



2. Opposer has, since about 1985, has been in the business of developing commercial motion pictures for production and distribution to the general public.
3. For nearly 14 years preceding the filing date Applicant's intent-to-use application Ser. No. 75/741,154, namely beginning in about September 1985 and ever since, Opposer has been engaged in developing a number of creative properties and promoting those properties to most of the motion picture distributors in interstate commerce under the trademark ARTISAN. The primary focus of Opposer's development efforts has been on a movie project entitled DRIVEAWAY which has now been fully scripted, budgeted, cast and promoted around Hollywood and elsewhere, and for which a now well-known actor, Ving Rhames, has committed to play the leading role in the film. One of Opposer's officers, writer/director John Huckert, continues to promote the property from an office in the Hollywood, California in an effort to secure funding for producing DRIVEAWAY from the developed screenplay.
4. Opposer owns pending federal trademark application number 75/765,407 for its ARTISAN mark which it filed under § 1(a) on August 26, 1999 for "motion picture development and production" in Int'l Cl. 41. On March 6, 2000, Opposer was notified by the Examiner that a search of the Office records disclosed "no similar registered or pending marks which would bar registration under Trademark Act Section 2(d)" but that a number of pending applications, filed prior to the Opposer's application, served as a ground for refusal of the application. On August 8, 2001, the Examiner sent a letter suspending Opposer's application pending the outcome of two other oppositions involving the Applicant.
5. Since 1985, Opposer has been registered with the Secretary of State of Ohio as a domestic corporation. It is still listed as active and is in good standing. For each

year since its inception 17 years ago, Opposer has filed its state and federal income tax returns as well as personal property tax returns as required.

6. Long before the July 1, 1999 filing date of Applicant's intent-to-use application Ser. No. 75/741,143, Opposer had registered the names of its properties with the Motion Picture Association of America, had deposited at least one of its screenplays with the Guild, had been featured in a number of newspapers and was the subject of numerous radio and television interviews. As a result, Opposer has built up valuable good will in connection with the offering of services under its ARTISAN trademark.
7. Notwithstanding Opposer's longstanding prior rights in and to the ARTISAN trademark, on July 1, 1999, Applicant filed an intent-to-use application for registration of the trademark ARTISAN ENTERTAINMENT for "computerized online ordering service in the field of video and audio recordings" in Int'l Cl. 35. On information and belief, Applicant, formerly known as Live Entertainment, Inc., is well funded and advertises the confusingly similar mark ARTISAN ENTERTAINMENT extensively in the same market as the Opposer and for those services that Opposer intends to offer once production and distribution of its theatrical properties have been completed.
8. Applicant's use of said ARTISAN ENTERTAINMENT mark interferes with Opposer's use of its ARTISAN trademark, and continued use and/or registration of its mark by Applicant will damage Opposer through reverse likelihood of confusion and deny Opposer of its ability to fully exploit the goodwill it has been building up in its mark since 1985 and to expand use of its ARTISAN mark into other movie related service areas.

WHEREFORE, the Opposer, Artisan Cinematic Enterprises, Inc., requests that the instant application for the mark ARTISAN ENTERTAINMENT, Ser. No. 75/741,143, be rejected and that the registration for the mark ARTISAN ENTERTAINMENT be refused.

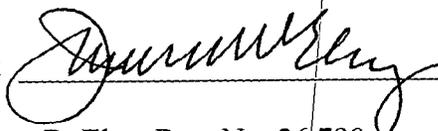
A duplicate copy of this Notice of Opposition and the fee required by 2.6(a)(17) are enclosed herewith.

Please forward all further correspondence to the undersigned's attention.

Respectfully submitted,

ARTISAN CINEMATIC ENTERPRISES, INC.

Date: October 25, 2002

By: 

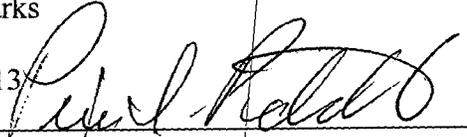
James R. Eley, Reg. No. 36,790  
Attorney for Opposer

THOMPSON HINE LLP  
10 W. Broad Street, Suite 700  
Columbus, OH 43215-3435  
614-469-3228 direct  
614-469-3361 fax  
james.eley@thompsonhine.com

**Certificate of Mailing**

The undersigned hereby certifies that a true and accurate copy of the foregoing Notice of Opposition was served by Express Mail #EL589379118US, postage-paid on this 25th day of October 2002 to the following:

BOX TTAB FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22203-3513

  
\_\_\_\_\_  
Pixie I. Picketts