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IMMORAL OR SCANDALOUS MARKS: AN EMPIRICAL
ANALYSIS

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INTRODUCTION.....	170
I. THE LEAD-UP TO IANCU V. BRUNETTI.....	173
A. <i>Matal v. Tam</i>	173
B. <i>Iancu v. Brunetti</i>	175
II. DATASETS.....	177
III. DESCRIPTIVE STATISTICS.....	178
IV. THE PTO’S ARBITRARY APPLICATION OF SECTION 2(a).....	182
A. <i>Combined Section 2(a) and Section 2(d) Refusals</i>	182
B. <i>Applications That Overcame a Section 2(a) Immoral-or-Scandalous Refusal</i>	189
C. <i>Applications for Immoral or Scandalous Marks That Never Received a Section 2(a) Refusal</i>	193
V. VIEWPOINT DISCRIMINATION AT THE PTO UNDER SECTION 2(a)	196
VI. FIT AND VAGUENESS UNDER THE FIRST AMENDMENT	197
A. <i>High Value Speech</i>	198
B. <i>Fit</i>	200
C. <i>Vagueness</i>	202
CONCLUSION	203
<i>Appendix 1: International Classification of Goods and Services</i>	204
<i>Appendix 2: Word-Mark Applications That Received Both a § 2(a) Refusal and a § 2(d) Refusal</i>	209
<i>Appendix 3: Trademark Applications That Overcame a § 2(a) Refusal</i>	223
<i>Appendix 4: Word-Mark Applications That Matched a Mark or Term Determined to Be Immoral or Scandalous that Received No Refusal</i>	235
<i>Appendix 5: Trademark Applications Consisting of Variations on FUCK CANCER That Received a Refusal</i>	308

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 manner. 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 sexist,” “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 have 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

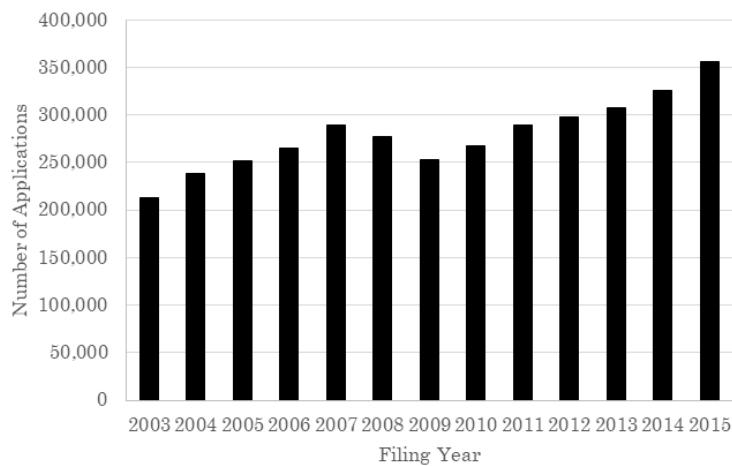


Figure 2 shows, by filing year, the number of word-mark applications that received a § 2(a) immoral-or-scandalous refusal⁴¹ and the number that overcame that refusal during the period studied.⁴²

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://tmcasebook.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

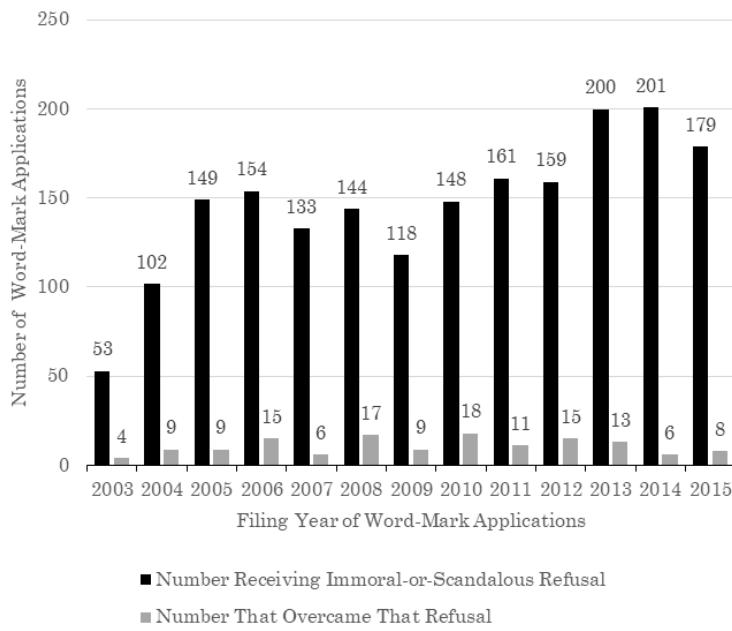


Figure 3 sets forth the international classes of goods or services claimed by all word-mark applications filed from 2003 through 2015 that received a § 2(a) immoral-or-scandalous refusal.⁴³ As Figure 3 indicates, a very large proportion of applications receiving a § 2(a) immoral-or-scandalous refusal 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_note. 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

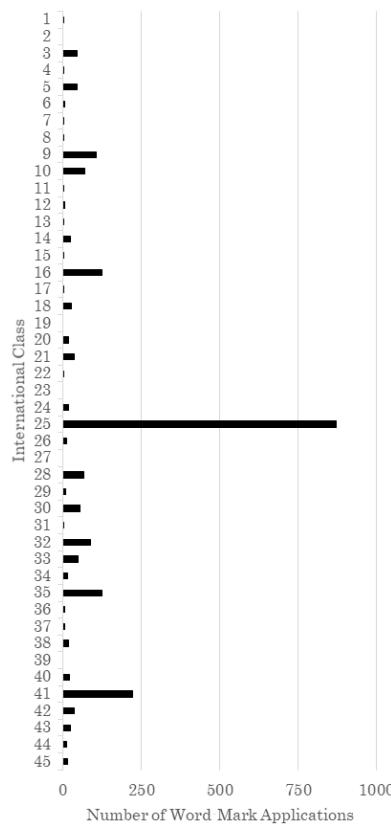
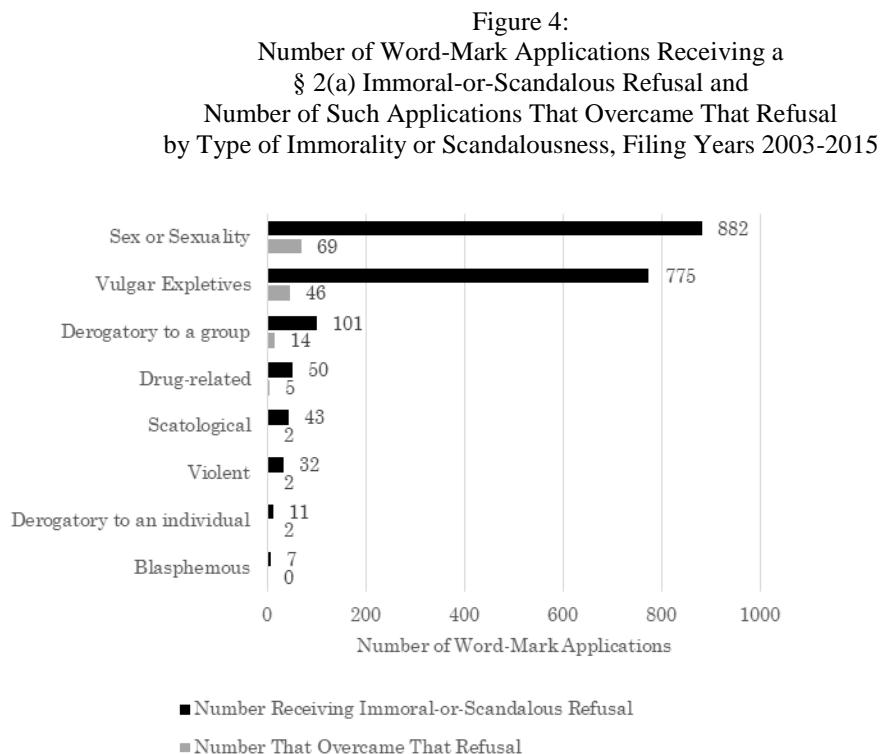


Figure 4 classifies all word-mark applications that received a § 2(a) immoral-or-scandalous refusal from 2003 through 2015 by the type of purported immorality or scandalousness that the applied-for mark primarily involved. In many instances, specific applications involved multiple forms of immorality 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.



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. 77/7519,564, 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=OOA20100609155823#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 Fragging’ (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 claims 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_notes=&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]
RUSSKY 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]
RUSSKY 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 <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 SOCAL <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)	CHENGA <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 CARAJO 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
CMTHRFCKNT <Class 41>	77,954,054 (3/9/2010)	3/8/2011	†
CMTHRFCKNT <Class 25>	77,954,169 (3/9/2010)	3/8/2011	†
F CANCER <Class 25>	77,954,532 (3/9/2010)	5/31/2011	†
CMTHRFCKNT <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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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
ERCTION <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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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	.
KNUTTSAK <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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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

Applied-For Word Mark <Int'l Class>	Applied-For Word Mark Serial No. (Application Date)	Publication Date	Registration Date
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
\$€X <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)	.	.