 | . |
| DUMB ASS <Class 41> | 85,466,394 (11/7/2011) | 11/20/2012 | . |
| DUMBASS <Classes 9, 28, 41> | 77,758,157 (6/12/2009) | 10/27/2009 | . |
| DUMB ASS <Class 30> | 85,103,820 (8/10/2010) | 11/16/2010 | 2/1/2011 |

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| DUMBASS <Class 25> | 78,874,761 (5/2/2006) | 12/5/2006 | 10/23/2007 |
| DUMBASS <Class 32> | 77,756,279 (6/10/2009) | 10/27/2009 | . |
| DP <Class 5> | 78,478,529 (9/3/2004) | 8/23/2005 | . |
| DP <Class 5> | 78,976,670 (9/3/2004) | 8/23/2005 | 4/18/2006 |
| DP <Class 42> | 78,478,535 (9/3/2004) | 7/12/2005 | . |
| DP <Class 17> | 78,375,498 (2/27/2004) | 11/1/2005 | 1/24/2006 |
| EAT ME <Class 33> | 85,522,147 (1/21/2012) | 6/12/2012 | . |
| EATME <Class 35> | 85,743,052 (10/1/2012) | 6/4/2013 | 8/19/2014 |
| EAT ME! <Classes 25, 28> | 76,514,544 (5/14/2003) | 6/14/2005 | . |
| EAT ME! <Classes 25, 29> | 86,411,992 (10/1/2014) | 3/17/2015 | . |
| EAT ME! <Class 25> | 85,141,044 (9/29/2010) | 6/28/2011 | 9/13/2011 |
| EATME <Class 30> | 85,334,122 (5/31/2011) | 6/12/2012 | 8/28/2012 |
| EAT ME! <Class 35> | 85,338,987 (6/6/2011) | 3/20/2012 | 6/5/2012 |
| EAT ME <Class 25> | 78,352,142 (1/14/2004) | 5/16/2006 | 8/8/2006 |
| EAT.ME <Class 42> | 77,492,159 (6/5/2008) | 1/13/2009 | . |

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| EAT ME <Classes 30, 35, 43> | 86,856,753 (12/22/2015) | 5/31/2016 | 8/16/2016 |
| EAT ME! <Class 21> | 85,141,034 (9/29/2010) | 6/28/2011 | 9/13/2011 |
| EAT ME! <Class 30> | 85,141,087 (9/29/2010) | 3/15/2011 | 5/31/2011 |
| EFFING <Class 33> | 77,490,182 (6/3/2008) | 8/19/2008 | . |
| EFFING <Class 25> | 85,122,954 (9/3/2010) | 2/14/2012 | 5/1/2012 |
| EFF <Class 36> | 77,620,650 (11/24/2008) | 9/22/2009 | 12/8/2009 |
| EFF <Class 35> | 86,713,369 (8/3/2015) | 2/16/2016 | 5/3/2016 |
| ERECTION <Class 32> | 77,007,890 (9/26/2006) | 9/18/2007 | 10/28/2008 |
| ERECTUS <Classes 9, 14, 16, 25, 28, 38, 41, 42> | 79,181,752 (11/10/2014) | 7/4/2017 | 9/19/2017 |
| F* <Class 35> | 85,132,852 (9/18/2010) | 2/1/2011 | . |
| F-BOMB <Class 3> | 86,122,070 (11/18/2013) | 3/18/2014 | . |
| F-BOMB <Class 9> | 86,191,010 (2/11/2014) | 6/17/2014 | . |
| F-IT <Classes 25, 35> | 79,130,169 (2/27/2013) | 10/1/2013 | 12/17/2013 |
| F K <Class 43> | 86,515,910 (1/27/2015) | 6/9/2015 | 8/25/2015 |

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|---|---|------------------|-------------------|
| F-OFF! <Class 5> | 78,297,653 (9/9/2003) | 6/8/2004 | . |
| F/U <Class 9> | 86,266,549 (4/29/2014) | 9/23/2014 | . |
| F/U <Classes 9, 16, 25, 28, 41> | 86,266,119 (4/29/2014) | 9/23/2014 | . |
| FA <Class 10> | 79,030,106 (5/15/2006) | 1/1/2008 | 3/18/2008 |
| FA <Class 42> | 86,249,672 (4/11/2014) | 8/26/2014 | 3/24/2015 |
| FA <Class 35> | 85,970,204 (6/26/2013) | 11/19/2013 | 6/17/2014 |
| FA <Classes 16, 28, 35, 40, 41, 42> | 79,097,702 (2/23/2011) | 2/26/2013 | 5/14/2013 |
| FA <Class 25> | 78,306,525 (9/29/2003) | 6/15/2004 | . |
| FA <Class 25> | 78,784,184 (1/3/2006) | 4/24/2007 | 7/10/2007 |
| FA <Classes 7, 9, 11> | 79,055,885 (4/18/2008) | 4/14/2009 | 6/30/2009 |
| FA <Class 2> | 77,736,095 (5/13/2009) | 5/4/2010 | . |
| FA <Class 35> | 77,377,984 (1/22/2008) | 6/3/2008 | 8/19/2008 |
| FA <Class 6> | 79,132,363 (5/29/2013) | 3/18/2014 | 6/3/2014 |
| FAÈ <Class 33> | 77,093,194 (1/29/2007) | 7/17/2007 | 10/2/2007 |

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| FK <Classes 12, 25> | 85,514,888 (1/12/2012) | 11/27/2012 | 2/12/2013 |
| FK <Class 25> | 86,189,858 (2/11/2014) | 4/21/2015 | 7/7/2015 |
| FAG <Classes 4, 7, 9, 12> | 79,054,548 (7/25/2007) | 10/27/2009 | 1/12/2010 |
| FAG <Classes 7, 9, 12> | 85,039,919 (5/17/2010) | 12/13/2011 | 2/28/2012 |
| PHAG <Class 25> | 77,022,538 (10/17/2006) | 6/3/2008 | 5/1/2012 |
| FAG <Classes 4, 6, 7, 8, 9, 12, 17> | 79,049,409 (5/30/2007) | 6/9/2009 | 8/25/2009 |
| FAIREEZ <Classes 9, 14, 16, 24, 25, 28, 41> | 79,020,269 (5/2/2005) | 8/1/2006 | 10/17/2006 |
| FAIRY <Class 33> | 77,183,926 (5/17/2007) | 3/11/2008 | 9/30/2008 |
| FAIRY <Class 10> | 85,680,959 (7/18/2012) | 12/25/2012 | 3/12/2013 |
| FAK <Class 14> | 85,322,250 (5/16/2011) | 10/4/2011 | 8/21/2012 |
| FAK <Class 7> | 77,829,394 (9/18/2009) | 2/23/2010 | . |
| FK <Classes 3, 30, 33> | 86,674,707 (6/25/2015) | 12/22/2015 | . |
| F.A.P. <Class 12> | 85,607,284 (4/25/2012) | 1/22/2013 | 4/9/2013 |

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|---|---|------------------|-------------------|
| F K <Class 44> | 85,832,586 (1/25/2013) | 6/18/2013 | 9/3/2013 |
| FAT COQ <Class 33> | 85,039,560 (5/15/2010) | 10/19/2010 | 3/13/2012 |
| FCUK <Class 18> | 86,518,528 (1/29/2015) | 12/8/2015 | 10/3/2017 |
| FCUK <Classes 14, 28, 35> | 78,239,593 (4/18/2003) | 3/21/2006 | 6/13/2006 |
| FYM <Class 41> | 85,627,522 (5/16/2012) | 10/16/2012 | 1/1/2013 |
| FA <Class 42> | 78,946,779 (8/7/2006) | 3/20/2007 | 6/5/2007 |
| FING <Class 25> | 85,736,863 (9/24/2012) | 7/2/2013 | . |
| FING <Class 25> | 77,673,462 (2/19/2009) | 6/16/2009 | . |
| FING <Class 25> | 77,674,315 (2/19/2009) | 6/16/2009 | . |
| FA <Class 25> | 77,494,994 (6/10/2008) | 10/14/2008 | . |
| FA <Class 37> | 86,404,327 (9/24/2014) | 2/17/2015 | 5/5/2015 |
| FA <Classes 9, 15> | 76,580,736 (3/12/2004) | 3/1/2005 | . |
| F-IT <Class 38> | 78,663,973 (7/5/2005) | 6/12/2007 | 8/28/2007 |
| FK <Classes 9, 18> | 86,287,082 (5/20/2014) | 11/10/2015 | . |
| FK <Class 25> | 85,197,804 (12/14/2010) | 3/8/2011 | . |

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|--|--|-------------------------|--------------------------|
| FK <Class 7> | 76,672,245 (2/5/2007) | 8/7/2007 | 10/23/2007 |
| FK <Class 25> | 85,687,857 (7/26/2012) | 1/1/2013 | 3/19/2013 |
| FK <Class 40> | 77,309,147 (10/19/2007) | 4/1/2008 | . |
| FK <Class 7> | 79,010,120 (10/26/2004) | 4/25/2006 | 7/18/2006 |
| FK <Class 25> | 78,659,300 (6/27/2005) | 6/27/2006 | 9/19/2006 |
| FK <Class 11> | 78,204,228 (1/16/2003) | 5/4/2004 | 5/29/2007 |
| FKD <Classes 18, 25, 28> | 77,750,467 (6/2/2009) | 12/8/2009 | 6/22/2010 |
| FKD <Classes 18, 25, 28> | 77,744,582 (5/26/2009) | 11/10/2009 | 6/1/2010 |
| FKS <Classes 14, 40, 42> | 79,099,173 (3/9/2011) | 4/3/2012 | 6/19/2012 |
| FA-Q <Class 34> | 86,548,888 (2/27/2015) | 7/28/2015 | 10/13/2015 |
| FK <Class 28> | 86,708,753 (7/29/2015) | 2/9/2016 | 4/26/2016 |
| FAP <Class 35> | 78,767,952 (12/6/2005) | 2/27/2007 | 5/15/2007 |
| FOCKER <Class 25> | 77,584,755 (10/3/2008) | 3/3/2009 | . |
| FA <Class 9> | 78,458,267 (7/28/2004) | 6/28/2005 | 9/20/2005 |

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| FOOK <Class 45> | 77,689,173 (3/12/2009) | 5/4/2010 | 7/20/2010 |
| FOOK <Classes 25, 35> | 85,855,783 (2/21/2013) | 7/16/2013 | 5/27/2014 |
| FK <Class 25> | 86,654,406 (6/8/2015) | 11/10/2015 | . |
| FORK YOU <Class 43> | 85,699,701 (8/9/2012) | 1/15/2013 | . |
| FORK YOU! <Class 21> | 86,123,291 (11/19/2013) | 6/24/2014 | 9/9/2014 |
| FK <Classes 18, 26> | 78,951,982 (8/15/2006) | 7/24/2007 | 10/9/2007 |
| FK <Class 25> | 85,468,265 (11/9/2011) | 10/23/2012 | 9/24/2013 |
| FK <Class 7> | 79,069,040 (3/23/2009) | 2/23/2010 | 5/11/2010 |
| FK <Classes 14, 16, 21> | 85,979,873 (12/14/2012) | 5/20/2014 | 8/5/2014 |
| FU <Class 45> | 86,689,300 (7/10/2015) | 11/24/2015 | . |
| FU <Class 25> | 77,755,775 (6/9/2009) | 2/26/2013 | 8/20/2013 |
| F.U. <Class 33> | 77,559,376 (8/29/2008) | 1/20/2009 | 12/29/2009 |
| FU <Class 41> | 85,669,124 (7/5/2012) | 6/18/2013 | . |
| FUG <Class 25> | 86,154,971 (12/31/2013) | 11/18/2014 | 2/3/2015 |
| FUG <Class 40> | 86,368,070 (8/15/2014) | 1/13/2015 | 3/31/2015 |

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| FUKU <Class 43> | 86,754,659 (9/11/2015) | 1/19/2016 | 4/5/2016 |
| FUKU <Classes 6, 16, 21, 24, 25, 29, 30> | 86,722,589 (8/12/2015) | 6/28/2016 | . |
| FUKU <Class 43> | 86,561,752 (3/12/2015) | 10/20/2015 | 1/5/2016 |
| FUKU <Classes 9, 35> | 86,566,398 (3/17/2015) | 10/20/2015 | . |
| FUKU <Class 43> | 86,561,757 (3/12/2015) | 10/20/2015 | 1/5/2016 |
| FA <Class 35> | 86,536,164 (2/16/2015) | 6/23/2015 | 9/8/2015 |
| FUT <Class 25> | 85,095,832 (7/29/2010) | 3/15/2011 | . |
| GAY.COM <Classes 38, 41, 42, 45> | 77,565,137 (9/8/2008) | 10/5/2010 | 1/24/2012 |
| GAY.COM <Classes 38, 41, 42, 45> | 77,565,110 (9/8/2008) | 10/19/2010 | 2/21/2012 |
| GAY <Class 33> | 85,792,086 (11/30/2012) | 12/10/2013 | 2/25/2014 |
| GET BLOWN <Class 35> | 78,403,459 (4/16/2004) | 2/1/2005 | . |
| GET BLOWN! <Class 34> | 76,660,179 (5/17/2006) | 12/26/2006 | . |
| GET OFF <Class 42> | 78,207,990 (1/28/2003) | 9/9/2003 | 4/24/2007 |
| GET OFF <Class 2> | 76,589,891 (5/3/2004) | 3/15/2005 | 6/7/2005 |

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|--|--|-------------------------|--------------------------|
| GLORYHOLE <Class 41> | 77,389,462 (2/5/2008) | 6/10/2008 | 8/26/2008 |
| GOOCH <Class 25> | 78,311,828 (10/9/2003) | 5/25/2004 | . |
| GOOCH <Class 25> | 78,221,612 (3/4/2003) | 4/13/2004 | . |
| GOOCH <Classes 18, 25> | 85,645,159 (6/6/2012) | 10/9/2012 | 8/20/2013 |
| GREATHEAD <Class 32> | 85,530,445 (1/31/2012) | 6/26/2012 | . |
| HAD <Class 14> | 85,370,424 (7/13/2011) | 12/6/2011 | . |
| HAD <Class 20> | 85,340,519 (6/7/2011) | 7/10/2012 | 9/25/2012 |
| HANDJOB <Class 28> | 77,180,373 (5/14/2007) | 11/6/2007 | . |
| HARD-ON <Class 5> | 77,297,066 (10/5/2007) | 4/15/2008 | 9/9/2008 |
| HARD-ON <Class 3> | 78,972,653 (9/12/2006) | 4/24/2007 | . |
| HARD-ON <Class 3> | 77,497,456 (6/12/2008) | 11/4/2008 | 1/20/2009 |
| HEAD <Class 3> | 78,587,989 (3/15/2005) | 7/4/2006 | 9/26/2006 |
| HEAD <Class 43> | 77,185,990 (5/21/2007) | 11/6/2007 | . |
| HEAD <Classes 9, 25, 28> | 85,956,064 (6/11/2013) | 10/29/2013 | 9/9/2014 |
| HEAD <Classes 3, 4, 5, 35> | 77,356,897 (12/20/2007) | 6/30/2009 | . |

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| HEAD <Class 3> | 79,073,551 (9/7/2009) | 2/23/2010 | 5/11/2010 |
| HEAD <Class 3> | 79,000,605 (12/15/2003) | 1/25/2005 | 4/19/2005 |
| HEAD <Classes 9, 12, 14, 18, 25, 28> | 77,759,877 (6/15/2009) | 7/6/2010 | 9/21/2010 |
| HEAD <Class 3> | 76,675,295 (4/10/2007) | 11/13/2007 | 1/29/2008 |
| HEAD <Class 25> | 86,451,153 (11/11/2014) | 5/19/2015 | 3/22/2016 |
| HEEB <Class 41> | 78,250,619 (5/15/2003) | 12/23/2003 | 6/29/2004 |
| HEY DICK <Classes 9, 25> | 85,832,228 (1/25/2013) | 6/18/2013 | 9/3/2013 |
| HO <Class 25> | 79,036,500 (10/2/2006) | 3/18/2008 | 6/3/2008 |
| HOMO <Class 25> | 86,758,765 (9/16/2015) | 3/8/2016 | 11/22/2016 |
| HOTBOXX <Class 9> | 77,813,956 (8/27/2009) | 1/19/2010 | 9/7/2010 |
| HOT BOX <Class 34> | 86,263,851 (4/26/2014) | 10/14/2014 | . |
| HOT BOX <Class 30> | 85,291,763 (4/11/2011) | 8/23/2011 | 11/8/2011 |
| HOT BOX <Class 28> | 78,378,019 (3/3/2004) | 12/7/2004 | 11/15/2005 |
| HOTBOX <Class 11> | 76,494,725 (2/24/2003) | 12/2/2003 | . |

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| HOTBOXX <Class 6> | 78,530,537 (12/10/2004) | 12/20/2005 | . |
| HOTBOX <Class 11> | 86,568,047 (3/18/2015) | 2/16/2016 | 5/3/2016 |
| HOTBOX <Classes 38, 41, 42> | 85,454,447 (10/24/2011) | 2/28/2012 | 5/15/2012 |
| HOT BOX <Class 32> | 86,717,076 (8/6/2015) | 11/17/2015 | 2/2/2016 |
| HOT BOX <Classes 9, 28> | 77,359,661 (12/26/2007) | 6/8/2010 | . |
| HOT BOX <Class 9> | 78,639,603 (5/30/2005) | 10/10/2006 | . |
| HOTBOX <Class 41> | 85,730,625 (9/17/2012) | 2/19/2013 | 5/7/2013 |
| HOT BOX <Class 33> | 85,514,766 (1/12/2012) | 5/29/2012 | . |
| HOT BOX <Class 21> | 86,307,420 (6/12/2014) | 6/2/2015 | . |
| ! HOTBOX ! <Class 7> | 86,286,911 (5/20/2014) | 10/28/2014 | 1/13/2015 |
| HOUSE OF DAVID <Class 45> | 77,472,261 (5/12/2008) | 10/14/2008 | 12/30/2008 |
| HO <Class 16> | 78,350,982 (1/13/2004) | 11/23/2004 | 2/15/2005 |
| HTFU <Class 25> | 77,321,100 (11/5/2007) | 4/15/2008 | . |
| HUMP <Classes 37, 38, 42, 45> | 86,274,913 (5/7/2014) | 1/20/2015 | . |
| HUNG <Class 41> | 78,897,457 (5/31/2006) | 1/9/2007 | 3/27/2007 |

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| HUNG <Class 21> | 77,599,097 (10/23/2008) | 3/3/2009 | . |
| HUNG <Class 37> | 86,596,039 (4/13/2015) | 10/13/2015 | 12/29/2015 |
| HUNG <Class 41> | 77,594,801 (10/17/2008) | 9/8/2009 | 3/30/2010 |
| HUNG <Class 16> | 77,594,807 (10/17/2008) | 9/8/2009 | . |
| HUNGO <Class 9> | 86,701,993 (7/23/2015) | 12/15/2015 | 3/1/2016 |
| HUNG <Class 18> | 77,599,060 (10/23/2008) | 9/8/2009 | . |
| HUNG <Class 9> | 77,594,804 (10/17/2008) | 3/3/2009 | 1/31/2012 |
| HUNG LIKE A M.U.L.E <Class 25> | 86,384,689 (9/3/2014) | 1/27/2015 | 8/18/2015 |
| HUSBAND * BEATER <Class 25> | 78,353,517 (1/18/2004) | 12/6/2005 | 2/28/2006 |
| HUYA <Classes 8, 9> | 77,071,589 (12/27/2006) | 6/10/2008 | 12/2/2008 |
| ICE LABS <Class 30> | 77,037,384 (11/6/2006) | 6/5/2007 | . |
| JAP <Class 24> | 86,840,326 (12/5/2015) | 10/3/2017 | . |
| JIZZ <Class 3> | 85,225,675 (1/25/2011) | 5/31/2011 | . |
| JIZZ <Class 25> | 79,102,880 (8/17/2011) | 10/14/2014 | 12/30/2014 |

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| JOHNSON <Class 25> | 78,840,466 (3/17/2006) | 4/22/2008 | 10/14/2008 |
| JOHNSON <Classes 8, 9> | 85,593,619 (4/10/2012) | 4/2/2013 | 6/18/2013 |
| JJ <Class 17> | 78,607,316 (4/12/2005) | 9/19/2006 | 12/5/2006 |
| JOHNSON <Class 9> | 78,665,257 (7/7/2005) | 7/18/2006 | 10/10/2006 |
| JOHNSON <Class 15> | 77,020,204 (10/12/2006) | 10/30/2007 | 1/15/2008 |
| JOHNSON <Classes 8, 9> | 85,588,686 (4/4/2012) | 4/2/2013 | 6/18/2013 |
| KARMIC B.S. <Class 20> | 85,070,267 (6/23/2010) | 11/16/2010 | . |
| LICK ME <Class 3> | 77,299,891 (10/9/2007) | 8/19/2008 | . |
| LIQ ME <Class 30> | 85,397,138 (8/12/2011) | 1/17/2012 | . |
| LIQUID CHRONIC <Class 9> | 85,387,860 (8/3/2011) | 8/14/2012 | 1/29/2013 |
| LIQUID CHRONIK <Class 33> | 77,609,487 (11/7/2008) | 11/20/2012 | 8/27/2013 |
| LIQUID CHRONIC <Class 9> | 77,168,307 (4/28/2007) | 9/18/2007 | . |
| LOVEBUTTER <Class 28> | 85,064,154 (6/16/2010) | 5/10/2011 | . |
| LOVE BUTTER <Class 3> | 77,082,693 (1/14/2007) | 8/7/2007 | 10/23/2007 |
| MF <Classes 11, 34> | 85,300,496 (4/20/2011) | 2/28/2012 | 5/15/2012 |

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|--|--|-------------------------|--------------------------|
| MF <Class 9> | 85,377,843 (7/21/2011) | 12/20/2011 | 10/16/2012 |
| MF <Class 42> | 85,377,836 (7/21/2011) | 12/20/2011 | 10/16/2012 |
| MF <Class 41> | 85,377,839 (7/21/2011) | 12/20/2011 | 10/16/2012 |
| MAN WHORE <Class 25> | 77,441,291 (4/7/2008) | 9/22/2009 | . |
| MANDINGO <Class 34> | 78,220,051 (2/28/2003) | 5/25/2004 | 8/17/2004 |
| MANDINGO <Class 10> | 85,101,345 (8/5/2010) | 1/18/2011 | 4/5/2011 |
| MANDINGO <Class 33> | 85,247,291 (2/21/2011) | 6/28/2011 | 9/13/2011 |
| MF <Class 14> | 77,618,195 (11/20/2008) | 3/31/2009 | 6/16/2009 |
| MARIA JUANA <Class 25> | 77,490,509 (6/4/2008) | 11/11/2008 | 1/27/2009 |
| MARIJUANA <Class 25> | 86,613,546 (4/29/2015) | 4/12/2016 | . |
| MF <Class 35> | 77,102,392 (2/8/2007) | 8/7/2007 | 10/23/2007 |
| MASTERBAIT <Classes 25, 28> | 77,713,220 (4/14/2009) | 1/5/2010 | 3/23/2010 |
| MASTER-BAITS <Class 28> | 78,521,085 (11/22/2004) | 9/27/2005 | . |
| MF <Class 41> | 77,554,558 (8/25/2008) | 1/13/2009 | 3/31/2009 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| MDMA <Classes 18, 24, 26> | 79,181,771 (7/27/2015) | 11/15/2016 | 1/31/2017 |
| MDMA <Classes 9, 38, 42> | 78,212,997 (2/10/2003) | 4/5/2005 | 6/28/2005 |
| MDMA <Class 41> | 86,351,406 (7/29/2014) | 1/13/2015 | 3/31/2015 |
| M.D.M.A. <Class 25> | 85,748,833 (10/9/2012) | 3/19/2013 | 6/4/2013 |
| ME VALE MADRE <Class 25> | 77,700,746 (3/27/2009) | 1/12/2010 | 3/30/2010 |
| ME@T <Class 43> | 77,665,452 (2/6/2009) | 6/2/2009 | . |
| MEAT WALLET <Classes 25, 41> | 85,453,754 (10/21/2011) | 6/5/2012 | . |
| MF <Classes 6, 20> | 86,285,153 (5/19/2014) | 2/3/2015 | 7/11/2017 |
| METH <Class 1> | 79,021,033 (11/26/2005) | 8/1/2006 | 10/17/2006 |
| MF <Class 37> | 78,631,255 (5/17/2005) | 1/31/2006 | 2/13/2007 |
| MF <Class 24> | 76,598,511 (6/18/2004) | 10/18/2005 | 1/10/2006 |
| MF <Class 3> | 77,261,780 (8/22/2007) | 3/11/2008 | 2/17/2009 |
| MF <Class 33> | 85,266,640 (3/14/2011) | 7/26/2011 | 1/10/2012 |
| M.F. <Class 1> | 79,174,113 (6/24/2015) | 4/19/2016 | 7/5/2016 |
| MF <Class 7> | 86,405,378 (9/24/2014) | 2/24/2015 | 11/10/2015 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| MF <Class 7> | 78,770,602 (12/9/2005) | 12/1/2009 | 2/16/2010 |
| MF <Classes 6, 7, 40> | 79,111,091 (12/7/2011) | 12/11/2012 | 2/26/2013 |
| MF <Class 34> | 86,242,283 (4/4/2014) | 8/19/2014 | 11/4/2014 |
| MF <Class 3> | 85,719,756 (9/4/2012) | 2/5/2013 | . |
| MF <Class 25> | 86,401,476 (9/22/2014) | 2/3/2015 | . |
| MF <Class 30> | 85,367,938 (7/11/2011) | 1/8/2013 | 10/29/2013 |
| MF <Classes 6, 7, 40> | 79,111,094 (12/7/2011) | 1/1/2013 | 3/19/2013 |
| MF <Classes 16, 35, 38, 41> | 78,847,824 (3/28/2006) | 4/17/2007 | 9/23/2008 |
| MF <Class 24> | 79,128,495 (3/20/2013) | 10/15/2013 | 12/31/2013 |
| MF <Class 14> | 78,622,925 (5/4/2005) | 1/31/2006 | 4/25/2006 |
| MF <Class 9> | 85,316,230 (5/9/2011) | 9/27/2011 | 12/13/2011 |
| MF <Class 43> | 86,134,042 (12/3/2013) | 3/29/2016 | 1/17/2017 |
| MF <Class 25> | 85,336,759 (6/2/2011) | 10/18/2011 | 1/3/2012 |
| MIKE HOCK <Class 25> | 86,371,057 (8/19/2014) | 1/13/2015 | 10/27/2015 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| MIKE HOCK <Class 25> | 78,689,689 (8/10/2005) | 4/18/2006 | 9/16/2008 |
| MILF GOLF <Class 25> | 85,916,193 (4/26/2013) | 12/3/2013 | 5/20/2014 |
| MILK OF THE POPPY <Class 21> | 85,200,475 (12/17/2010) | 4/26/2011 | 9/24/2013 |
| MILK OF THE POPPY <Class 25> | 85,200,595 (12/17/2010) | 4/26/2011 | 8/27/2013 |
| MF <Class 31> | 79,145,005 (1/27/2014) | 1/20/2015 | 4/7/2015 |
| MOFO <Class 28> | 77,185,795 (5/21/2007) | 11/20/2007 | 2/5/2008 |
| MOFO <Class 41> | 78,307,167 (9/30/2003) | 11/9/2004 | 2/1/2005 |
| MOFO <Class 41> | 77,404,085 (2/22/2008) | 1/12/2010 | 6/4/2013 |
| MOFO <Class 12> | 86,111,237 (11/6/2013) | 3/11/2014 | . |
| MOFO <Class 33> | 85,917,204 (4/29/2013) | 11/5/2013 | . |
| MOFOS <Classes 38, 41, 42> | 85,392,457 (8/8/2011) | 9/4/2012 | 11/20/2012 |
| MOFOS.COM <Classes 38, 41, 42> | 85,392,712 (8/8/2011) | 9/4/2012 | 11/20/2012 |
| MOLLY <Class 35> | 77,584,029 (10/2/2008) | 2/17/2009 | 5/5/2009 |
| MOLLY <Class 7> | 85,084,747 (7/14/2010) | 10/12/2010 | 6/21/2011 |
| MOLIE <Class 14> | 86,733,545 (8/21/2015) | 8/30/2016 | 11/15/2016 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| MOLLY <Class 38> | 78,871,549 (4/27/2006) | 9/19/2006 | . |
| MOLLY <Class 5> | 85,838,057 (1/31/2013) | 2/17/2015 | 5/5/2015 |
| MOLLY <Classes 30, 34> | 86,237,505 (3/31/2014) | 7/29/2014 | . |
| MOLLY <Class 10> | 85,113,183 (8/23/2010) | 4/2/2013 | 9/10/2013 |
| MOLLY <Class 35> | 85,605,204 (4/23/2012) | 3/5/2013 | 5/21/2013 |
| MF <Classes 7, 9> | 79,144,044 (9/20/2013) | 5/19/2015 | 8/4/2015 |
| MONEY SHOT <Class 5> | 78,953,082 (8/16/2006) | 4/10/2007 | 6/26/2007 |
| MONEY-SHOT <Class 32> | 77,045,678 (11/16/2006) | 7/3/2007 | 3/11/2008 |
| MONEY SHOT <Class 41> | 85,397,157 (8/12/2011) | 11/1/2011 | . |
| MF <Class 14> | 77,602,447 (10/28/2008) | 9/29/2009 | . |
| MORPHINE <Class 25> | 77,300,248 (10/10/2007) | 3/25/2008 | 6/10/2008 |
| MORPHINE <Class 3> | 85,508,672 (1/4/2012) | 5/29/2012 | 9/24/2013 |
| ANNULLO TUI EFFIGIES <Class 25> | 78,832,483 (3/8/2006) | 10/17/2006 | . |
| MF <Class 9> | 85,136,400 (9/23/2010) | 12/14/2010 | 3/1/2011 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| MUFF <Class 14> | 85,048,326 (5/26/2010) | 4/19/2011 | 2/21/2012 |
| MF <Class 25> | 76,509,883 (4/28/2003) | 5/18/2004 | 7/26/2005 |
| MF <Class 41> | 85,583,764 (3/29/2012) | 8/13/2013 | 10/29/2013 |
| NIG <Class 25> | 85,939,012 (5/22/2013) | 11/12/2013 | 1/28/2014 |
| NOOKIE <Class 25> | 85,762,826 (10/24/2012) | 7/2/2013 | 9/17/2013 |
| NOOKIE <Class 33> | 85,792,318 (12/1/2012) | 4/30/2013 | . |
| NUGGETS <Class 25> | 78,247,841 (5/9/2003) | 12/13/2005 | . |
| NUGGETS <Class 41> | 77,781,752 (7/15/2009) | 5/25/2010 | 8/10/2010 |
| NUGGITZ <Class 35> | 85,515,692 (1/13/2012) | 5/15/2012 | 7/31/2012 |
| NUT SAC <Class 29> | 77,663,650 (2/4/2009) | 4/6/2010 | . |
| NUTSAC <Class 18> | 77,668,333 (2/11/2009) | 7/7/2009 | 9/22/2009 |
| NUTSACK <Class 28> | 78,419,717 (5/17/2004) | 4/5/2005 | . |
| KNUTTSACK <Class 25> | 78,357,883 (1/27/2004) | 11/9/2004 | 8/1/2006 |
| NUTSACK <Class 3> | 76,696,479 (3/24/2009) | 7/21/2009 | 7/6/2010 |
| N.U.T.S. <Class 16> | 78,774,276 (12/15/2005) | 8/8/2006 | 6/2/2009 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| N.U.T.S <Class 41> | 77,037,949 (11/6/2006) | 6/5/2007 | 8/21/2007 |
| NUTZZ <Classes 25, 28, 35, 41> | 78,377,092 (3/2/2004) | 4/18/2006 | . |
| NUTS <Class 3> | 78,741,646 (10/27/2005) | 6/27/2006 | 5/22/2007 |
| NUTS <Class 35> | 85,018,513 (4/20/2010) | 9/21/2010 | 12/7/2010 |
| NUTS <Class 16> | 78,278,861 (7/25/2003) | 5/4/2004 | 4/4/2006 |
| NUTS <Classes 8, 21> | 79,148,132 (4/25/2014) | 10/31/2017 | 1/16/2018 |
| NUTS! <Class 9> | 85,355,948 (6/24/2011) | 12/6/2011 | 2/21/2012 |
| NUTZ <Class 34> | 86,451,391 (11/11/2014) | 4/28/2015 | 7/14/2015 |
| NUT'Z <Class 9> | 79,097,031 (2/4/2011) | 7/19/2011 | 10/4/2011 |
| OINK! <Class 28> | 85,725,399 (9/10/2012) | 5/28/2013 | 4/8/2014 |
| OINK.COM <Class 35> | 85,137,460 (9/24/2010) | 3/8/2011 | 5/24/2011 |
| OINC <Class 41> | 77,628,680 (12/8/2008) | 2/2/2010 | 11/30/2010 |
| OINK <Classes 36, 42> | 86,134,798 (12/4/2013) | 4/15/2014 | 10/28/2014 |
| OINK.COM <Class 35> | 85,143,000 (10/1/2010) | 3/8/2011 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|---|---|------------------|-------------------|
| OINK <Classes 9, 35> | 85,319,478 (5/12/2011) | 10/11/2011 | . |
| OINK <Class 42> | 85,319,476 (5/12/2011) | 10/11/2011 | . |
| OINK.COM <Class 35> | 85,142,994 (10/1/2010) | 3/15/2011 | . |
| OINK <Class 10> | 78,422,012 (5/20/2004) | 2/22/2005 | 3/28/2006 |
| OINK <Classes 36, 42> | 86,264,462 (4/28/2014) | 7/15/2014 | 1/6/2015 |
| OINK.COM <Class 35> | 85,143,011 (10/1/2010) | 3/8/2011 | . |
| OINK! <Class 25> | 78,459,962 (7/30/2004) | 6/27/2006 | 9/19/2006 |
| OINK <Classes 36, 42> | 86,136,046 (12/5/2013) | 4/15/2014 | . |
| OMFG <Class 25> | 77,607,951 (11/5/2008) | 4/21/2009 | 2/9/2010 |
| DP <Class 36> | 85,508,563 (1/4/2012) | 11/6/2012 | 1/22/2013 |
| PANAMA RED <Class 30> | 78,828,914 (3/3/2006) | 10/10/2006 | 1/30/2007 |
| PANAMA RED <Class 43> | 78,829,136 (3/3/2006) | 10/10/2006 | 9/18/2007 |
| PEARL <Class 11> | 77,585,174 (10/3/2008) | 3/3/2009 | . |
| PEARL <Class 1> | 77,056,681 (12/4/2006) | 8/4/2009 | . |
| PEARL <Class 36> | 76,713,490 (2/19/2013) | 1/7/2014 | 4/14/2015 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| PEARL <Class 21> | 86,059,120 (9/9/2013) | 3/18/2014 | 6/3/2014 |
| PEARL <Class 5> | 77,738,363 (5/15/2009) | 11/23/2010 | 4/22/2014 |
| PEARL <Class 9> | 86,023,971 (7/30/2013) | 12/24/2013 | 3/11/2014 |
| PERL <Class 9> | 76,629,502 (1/27/2005) | 9/19/2006 | 12/5/2006 |
| PEARL <Class 9> | 86,609,232 (4/24/2015) | 8/2/2016 | 10/18/2016 |
| PEARL <Classes 16, 41> | 79,090,090 (6/30/2010) | 7/30/2013 | 10/15/2013 |
| PEARL <Class 31> | 78,460,208 (8/2/2004) | 10/11/2005 | . |
| PEARL <Class 33> | 85,562,392 (3/7/2012) | 9/10/2013 | 11/26/2013 |
| PEARL <Class 9> | 77,268,724 (8/30/2007) | 7/8/2008 | 12/9/2008 |
| PEARL <Class 11> | 77,794,596 (7/31/2009) | 12/29/2009 | 7/20/2010 |
| PEARL <Class 6> | 79,124,069 (10/5/2012) | 8/13/2013 | 10/29/2013 |
| PEARL <Class 9> | 78,896,066 (5/30/2006) | 12/12/2006 | 10/16/2007 |
| PEARL <Classes 11, 40> | 77,666,230 (2/9/2009) | 5/18/2010 | 10/19/2010 |
| PEARL <Class 21> | 78,411,799 (5/1/2004) | 10/4/2005 | 12/27/2005 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|------------------|-------------------|
| PEARL <Class 12> | 86,980,681 (7/2/2015) | 11/17/2015 | 12/6/2016 |
| PEARL <Class 9> | 79,116,517 (3/13/2012) | 5/14/2013 | 7/30/2013 |
| PEARL <Class 5> | 77,738,367 (5/15/2009) | 11/23/2010 | 4/22/2014 |
| PEARL <Classes 35, 39> | 79,097,571 (6/28/2010) | 11/1/2011 | 1/17/2012 |
| PEARL <Class 9> | 86,982,089 (7/2/2015) | 1/17/2017 | 5/16/2017 |
| PEARL <Classes 25, 28> | 78,717,985 (9/21/2005) | 6/6/2006 | . |
| PEARL <Class 28> | 76,634,318 (3/25/2005) | 12/13/2005 | 3/7/2006 |
| PEARL <Class 35> | 86,681,867 (7/2/2015) | 11/17/2015 | . |
| PEARL <Class 30> | 77,937,998 (2/17/2010) | 9/27/2011 | . |
| PEARL <Class 42> | 85,265,339 (3/12/2011) | 8/16/2011 | 2/7/2012 |
| PEARL <Class 35> | 78,269,552 (7/2/2003) | 8/3/2004 | 10/26/2004 |
| PEARL <Class 9> | 85,849,601 (2/14/2013) | 7/9/2013 | 4/29/2014 |
| PEARL <Classes 16, 41> | 76,589,259 (4/29/2004) | 4/19/2005 | . |
| PEARL <Class 37> | 86,681,873 (7/2/2015) | 11/24/2015 | . |
| PEARL <Classes 7, 9> | 85,344,072 (6/12/2011) | 5/8/2012 | 12/4/2012 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| PEARL <Class 10> | 76,596,658 (6/7/2004) | 10/11/2005 | 4/8/2008 |
| PEARL <Class 9> | 85,886,263 (3/26/2013) | 2/11/2014 | 11/25/2014 |
| PEARL <Class 43> | 77,252,919 (8/10/2007) | 2/12/2008 | 4/29/2008 |
| PEARL <Class 39> | 86,681,879 (7/2/2015) | 11/24/2015 | . |
| PEARL <Class 16> | 86,467,547 (12/1/2014) | 5/12/2015 | . |
| PURL <Classes 9, 35> | 78,957,989 (8/22/2006) | 4/29/2008 | 9/29/2009 |
| PEARL <Class 11> | 85,048,943 (5/27/2010) | 11/30/2010 | 2/15/2011 |
| PEARL <Class 10> | 77,132,134 (3/15/2007) | 4/15/2008 | . |
| PEARL <Class 45> | 86,681,887 (7/2/2015) | 11/24/2015 | . |
| PEARL <Class 8> | 85,734,818 (9/21/2012) | 2/26/2013 | 2/11/2014 |
| PEARL <Class 9> | 86,681,861 (7/2/2015) | 1/17/2017 | . |
| PEARL <Class 10> | 77,715,710 (4/16/2009) | 2/16/2010 | . |
| PEARL <Class 19> | 78,591,198 (3/21/2005) | 12/6/2005 | 2/28/2006 |
| PEARL <Class 35> | 77,615,016 (11/14/2008) | 3/31/2009 | 3/30/2010 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|---|---|------------------|-------------------|
| PEARL <Class 31> | 77,240,281 (7/27/2007) | 1/29/2008 | . |
| PEARL <Class 42> | 86,681,886 (7/2/2015) | 11/24/2015 | . |
| PEARL <Classes 9, 42, 45> | 85,422,980 (9/14/2011) | 3/19/2013 | 7/8/2014 |
| PEARL <Class 25> | 79,150,341 (1/31/2014) | 9/30/2014 | 12/16/2014 |
| PEARL <Class 35> | 78,268,316 (6/28/2003) | 1/20/2004 | 4/13/2004 |
| PEARL <Class 32> | 77,723,495 (4/27/2009) | 7/7/2009 | 12/22/2009 |
| PEARL <Class 18> | 85,028,275 (5/2/2010) | 4/12/2011 | . |
| PEARL <Class 1> | 78,910,267 (6/16/2006) | 7/17/2007 | 4/15/2008 |
| PEARL <Class 10> | 85,576,342 (3/21/2012) | 8/28/2012 | 11/13/2012 |
| PEARL <Classes 2, 16> | 86,403,502 (9/23/2014) | 11/1/2016 | 1/17/2017 |
| PEARL <Class 7> | 85,482,812 (11/29/2011) | 6/12/2012 | . |
| PIRL <Classes 38, 42, 44> | 77,621,636 (11/25/2008) | 6/23/2009 | 4/6/2010 |
| PEARL <Class 30> | 86,401,494 (9/22/2014) | 2/24/2015 | 5/12/2015 |
| PEARL <Classes 9, 35> | 86,611,401 (4/27/2015) | 9/15/2015 | . |
| PEARL <Class 33> | 78,845,424 (3/24/2006) | 2/13/2007 | 7/10/2007 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| PEARL <Class 5> | 78,906,596 (6/13/2006) | 7/17/2007 | 6/3/2008 |
| PEARL <Classes 6, 19> | 86,416,500 (10/7/2014) | 3/10/2015 | 7/12/2016 |
| PEARL <Class 5> | 85,885,588 (3/25/2013) | 8/13/2013 | 10/29/2013 |
| PEARL <Class 9> | 77,904,899 (1/5/2010) | 5/18/2010 | 10/5/2010 |
| PEARL <Class 42> | 86,981,205 (7/2/2015) | 11/24/2015 | 5/16/2017 |
| PEARL <Class 41> | 86,681,882 (7/2/2015) | 11/24/2015 | . |
| PEARL <Class 36> | 76,699,574 (9/22/2009) | 3/9/2010 | 5/25/2010 |
| PEARL <Class 9> | 77,815,721 (8/28/2009) | 1/26/2010 | . |
| PEARL <Classes 35, 37, 39, 40, 42, 45> | 77,310,501 (10/22/2007) | 4/1/2008 | 6/17/2008 |
| PEARL <Class 9> | 78,493,624 (10/3/2004) | 8/23/2005 | 11/15/2005 |
| PEARL <Class 10> | 85,952,131 (6/6/2013) | 12/31/2013 | . |
| PEARL <Class 12> | 86,681,866 (7/2/2015) | 11/17/2015 | . |
| PEARL <Class 20> | 85,634,714 (5/24/2012) | 4/30/2013 | 7/16/2013 |
| PEARL <Class 37> | 76,713,489 (2/19/2013) | 1/7/2014 | 10/20/2015 |

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|--|---|------------------|-------------------|
| PEARL <Class 10> | 77,486,730 (5/29/2008) | 8/12/2008 | 11/29/2011 |
| PEARL.COM <Class 35> | 85,596,105 (4/12/2012) | 5/7/2013 | 4/8/2014 |
| PURRRL <Class 8> | 85,089,487 (7/21/2010) | 12/28/2010 | 3/15/2011 |
| PEARL <Class 7> | 86,775,195 (10/1/2015) | 3/8/2016 | . |
| PEARL <Classes 35, 37, 39, 40, 42, 45> | 77,310,507 (10/22/2007) | 4/1/2008 | 6/17/2008 |
| PEARL <Class 11> | 77,912,189 (1/14/2010) | 8/17/2010 | 3/8/2011 |
| PEARL <Class 36> | 76,699,573 (9/22/2009) | 3/9/2010 | 5/25/2010 |
| PEARL NECKLACE <Class 32> | 86,062,856 (9/12/2013) | 2/24/2015 | . |
| PECKERS <Class 6> | 77,918,388 (1/22/2010) | 6/8/2010 | 11/2/2010 |
| PECKERS <Class 41> | 77,182,251 (5/16/2007) | 12/11/2007 | . |
| PECKERS <Class 43> | 77,403,731 (2/22/2008) | 7/8/2008 | . |
| PHUC <Class 25> | 85,418,294 (9/8/2011) | 3/20/2012 | 6/18/2013 |
| PHUKIT <Class 25> | 78,257,504 (6/3/2003) | 12/28/2004 | 3/22/2005 |
| PIE <Class 42> | 86,229,409 (3/23/2014) | 11/11/2014 | 1/27/2015 |

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|--|--|-------------------------|--------------------------|
| PIE <Class 9> | 78,716,088 (9/19/2005) | 1/12/2010 | 6/14/2011 |
| PI <Class 41> | 77,321,460 (11/5/2007) | 7/8/2008 | 9/23/2008 |
| PIE <Class 35> | 76,614,590 (10/5/2004) | 11/6/2007 | . |
| P.I.E. <Class 35> | 78,800,878 (1/27/2006) | 9/19/2006 | 12/4/2007 |
| PIE <Class 9> | 85,439,233 (10/4/2011) | 3/13/2012 | . |
| PIE <Class 35> | 78,577,149 (3/1/2005) | 5/2/2006 | 7/25/2006 |
| PIE <Classes 9, 43> | 86,019,996 (7/25/2013) | 5/6/2014 | . |
| PIE <Class 41> | 77,007,544 (9/26/2006) | 6/17/2008 | 9/2/2008 |
| PI=E <Classes 36, 41> | 78,828,294 (3/3/2006) | 4/3/2007 | 8/3/2010 |
| PIE <Class 35> | 77,171,066 (5/2/2007) | 7/15/2008 | 9/30/2008 |
| PYE <Class 9> | 79,016,504 (7/26/2005) | 5/1/2007 | 7/17/2007 |
| PIE <Class 35> | 86,227,702 (3/20/2014) | 9/23/2014 | 12/9/2014 |
| PINCHE <Class 25> | 77,289,894 (9/26/2007) | 2/26/2008 | . |
| POKE <Classes 9, 38, 42, 45> | 85,981,897 (12/21/2012) | 5/7/2013 | 8/5/2014 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| POKE <Classes 35, 38, 42, 45> | 78,920,328 (6/29/2006) | 3/25/2008 | . |
| POKE <Class 12> | 85,014,483 (4/15/2010) | 3/15/2011 | 11/6/2012 |
| POKE <Class 38> | 85,809,236 (12/21/2012) | 5/7/2013 | . |
| POKEHER <Class 25> | 85,219,680 (1/18/2011) | 5/31/2011 | . |
| POON <Class 14> | 86,443,589 (11/4/2014) | 4/7/2015 | 6/23/2015 |
| POON <Class 25> | 77,151,170 (4/6/2007) | 10/9/2007 | 12/25/2007 |
| POON <Class 41> | 77,081,161 (1/11/2007) | 10/9/2007 | 12/25/2007 |
| POOP <Class 25> | 77,759,659 (6/15/2009) | 10/27/2009 | . |
| POOP <Class 34> | 77,168,347 (4/28/2007) | 12/4/2007 | . |
| POOP <Class 16> | 78,492,778 (10/1/2004) | 9/13/2005 | . |
| POOP! <Class 28> | 86,050,014 (8/28/2013) | 11/5/2013 | . |
| POP SHOTS <Class 33> | 85,541,875 (2/14/2012) | 9/18/2012 | . |
| POP SHOTZ <Class 28> | 77,515,989 (7/7/2008) | 12/2/2008 | 2/17/2009 |
| POPSHOTS <Class 30> | 78,413,644 (5/5/2004) | 4/26/2005 | . |
| POPSHOTS <Class 33> | 85,612,706 (4/30/2012) | 9/18/2012 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| PRICH <Classes 18, 25> | 77,516,144 (7/7/2008) | 12/2/2008 | 10/27/2009 |
| PIE <Classes 35, 41> | 86,627,587 (5/13/2015) | 10/27/2015 | 1/12/2016 |
| PULL-OUT <Class 25> | 78,676,863 (7/23/2005) | 4/11/2006 | . |
| PUNANI <Class 25> | 77,396,582 (2/14/2008) | 1/6/2009 | 9/15/2009 |
| PUSS <Class 25> | 78,741,135 (10/26/2005) | 6/27/2006 | 7/17/2007 |
| PUSSY <Class 34> | 86,758,246 (9/16/2015) | 1/26/2016 | . |
| PUSSY <Class 3> | 85,262,140 (3/9/2011) | 1/17/2012 | 4/3/2012 |
| RACK <Class 25> | 77,263,730 (8/24/2007) | 2/17/2009 | . |
| RACK <Class 41> | 76,516,281 (5/22/2003) | 1/20/2004 | 1/25/2005 |
| RACK <Class 33> | 85,463,590 (11/3/2011) | 4/17/2012 | . |
| WRACK <Class 9> | 76,707,294 (4/18/2011) | 9/6/2011 | 10/30/2012 |
| RAK <Classes 1, 5> | 77,186,360 (5/21/2007) | 8/7/2007 | . |
| RACK <Class 35> | 77,942,725 (2/23/2010) | 8/10/2010 | 10/26/2010 |
| RAC <Class 42> | 77,282,599 (9/18/2007) | 3/11/2008 | 11/18/2008 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|------------------|-------------------|
| RAC <Class 9> | 77,537,110 (8/1/2008) | 12/23/2008 | . |
| RETARD <Class 1> | 77,185,702 (5/21/2007) | 10/23/2007 | 1/8/2008 |
| RIDEHARD.COM <Class 45> | 85,906,303 (4/17/2013) | 4/15/2014 | . |
| RIDE HARD <Class 9> | 78,584,542 (3/10/2005) | 11/8/2005 | 1/31/2006 |
| RIDE HARD <Classes 16, 25> | 78,559,467 (2/3/2005) | 12/20/2005 | 7/11/2006 |
| RIDE HARD <Class 14> | 78,561,401 (2/5/2005) | 11/1/2005 | . |
| ROADHEAD <Class 28> | 85,759,575 (10/22/2012) | 4/2/2013 | 6/18/2013 |
| ROD <Classes 25, 45> | 86,668,054 (6/19/2015) | 11/10/2015 | 5/2/2017 |
| ROD <Class 9> | 77,954,644 (3/9/2010) | 7/27/2010 | 10/12/2010 |
| ROD'S <Class 30> | 77,755,059 (6/9/2009) | 3/9/2010 | 2/15/2011 |
| ROD'S <Class 32> | 86,726,980 (8/17/2015) | 1/12/2016 | 5/2/2017 |
| SAC <Class 9> | 76,498,516 (3/18/2003) | 11/18/2003 | 2/10/2004 |
| SAKK <Class 27> | 85,178,079 (11/16/2010) | 4/26/2011 | 7/12/2011 |
| SAC <Class 20> | 78,491,844 (9/29/2004) | 9/20/2005 | 12/13/2005 |
| SAC <Class 41> | 77,636,716 (12/19/2008) | 4/7/2009 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| SAC <Class 25> | 78,786,771 (1/6/2006) | 4/10/2007 | . |
| SACK <Class 45> | 86,491,912 (12/29/2014) | 5/26/2015 | 10/13/2015 |
| SKRU <Class 25> | 78,861,474 (4/13/2006) | 11/28/2006 | 2/13/2007 |
| SCREW <Class 33> | 76,598,834 (6/23/2004) | 7/25/2006 | 3/27/2007 |
| SCREW <Class 28> | 77,784,088 (7/17/2009) | 7/2/2013 | . |
| SCREW <Class 16> | 78,812,505 (2/10/2006) | 7/31/2007 | 10/16/2007 |
| SCRÜ <Class 28> | 78,405,391 (4/21/2004) | 2/8/2005 | . |
| SCREW U <Class 41> | 77,247,278 (8/4/2007) | 2/12/2008 | . |
| SCREW U <Class 8> | 76,697,933 (6/16/2009) | 1/19/2010 | . |
| SCREW U. <Class 41> | 78,264,856 (6/19/2003) | 5/11/2004 | . |
| SEX.LOL <Class 35> | 86,629,038 (5/14/2015) | 10/6/2015 | . |
| SEX <Class 34> | 76,512,616 (4/21/2003) | 4/13/2004 | 7/6/2004 |
| \$EX <Class 36> | 77,816,340 (8/31/2009) | 2/2/2010 | 11/23/2010 |
| S-EX <Class 3> | 85,728,643 (9/13/2012) | 2/19/2013 | 5/7/2013 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|---|---|------------------|-------------------|
| SEXXX <Classes 32, 33> | 77,516,519 (7/8/2008) | 9/22/2009 | . |
| SHIZNIT <Class 8> | 86,525,149 (2/5/2015) | 6/23/2015 | 4/26/2016 |
| SHOOT <Classes 25, 28> | 78,896,654 (5/31/2006) | 6/17/2008 | 9/2/2008 |
| SHOOT <Classes 38, 41, 42, 44> | 79,038,454 (11/14/2006) | 5/13/2008 | 7/29/2008 |
| SHOOT <Class 9> | 79,184,395 (12/10/2015) | 9/20/2016 | 2/27/2018 |
| SHOOT! <Class 30> | 77,292,920 (10/1/2007) | 1/8/2008 | . |
| SHOOT <Class 42> | 86,283,613 (5/16/2014) | 10/21/2014 | 7/18/2017 |
| SHOVEABITCH.COM <Class 25> | 77,104,125 (2/9/2007) | 8/7/2007 | . |
| SHOVEABITCH.COM <Class 41> | 77,104,184 (2/9/2007) | 8/7/2007 | . |
| SHT <Classes 9, 20> | 86,359,800 (8/7/2014) | 9/29/2015 | 12/15/2015 |
| SHT <Class 9> | 79,116,574 (3/21/2012) | 4/30/2013 | 7/16/2013 |
| SHT <Class 9> | 78,598,132 (3/30/2005) | 12/27/2005 | . |
| 69 <Classes 6, 9, 12, 14, 16, 21, 24, 25, 26> | 79,182,666 (10/30/2015) | 5/3/2016 | 7/19/2016 |
| SKEET <Class 11> | 86,288,685 (5/22/2014) | 10/14/2014 | 6/2/2015 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| SLOPPY SECONDS <Class 30> | 86,295,160 (5/29/2014) | 10/21/2014 | . |
| SL, UT <Class 25> | 85,103,853 (8/10/2010) | 9/6/2011 | 11/22/2011 |
| SL, UT <Classes 16, 21> | 85,516,498 (1/13/2012) | 8/21/2012 | 11/6/2012 |
| S.L.U.T.S. <Class 16> | 78,774,261 (12/15/2005) | 8/29/2006 | 9/18/2007 |
| SLUTS <Class 9> | 85,653,958 (6/17/2012) | 11/13/2012 | 1/29/2013 |
| S.L.U.T.S. <Class 25> | 77,209,355 (6/19/2007) | 10/28/2008 | 1/13/2009 |
| SNATCH <Class 41> | 78,696,232 (8/19/2005) | 5/9/2006 | 11/7/2006 |
| SNATCH <Classes 9, 35, 42, 45> | 86,206,331 (2/27/2014) | 11/11/2014 | . |
| SNACHE <Class 28> | 85,360,840 (6/30/2011) | 6/12/2012 | 8/28/2012 |
| SNATCH MAGNET <Class 41> | 77,215,194 (6/26/2007) | 12/4/2007 | . |
| SHT <Class 33> | 86,110,120 (11/5/2013) | 4/1/2014 | . |
| SOFA KING <Class 30> | 86,826,008 (11/19/2015) | 5/10/2016 | 7/26/2016 |
| SPUNK <Class 45> | 86,245,358 (4/8/2014) | 8/26/2014 | 5/3/2016 |
| SPUNK <Classes 25, 41> | 77,723,181 (4/27/2009) | 9/29/2009 | 4/6/2010 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|---|---|------------------|-------------------|
| SPUNK <Class 5> | 85,118,979 (8/30/2010) | 2/15/2011 | . |
| SPUNK <Class 5> | 78,861,311 (4/13/2006) | 6/12/2007 | . |
| SPUNK <Class 1> | 76,712,611 (10/11/2012) | 3/26/2013 | 6/11/2013 |
| SQURT! <Class 28> | 85,695,123 (8/3/2012) | 7/23/2013 | 5/20/2014 |
| SQUIRT <Class 32> | 78,354,144 (1/20/2004) | 10/19/2004 | 1/11/2005 |
| SQUIRT <Class 21> | 76,576,624 (2/20/2004) | 9/5/2006 | . |
| SQUIRT <Class 4> | 77,238,585 (7/25/2007) | 7/1/2008 | 9/16/2008 |
| SQUIRT <Classes 9, 42> | 77,188,003 (5/23/2007) | 10/9/2007 | 8/5/2008 |
| SQUIRT <Class 32> | 85,479,130 (11/22/2011) | 5/8/2012 | 9/18/2012 |
| SQUIRT <Class 5> | 77,734,599 (5/12/2009) | 4/20/2010 | 7/6/2010 |
| SQUIRT <Class 30> | 85,590,532 (4/5/2012) | 11/6/2012 | . |
| SQUIRT <Class 21> | 76,603,613 (7/23/2004) | 9/20/2005 | 12/13/2005 |
| SQUIRT <Class 8> | 85,277,061 (3/25/2011) | 7/5/2011 | 9/20/2011 |
| SQUIRT <Class 7> | 78,486,110 (9/20/2004) | 12/13/2005 | . |
| SQUIRT <Class 30> | 78,252,881 (5/21/2003) | 10/18/2005 | 1/10/2006 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| SQUIRT <Classes 24, 28> | 77,178,092 (5/10/2007) | 2/26/2008 | 7/7/2009 |
| SQUIRT <Class 25> | 78,674,209 (7/20/2005) | 4/11/2006 | 7/4/2006 |
| STFU!!! <Class 33> | 85,418,950 (9/9/2011) | 1/17/2012 | . |
| STFU <Class 13> | 86,740,351 (8/28/2015) | 1/19/2016 | 4/5/2016 |
| STFU <Class 25> | 85,226,902 (1/26/2011) | 5/31/2011 | . |
| STFU <Class 25> | 77,794,617 (7/31/2009) | 1/12/2010 | . |
| STIFFY <Class 7> | 76,688,811 (4/21/2008) | 4/7/2009 | 6/23/2009 |
| STIFFY <Class 5> | 85,004,565 (4/1/2010) | 8/24/2010 | 11/9/2010 |
| STIFFY <Class 28> | 85,473,834 (11/16/2011) | 5/1/2012 | 2/5/2013 |
| STIFFY <Class 9> | 78,825,102 (2/28/2006) | 6/12/2007 | 8/28/2007 |
| STIFFY <Class 6> | 78,296,231 (9/4/2003) | 6/15/2004 | 6/7/2005 |
| STIFFY <Class 8> | 85,714,065 (8/27/2012) | 2/19/2013 | 5/7/2013 |
| STIFFY <Class 28> | 85,443,682 (10/10/2011) | 3/20/2012 | 12/11/2012 |
| STIFFY <Class 28> | 85,711,494 (8/23/2012) | 2/18/2014 | 5/6/2014 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| STIFFY <Class 16> | 77,218,039 (6/28/2007) | 5/11/2010 | 9/11/2012 |
| STIFFY <Class 8> | 85,714,016 (8/27/2012) | 2/19/2013 | 5/7/2013 |
| STUFT <Class 16> | 86,614,771 (4/29/2015) | 9/15/2015 | 12/1/2015 |
| STUFFED <Classes 35, 43> | 85,540,872 (2/13/2012) | 1/15/2013 | 4/2/2013 |
| STUFT <Class 20> | 85,735,699 (9/21/2012) | 2/5/2013 | 4/23/2013 |
| STUNT COCK <Class 25> | 78,415,488 (5/8/2004) | 7/5/2005 | . |
| SUK <Class 10> | 77,396,132 (2/13/2008) | 7/29/2008 | 12/23/2008 |
| SUCKIT. <Class 16> | 77,296,697 (10/4/2007) | 3/18/2008 | 3/23/2010 |
| SUCK IT <Class 37> | 77,163,940 (4/24/2007) | 12/18/2007 | . |
| SUCK IT <Class 33> | 77,404,550 (2/23/2008) | 9/9/2008 | 11/25/2008 |
| SUX <Class 30> | 78,674,371 (7/20/2005) | 3/28/2006 | . |
| SUX <Class 5> | 78,674,413 (7/20/2005) | 3/28/2006 | . |
| SUXX <Class 33> | 77,558,099 (8/28/2008) | 8/18/2009 | 11/3/2009 |
| SUPERWANG <Class 5> | 85,962,120 (6/17/2013) | 5/13/2014 | 7/29/2014 |
| SWAMP ASS <Class 3> | 86,657,500 (6/10/2015) | 4/26/2016 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| SUYT <Class 25> | 78,648,385 (6/10/2005) | 2/21/2006 | 5/16/2006 |
| TIT <Classes 11, 37> | 85,497,106 (12/16/2011) | 12/22/2015 | 10/11/2016 |
| TERRIFIC TETAS <Class 25> | 77,056,178 (12/4/2006) | 6/26/2007 | 5/13/2008 |
| THC <Class 5> | 78,765,088 (12/1/2005) | 8/8/2006 | . |
| THC <Class 25> | 86,562,672 (3/12/2015) | 7/28/2015 | 11/29/2016 |
| T.H.C. <Class 28> | 86,464,911 (11/25/2014) | 5/5/2015 | 7/21/2015 |
| THC <Class 7> | 79,018,422 (9/22/2005) | 12/26/2006 | 7/13/2010 |
| THE D <Class 30> | 86,028,193 (8/4/2013) | 12/31/2013 | 12/2/2014 |
| THE D <Class 41> | 85,634,349 (5/24/2012) | 2/26/2013 | 5/14/2013 |
| THE D <Class 41> | 86,367,614 (8/15/2014) | 3/24/2015 | . |
| THE D <Classes 25, 28> | 85,470,611 (11/11/2011) | 5/15/2012 | . |
| THE D <Classes 41, 43> | 85,981,038 (11/11/2011) | 5/15/2012 | 4/1/2014 |
| THE D <Class 25> | 85,654,302 (6/18/2012) | 1/22/2013 | 4/9/2013 |
| THE FLUFFER <Class 32> | 86,766,202 (9/23/2015) | 2/16/2016 | 5/3/2016 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| THC <Class 41> | 86,526,331 (2/5/2015) | 7/7/2015 | 9/22/2015 |
| THE PECKERS <Class 41> | 85,074,046 (6/29/2010) | 11/23/2010 | 2/8/2011 |
| THE SHIZNIT <Class 1> | 77,954,655 (3/9/2010) | 7/13/2010 | . |
| THE SHOCKER <Class 25> | 76,687,341 (3/4/2008) | 6/10/2008 | . |
| THE SHOCKER <Class 34> | 86,451,373 (11/11/2014) | 4/28/2015 | 7/14/2015 |
| TIT <Class 25> | 77,577,465 (9/24/2008) | 2/17/2009 | . |
| TITMOUSE <Class 41> | 77,382,138 (1/28/2008) | 6/10/2008 | 8/26/2008 |
| TITZLING <Class 25> | 85,496,065 (12/15/2011) | 5/22/2012 | 9/30/2014 |
| TITZLINGER <Class 25> | 85,496,079 (12/15/2011) | 5/22/2012 | 8/26/2014 |
| TOTTIE <Class 25> | 78,786,351 (1/6/2006) | 3/13/2007 | . |
| UCK <Class 25> | 77,887,866 (12/7/2009) | 4/27/2010 | 9/21/2010 |
| UP AND COMING <Classes 14, 25> | 77,557,115 (8/27/2008) | 1/13/2009 | 6/8/2010 |
| U.P. YOURS <Class 32> | 86,580,969 (3/30/2015) | 8/18/2015 | 11/3/2015 |
| UP YOURS <Class 41> | 85,424,057 (9/15/2011) | 2/21/2012 | 5/8/2012 |
| UP YOURS <Class 35> | 86,158,873 (1/7/2014) | 5/20/2014 | . |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| UPYOURS <Class 38> | 85,298,597 (4/19/2011) | 9/20/2011 | 12/6/2011 |
| VAGINA <Class 15> | 85,726,658 (9/12/2012) | 3/5/2013 | 5/21/2013 |
| VELLHUNGWOOD CELLARS <Class 33> | 78,665,764 (7/7/2005) | 5/2/2006 | . |
| WANG <Class 10> | 76,549,614 (10/3/2003) | 8/2/2005 | 10/25/2005 |
| WEED <Classes 3, 28> | 78,774,251 (12/15/2005) | 2/5/2008 | . |
| W.E.E.D. <Class 41> | 85,218,400 (1/14/2011) | 5/31/2011 | . |
| WEED <Class 35> | 78,272,765 (7/10/2003) | 9/21/2004 | 12/14/2004 |
| WEED <Class 16> | 86,773,909 (9/30/2015) | 10/4/2016 | . |
| W.E.E.D. <Class 25> | 85,688,696 (7/27/2012) | 1/1/2013 | 10/20/2015 |
| WEED <Class 34> | 86,001,903 (7/3/2013) | 10/28/2014 | 3/29/2016 |
| WEED <Class 32> | 77,519,631 (7/10/2008) | 12/2/2008 | . |
| WEED <Class 3> | 86,607,024 (4/23/2015) | 9/27/2016 | . |
| WEED <Class 21> | 86,588,785 (4/6/2015) | 3/22/2016 | 4/25/2017 |
| WETBOX <Class 34> | 85,033,738 (5/9/2010) | 3/22/2011 | 6/7/2011 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| WHORE <Class 3> | 78,299,386 (9/11/2003) | 6/8/2004 | 5/31/2005 |
| WIENER <Class 7> | 79,010,249 (2/24/2005) | 6/13/2006 | 9/5/2006 |
| WILLY <Classes 16, 41> | 77,330,960 (11/15/2007) | 4/22/2008 | 11/11/2008 |
| WILLY <Class 31> | 85,236,663 (2/8/2011) | 7/12/2011 | 9/27/2011 |
| WILLY <Class 37> | 78,728,932 (10/7/2005) | 6/20/2006 | 6/22/2010 |
| WILLY <Class 3> | 86,274,282 (5/7/2014) | 1/6/2015 | 5/24/2016 |
| WILLY <Class 32> | 86,112,339 (11/6/2013) | 4/15/2014 | 7/1/2014 |
| WILLY <Class 30> | 86,818,853 (11/12/2015) | 8/2/2016 | . |
| WILSON <Class 8> | 78,402,918 (4/16/2004) | 8/9/2005 | 11/1/2005 |
| WILSON <Classes 9, 18, 24, 25, 28> | 77,168,844 (4/30/2007) | 10/7/2008 | 12/23/2008 |
| WILSON <Class 9> | 86,415,613 (10/6/2014) | 1/20/2015 | 4/7/2015 |
| WILLSON <Class 9> | 78,402,457 (4/15/2004) | 6/14/2005 | 6/6/2006 |
| WILSON <Classes 9, 16, 41> | 77,167,686 (4/27/2007) | 3/18/2008 | 6/3/2008 |
| WILSON <Classes 9, 16, 28, 41, 45> | 79,049,008 (10/24/2007) | 7/6/2010 | 9/21/2010 |

| Applied-For Word Mark <Int'l Class> | Applied-For Word Mark Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| W JEANS <Class 25> | 78,566,187 (2/12/2005) | 11/8/2005 | . |
| WILSON <Class 2> | 78,418,878 (5/14/2004) | 5/31/2005 | 8/23/2005 |
| WOODY <Classes 14, 18> | 85,247,124 (2/20/2011) | 8/9/2011 | 10/25/2011 |
| WOODY <Class 28> | 76,581,549 (3/15/2004) | 8/9/2005 | 11/1/2005 |
| WOODY <Class 25> | 86,272,718 (5/6/2014) | 7/21/2015 | 10/6/2015 |
| WOODY <Class 12> | 76,495,726 (3/3/2003) | 11/18/2003 | 2/10/2004 |
| W DY <Classes 9, 16, 35, 41> | 77,502,181 (6/18/2008) | 11/11/2008 | . |
| WOODY <Class 8> | 77,219,517 (6/29/2007) | 9/22/2009 | 12/8/2009 |
| WOODY <Class 28> | 77,161,903 (4/20/2007) | 4/29/2008 | 7/15/2008 |
| WOODEE <Class 28> | 78,910,509 (6/16/2006) | 11/13/2007 | 4/7/2009 |
| WOODY <Class 21> | 85,741,506 (9/28/2012) | 3/5/2013 | 5/21/2013 |
| WOODI <Class 21> | 86,020,169 (7/25/2013) | 10/29/2013 | 1/14/2014 |

APPENDIX 5

Trademark Applications Consisting of Variations on FUCK CANCER Filed From 2003 Through 2015 That Received a § 1052(a) Immoral-or-Scandalous Refusal

| Variation Receiving § 1052(a) Refusal <Int'l Class> | Serial No. (Application Date) | Publication Date | Registration Date |
|---|----------------------------------|------------------|-------------------|
| FUCANCER <25> | 76,615,171 (10/7/2004) | . | . |
| F CK CANCER F C <25> | 77,437,332 (4/1/2008) | . | . |
| F CANCER <25> | 77,562,888 (9/4/2008) | . | . |
| FCK CANCER <25> | 77,728,361 (5/4/2009) | . | . |
| F CK CANCER <14,25> | 77,805,554 (8/16/2009) | . | . |
| FUCK CANCER <25,40> | 77,835,941 (9/27/2009) | . | . |
| F CK CANCER <25> | 77,851,260 (10/18/2009) | . | . |
| F CANCER IN THE "A" <14,25> | 77,916,465 (1/21/2010) | . | . |
| F CANCER <25> | 77,954,532 (3/9/2010) | 5/31/2011 | . |
| F CANCER <25> | 77,983,618 (3/9/2010) | 5/31/2011 | 6/10/2014 |
| FCK CANCER FC <25> | 78,959,914 (8/24/2006) | . | . |
| F K CANCER <25> | 85,220,344 (1/18/2011) | . | . |

| Variation Receiving § 1052(a) Refusal <Int'l Class> | Serial No. (Application Date) | Publication Date | Registration Date |
|--|--|-------------------------|--------------------------|
| FUCK CANCER <16> | 85,237,359 (2/8/2011) | . | . |
| FUCK CANCER <14> | 85,786,337 (11/24/2012) | . | . |
| P.H.U.C. CANCER (PLEASE HELP US CURE CANCER) <25> | 85,855,531 (2/20/2013) | . | . |
| F K CANCER <25> | 86,016,028 (7/22/2013) | . | . |
| FUCANCER <25> | 86,038,364 (8/14/2013) | . | . |
| FUKC CANCER <21,25> | 86,181,814 (2/1/2014) | . | . |
| FUCK CANCER <25> | 86,286,757 (5/20/2014) | . | . |
| F CK CANCER <42> | 86,288,375 (5/21/2014) | . | . |
| FUCK CANCER <25> | 86,290,011 (5/23/2014) | . | . |
| FU CANCER <14,25,35> | 86,852,304 (12/17/2015) | . | . |