

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of Serial No.: 86/649,264;
For the trademark application: SSN.

In the matter of U.S. Reg. No. 4,820,940,
For the trademark **SSN** ;
Registered on the Principal Register on September 29, 2015.

Anselmo, Darren,	:	
	:	
Opposer/Petitioner,	:	
	:	
vs.	:	Opposition No. _____
	:	Cancellation No. _____
Creative Distribution LLC,	:	
	:	
Applicant/Registrant.	:	

NOTICE OF OPPOSITION AND PETITION TO CANCEL

COMES NOW Darren Anselmo, a U.S. Citizen with a principal mailing address of 2 Van Cott Ave., Farmingdale, New York 11735 (hereinafter, "Opposer"), by counsel, The Trademark Company, PLLC and states that it believes it will be damaged by the registration of the trademark SSN, as more fully set forth in Serial No. 886/649,264 filed for by Creative Distribution LLC (hereinafter "Applicant") and, accordingly, hereby opposes the granting of said registration.

As grounds for this opposition, it is alleged that:

1. For many years, Darren Anselmo (referred to as "Opposer") has been and now is engaged in the sports supplement industry.

2. On or about November 10, 2013 Opposer began using Opposer's common law trademark



(hereinafter "Opposer's Mark") in connection with sports supplements (hereinafter "Opposer's Goods") in U.S. commerce.



04-25-2016

3. Opposer has used Opposer's Mark for Opposer's Goods continuously since as early as November 10, 2013.

4. Opposer has spent large sums of money and expended tremendous effort in promoting its goods under Opposer's Mark which has become well known and associated exclusively with Opposer and its goods. The goodwill of the business connected with the use of, and symbolized by, the Opposer's Mark is an asset of incalculable value.

5. As a result of Opposer's continuous use of Opposer's Mark and the high quality of its goods, Opposer has established an excellent quality in identifying and distinguishing Opposer's Goods.

6. On or about June 2, 2015 Applicant filed a Federal Trademark Application to register the mark SSN (hereinafter "Applicant's Mark") for use in connection with the following goods, namely: "Dietary and nutritional supplements" in International Class: 005 (hereinafter "Applicant's Goods").

7. Applicant's Application for Applicant's Mark claims a date of first use in commerce of May 01, 2014.

8. Applicant's Application was assigned U.S. Serial No. 86/649,264.

9. Upon information and belief, the Applicant is Creative Distribution LLC, D/B/A, Serious Sports Nutrition 3109 Grand Avenue, Miami, Florida 33133.

10. Applicant's Application for Applicant's Mark published for opposition on or about March 22, 2016.

11. There is no issue of priority. Upon information and belief, Applicant has not acquired rights in Applicant's Mark before Opposer acquired rights in Opposer's Mark.

12. Applicant's applied-for mark is confusingly similar to the Opposer's Mark as more fully identified in paragraph 2 of this Notice of Opposition above.

13. Upon information and belief, Applicant's Goods will be offered to the same classes of consumers and at least through some of the same channels of trade as Opposer's Goods. As applied to Applicant's Goods, Applicant's Mark so resembles the Opposer's Mark that it is likely to cause confusion, or cause to mistake, or to deceive as to the source of the goods.

14. Upon information and belief, registration of Applicant's Mark will diminish and dilute the distinctive quality of Opposer's Mark. One viewing Applicant's Mark will associate the mark with Opposer's Goods, resulting in damage to Opposer.

15. Opposer will be damaged by the registration of Applicant's Mark for the goods identified on U.S. Serial No. 86/649,264 in International Class 005, as a result of the aforementioned confusion, mistake, and deception.

16. If Applicant is granted the registration of the application as more fully identified by U.S. Serial No. 86/649,264 it would support statutory rights for Applicant in violation and derogation of Opposer's prior rights which would be a source of damage to Opposer.

17. By reason of the foregoing, Applicant is not entitled to registration of the trademark SSN as more fully identified in U.S. Appl. Serial No.: 86/649,264 for goods in International Class 005.

WHEREFORE, Opposer respectfully requests that the Application, Serial No. 86/649,264 be rejected for the goods covered in Class 005, that no registration be issued thereon to Applicant and that this opposition be sustained in favor of the Opposer.

PETITION TO CANCEL

COMES NOW Petitioner, Darren Anselmo, a U.S. Citizen with a principal mailing address of 2 Van Cott Ave., Farmingdale, New York 11735 (hereinafter "Petitioner"), believes that it is and will continue to be damaged by the continued registration of U.S. Registration 4,820,940 for the mark  used in connection with the goods identified in International Class 005 filed by Creative Distribution LLC, D/B/A, Serious Sports Nutrition 3109 Grand Avenue, Miami, Florida 33133 (hereinafter "Registrant") and accordingly, hereby petitions this honorable tribunal to cancel the same pursuant to 15 U.S.C. § 1064 and 37 C.F.R. § 2.111(b).

Grounds for Cancellation

As grounds for the instant Petition to Cancel, it is alleged that the continued registration of Registrant's Mark  as more fully displayed in U.S. Registration No. 4,820,940 ("Registrant's Mark") for use in connection with "Casein dietary supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary supplements; Dietary supplements for human consumption; Dietary supplements in the nature of weight loss powders" covered in International Class 005 ("Registrant's Goods") would be likely to cause confusion with the Petitioner's Mark as more fully identified herein below which retains priority of use over Registrant's Mark by virtue of its prior use in commerce in the United States.

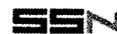
Statement of Facts

In support for the instant Petition to Cancel, it is alleged that:

In support of the instant Petition to Cancel, it is alleged that:

1. For many years, Darren Anselmo (referred to as "Opposer") has been and now is engaged in the sports supplement industry.
2. On or about November 10, 2013 Opposer began using Opposer's common law trademark  (hereinafter "Opposer's Mark") in connection with sports supplements (hereinafter "Opposer's Goods") in U.S. commerce.
3. Petitioner's use of Petitioner's Mark used in connection with Petitioner's Goods in commerce has been continuous since on or about November 10, 2013.
4. Petitioner has invested significant sums of money in the promotion of Petitioner's Mark used in connection with Petitioner's Goods.
5. As a result of the aforesaid, Petitioner has developed a valuable reputation and goodwill in Petitioner's Mark and has achieved a following among the relevant consuming public prior to the

filing, registration and/or priority date of Registrant's application to register the mark identified more fully in U.S. Registration 4,820,940.



6. Based upon information and belief, Registrant is Creative Distribution LLC, D/B/A, Serious Sports Nutrition 3109 Grand Avenue, Miami, Florida 33133.

7. Registrant is using Registrant's Mark in connection with "Casein dietary supplements; Dietary beverage supplements for human consumption in liquid and dry mix form for therapeutic purposes; Dietary supplements; Dietary supplements for human consumption; Dietary supplements in the nature of weight loss powders" in International Class 005 ("Registrant's Goods").

8. Upon information and belief, Registrant's underlying application for Registrant's Mark was filed with the United States Patent and Trademark Office on September 7, 2014 and was assigned U.S. Application Serial No. 86/387,508.

9. Upon information and belief, Registrant first used Registrant's Mark in connection with Registrant's Goods covered by its registration in commerce on September 3, 2014.

10. Registrant's Mark registered on the Principal Register on September 29, 2015 and received U.S. Registration No. 4,820,940.

11. Registrant's Mark is confusingly similar to the mark of the Petitioner as more fully identified in paragraph 2 hereinabove.

12. As such, Petitioner's rights in Petitioner's Mark has priority of use over Registrant's rights in Registrant's Mark, inasmuch as Petitioner commenced its use of Petitioner's Mark in connection with Petitioner's Goods in interstate commerce prior to the filing, registration, and/or priority of use date of the Registrant's registration and use of Registrant's Mark.

13. Petitioner believes that consumers confronted with the Registrant's Mark will inevitably be confused and deceived into the mistaken belief that the Registrant's Goods have their origin or are in some manner connected with the Petitioner and/or Petitioner's Goods offered under Petitioner's Mark.

14. The continued registration of Registrant's Mark confers upon Registrant rights to which it is not entitled and is inconsistent with the prior established rights of Petitioner in Petitioner's Mark.

15. By reason of the foregoing, Registrant will be seriously damaged by the continued registration of Registrant's Mark as identified more fully in U.S. Registration 4,820,940 for use in connection with Registrant's Goods covered in International Class 005.

WHEREFORE Petitioner, Darren Anselmo, by counsel, prays that the instant petition be granted and U.S. Registration No. 4,820,940 be cancelled.

Respectfully submitted this 19th day of April, 2016.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@thetrademarkcompany.com

Counsel for Opposer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of Serial No.: 86/649,264;
For the trademark application: SSN.

In the matter of U.S. Reg. No. 4,820,940,
For the trademark **SSN** ;
Registered on the Principal Register on September 29, 2015.

Anselmo, Darren,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. _____
	:	Cancellation No. _____
Creative Distribution LLC,	:	
	:	
Applicant.	:	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a copy of the foregoing this 19th day of April, 2016 to be served, via first class mail, postage prepaid, upon:

Joshua Forman
Touchsuite
1081 Holland Dr., # 108
Boca Raton, FL 33487

Creative Distribution LLC
3109 Grand Avenue
Miami, FL 33133

Creative Distribution LLC
3109 Grand Avenue, No. 153
Miami, FL 33133

/Matthew H. Swyers/
Matthew H. Swyers