

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

In the matter of Ser. Nos. 86/668,139 & 86/749,435)	
)	Opposition No. _____
Marks: CHI-RAQ &)	
CHI-RAQ THE SERIES and design)	
_____)	
)	
Independent Network TV, LLC)	
)	
Opposer,)	
)	
vs.)	
)	
Marilyn Johnson Allen & George Allen)	
)	
Joint Applicants.)	
)	

CONSOLIDATED NOTICE OF OPPOSITION

TO: TTAB ESTTA electronic Filing

Identification of Opposer:

Independent Network TV, LLC (INTV)
An Illinois Limited Liability Company
10001 Derby Lane, Suite 211
Westchester, IL 60154

1. The above-identified Opposer believes that it is or will be damaged by Applicants U.S. Trademark Application Ser. No. 86/594,631 for CHI-RAQ THE SERIES (logo & design) and Ser. No. 86/594,629 for CHI-RAQ which was originally filed and is currently owned by joint applicants Marilyn Johnson Allen & George Allen whose address of record is 2605 Ginger Woods Drive, Aurora, IL 60502. (“Applicants Applications”)

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2. Opposer owns U.S. Trademark Application Ser. No. 86/668,139 for CHI-RAQ and



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Ser. No. 86/749,435 for CHI-RAQ and CHI-RAQ THE SERIES A Community Torn.... Hope Reborn and design. (“Opposer’s Applications”)

3. Applicants Applications were filed on April 12, 2015 for certain entertainment related services in class 41.

4. Opposer’s Applications were filed after Applicants Applications on June 19, 2015 and September 8, 2015, also for the same entertainment related services, among other goods and services.

5. During the filing of Applicants Applications, the attorney of record Jamal Jackson executed and filed a sworn declaration along with specimens with the USPTO under 18 U.S.C. 1001 on April 12, 2015 where he declares the Applicants marks were first used by Applicant anywhere and in interstate commerce at least as early as August 1, 2014.

6. Opposer has received an office action from the USPTO refusing registration of its Trademark Application No. 86/668,139 for CHI-RAQ and Ser. No. 86/749,435 for CHI-RAQ and CHI-RAQ THE SERIES A Community Torn.... Hope Reborn and design mailed on October 3, 2015 citing Applicants applications as prior pending and may be creating a likelihood of confusion under Section 2(d) of the Trademark Act should Applicants Applications register.

7. The above-identified Opposer believes that it is, or will be, damaged by the above identified applications of Applicants, and hereby Opposes their registration.

8. The Opposer is consolidating this Notice of Opposition pursuant to 37 CFR Sec. 2.104(b), TBMP Sec. 305 because its claims against each of the Applicants Applications involve

common questions of law and fact.

The grounds for this Consolidated Notice of Opposition are as follows:

Fraud on the USPTO

9. Upon information and belief, the Applicant filed a false declaration whereby they instructed their attorney to make a sworn statement under 18 U.S.C. 1001 that the Applicants used the trademark anywhere and in interstate commerce on April 12, 2015, when they had not used the trademark and new they had not used the trademark.

10. Specifically, Attorney for Applicant Mr. Jamal Jackson signed a sworn declaration on behalf of Marilyn Johnson Allen that she used the trademark in interstate commerce and anywhere on August 1, 2014. Mr. Jamal Jackson new or should have known that this statement was false or alternatively, Mrs. Marilyn Johnson Allen falsely represented to him that she used the trademark in commerce.

11. There was no use in commerce of the marks in Applicants Applications on August 1, 2014 or April 12, 2015.

12. Applicant Marilyn Johnson Allen was a contractor for INTV during a time duration before her alleged dates of first use.

13. INTV selected, intended to use or actually used the trademark CHI-RAQ for a script and television series prior to Marilyn Johnson Allen.

14. The joint Application to Marilyn Johnson Allen is her husband and has been listed as joint owner only for that reason.

15. CHI-RAQ had been selected, written and casting had began by the owners of INTV prior to Applicant being recruited or volunteering to contract with INTV, and CHI-RAQ the series is the creation, work and named by owner William Pierce.

16. William Pierce selected and began preparing the script and television series prior to Marilyn Johnson Allen's participation as a contractor.

17. At the time they filed their applications, Applicants knew they did not own the trademark, but they filed it with the intention of obstructing Opposer for purposes of coercing payment or credit in the series.

18. Even had the Applicants filed intent to use based applications, Applicants did not have a bona fide intent to use the marks but were motivated to file these applications for purposes of obstructing and/or coercing Opposer into payment and other benefits.

Likelihood of Confusion

19. Opposition to Applicants Applications should be granted on the grounds of priority and likelihood of confusion.

20. Opposer selected and intended to use the trademark CHI-RAQ alone and as part of a composite for a script, television production and series prior to Applicant. It was only after Applicant was engaged by INTV or its Principle that Marilyn Johnson Allen had an interest in

owning the trademark subject in Applicants Applications and making a claim of exclusive ownership.

21. She made this claim for herself and husband with the permission, consent or knowledge of INTV and did so in bad faith.

22. Opposer used the mark prior to Applicant.

23. Applicants marks and Opposer's marks have similar sound, appearance and meaning and are likely to confuse customers with respect to source, affiliation and sponsorship.

Wherefore, Opposer deems that it is or will be damaged by the registration of Applicants trademark applications.

Therefore, Opposer respectfully requests that Opposition is sustained and Applicants Applications abandon.

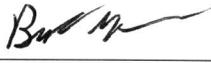
Payment by check is enclosed pursuant to TBMP Sec. 308.05 [fees for consolidated and combined complaints] in the amount of \$600 which covers Applicants Applications totaling two classes.

The undersigned Opposer hereby consents and appoints Brett M. Tolpin, Mark R. Bagley and Thomas A. Tolpin, and the Attorneys of Tolpin & Partners, P.C. as its duly authorized agents and attorneys in the matter of the Opposition identified above, to prosecute said Opposition, to transact all business in the United States Trademark Office and in the United States Courts in connection with this Opposition, sign Opposer's name to all papers which may hereinafter be filed in connection therewith, and to receive all communications relating to the same. Please address

all communications to Opposer's counsel Brett M. Tolpin, Tolpin & Partners PC, 100 N. LaSalle Street, Suite 510, Chicago, IL 60602.

Dated: February 29, 2016

Respectfully submitted,

By: 
Brett M. Tolpin
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Attorneys for Applicant
INTV

CERTIFICATE OF FILING

I hereby certify that on February 29, 2016 this Notice of Opposition is being filed with the U.S. Trademark Trial and Appeal Board with sufficient postage as First-class mail in an envelope addressed to:

ATTN: Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



Signature

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Consolidated Notice of Opposition is being served by first-class mail, with sufficient postage prepaid, upon the attorney of record with the USPTO Jamal Jackson, Jackson Corporate Law Offices, P.C. 111 W. Jackson Blvd Suite 1700 Chicago, IL 60604 on this 29th day of February, 2016.

Additionally, I hereby certify that a copy of this Consolidated Notice of Opposition is being served by first-class mail, with sufficient postage prepaid upon Daliah Saper, Saper Law Office 505 N LaSalle St #350, Chicago, IL 60654



Brett M. Tolpin
Tolpin & Partners, PC.