

ESTTA Tracking number: **ESTTA6160**

Filing date: **03/01/2004**

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

Notice is hereby given that the following party opposes registration of the indicated application.

<b>Opposer Name</b>	Anger Management & Entertainment, Inc.
<b>Granted to Date of previous extension</b>	03/03/2004
<b>Address</b>	Anger Management & Entertainment, Inc. 6907 University Avenue, Suite 199 Middleton, WI 53562 UNITED STATES

<b>Correspondence information</b>	Bruce Haraguchi Seyfarth Shaw LLP 55 E. Monroe Street, Suite 4300 Chicago, IL 60603 UNITED STATES bharaguchi@seyfarth.com Phone:312-346-8000
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**Applicant Information**

<b>Application No</b>	76139268	<b>Publication date</b>	11/04/2003
<b>Opposition Filing Date</b>	03/01/2004	<b>Opposition Period Ends</b>	03/03/2004
<b>Applicant</b>	Goliath Artists, Inc.		
<b>Address</b>	270 Lafayette Street Suite 805 New York, NY 10012 UNITED STATES		

### **Goods/Services Affected by Opposition**

Class 041. First Use: 20001003 First Use In Commerce: 20001003

All goods and services in the class are opposed, namely: Entertainment, namely, a tour featuring live performances by one or more musical recording artists

#### **Attachments**

angermgm.pdf ( 10 pages )

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

In the Matter of:

Certificate of Transmission

Application Serial No. 76/139,268  
Filed: October 3, 2000  
Published: November 4, 2003

I hereby certify that on March 1, 2004, this document is being transmitted electronically to the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA).



\_\_\_\_\_  
Bruce Haraguchi

ANGER MANAGEMENT & ENTERTAINMENT, INC. )  
)  
)  
Petitioner, )  
)  
v. )  
)  
GOLIATH ARTISTS, INC. )  
)  
)  
Respondent. )

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

Opposer, Anger Management & Entertainment, Inc., alleges as follows:

1. Anger Management & Entertainment, Inc. is a Wisconsin corporation with its principal place of business at 6907 University Avenue, Suite 199, Middleton, WI 53562.
2. On information and belief, Goliath Artists, Inc., is a New York corporation with its principal place of business at 270 Lafayette Street, Suite 805, New York, NY 10012 (“Goliath”).
3. Anger Management & Entertainment, Inc. owns U.S. registration no. 2,555,220 of ANGER MANAGEMENT & ENTERTAINMENT for “management of performing artists,” with a filing date of August 7, 2000. Documentation showing the assignment of this registration from the original registrant to Anger Management & Entertainment, Inc. has been submitted to the Assignment Services Division for recordation, and a copy is attached at Exhibit 1. Anger

Management & Entertainment, Inc. together with any and all predecessors are hereinafter collectively referred to as "AME."

4. AME has continuously used the trade name and service mark ANGER MANAGEMENT & ENTERTAINMENT in commerce in connection with management of performing artists since at least as early as June 1, 2000.

5. AME has continuously used the trade name and service mark ANGER MANAGEMENT in commerce in connection with management of performing artists since at least as early as June 1, 2000.

6. In conjunction with its management services, AME uses the designation ANGER MANAGEMENT on musical recordings, web sites for musical performing artists, and promotional materials for musical concerts and tours.

7. AME owns substantial common law rights to ANGER MANAGEMENT by virtue of its extensive, nationwide use of that designation in the music industry.

8. On information and belief, Goliath is the owner of U.S. application no. 76/139,268 for THE ANGER MANAGEMENT TOUR for "entertainment, namely, a tour featuring live performances by one or more musical recording artists," filed on October 3, 2000 ("Goliath's application").

9. The filing date of Goliath's application is later than the filing date of AME's application for ANGER MANAGEMENT & ENTERTAINMENT.

10. The filing date of Goliath's application is later than the date that AME began using ANGER MANAGEMENT & ENTERTAINMENT for its services.

11. The filing date of Goliath's U.S. application no. 76/139,268 is later than the date that AME began using ANGER MANAGEMENT for its services.

12. The services listed in Goliath's application are closely related to AME's management services for performing artists.

13. If Goliath were permitted to register THE ANGER MANAGEMENT TOUR for the services listed in Goliath's application, the trade and the public would likely be confused as to the source, sponsorship, or affiliation of such services, thereby causing damage and injury to AME. Persons familiar with AME's services would likely be confused as to whether Goliath's services are affiliated with, or authorized or sponsored by, AME. Furthermore, any defect, objection or fault found with Goliath's services would likely reflect upon and injure the good reputation AME has established for its services. Accordingly, AME would be damaged by the registration of the mark in Goliath's application.

WHEREFORE, AME respectfully requests that this opposition be decided in AME's favor, and that registration of the mark in Goliath's application be denied.

Respectfully submitted,

Dated: MARCH 1, 2004

By: B. Haraguchi  
An Attorney for Opposer

Harold V. Stotland  
Bruce Haraguchi  
Seyfarth Shaw LLP  
55 East Monroe Street, Suite 4300  
Chicago, Illinois 60603-5803  
tel: 312-346-8000

Attorneys for Opposer

**EXHIBIT 1:**  
**Assignment Documents**

BELL, GIERHART & MOORE, S.C.

ROGER L. GIERHART  
JOHN M. MOORE  
HUGH H. BELL  
WARD I. RICHTER  
WILLIAM A. ABBOTT  
JOHN W. MARKSON  
WILLIAM C. WILLIAMS  
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CATHERINE M. MCGINN  
TIMOTHY J. YANAGIIECK  
PATRICIA J. EPSTEIN  
SHEILA M. SULLIVAN  
JESSICA J. ZERDST  
FRANCIS X. SULLIVAN

GLEN H. BELL  
(1902-1998)  
STEVEN J. CAULUN  
(1942-2003)

February 16, 2004

**CERTIFIED MAIL**

Attention: Assignment Services Division  
Mailstop Assignment Recording Services  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Registration No. 2555220  
Mark "Anger Management & Entertainment"  
Our File No. 008515.0

Dear Recording Services:

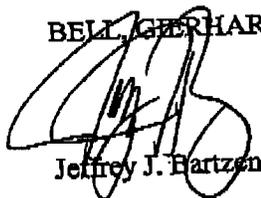
Enclosed are the following documentation for your review.

1. Recording form cover sheet (plus copy)
2. Affidavit regarding Trademark Assignment (plus copy)
3. Certificate of Mailing (original only)
4. \$40.00 check made out to the U.S. Patent and Trademark Office to cover the Assignment (original only)
5. Self-addressed, stamped postcard for verification of receipt of Trademark Assignment (original only)

Please record the attached Assignment in the Trademark Recording Office. Also, please do not hesitate to contact me if you have any questions.

Very truly yours,

BELL, GIERHART & MOORE, S.C.



Jeffrey J. Bartzen

008/ato  
Enclosures

Form PTO-1594  
(Rev. 10/02)  
OMB No. 0651-0027 (exp. 6/30/2005)  
Tab settings

### RECORDATION FORM COVER SHEET TRADEMARKS ONLY

U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

First Artists, LLC

- Individual(s)
- Association
- General Partnership
- Limited Partnership
- Corporation-State
- Other limited liability company

Additional name(s) of conveying party(ies) attached?  Yes  No

3. Nature of conveyance:

- Assignment
- Merger
- Security Agreement
- Change of Name
- Other \_\_\_\_\_

Execution Date: 10/14/02

2. Name and address of receiving party(ies)

Name: Anger Management & Entertainment  
Internal Inc.  
Address: #199

Street Address: 6907 University Avenue  
City: Middleton State: WI Zip: 53562

- Individual(s) citizenship \_\_\_\_\_
- Association \_\_\_\_\_
- General Partnership \_\_\_\_\_
- Limited Partnership \_\_\_\_\_
- Corporation-State WI
- Other \_\_\_\_\_

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No  
(Designations must be a separate document from assignment)  
Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or registration number(s):

A. Trademark Application No.(s)

B. Trademark Registration No.(s)

2555220

Additional number(s) attached  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jeffrey J. Bartzén

Internal Address: Bell, Gierhart & Moore, S.C.  
Suite 1000

Street Address: 44 East Mifflin Street

City: Madison State: WI Zip: 53703

6. Total number of applications and registrations involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- Enclosed
- Authorized to be charged to deposit account

8. Deposit account number:

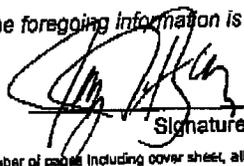
(Attach duplicate copy of this page if paying by deposit account)

**DO NOT USE THIS SPACE**

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jeffrey J. Bartzén  
Name of Person Signing

  
Signature

2-16-04  
Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patent & Trademarks, Box Assignments  
Washington, D.C. 20231

AFFIDAVIT REGARDING TRADEMARK ASSIGNMENT

STATE OF WISCONSIN )
) ss.
COUNTY OF DANE )

Chuck Toler, after first being duly sworn, on oath deposes and states as follows:

- 1. I am the President of Anger Management & Entertainment, Inc., a Wisconsin close corporation, organized on October 16, 2002 ("Anger").
2. On or about January 1, 2003, First Artists, LLC, a Wisconsin limited liability company organized on December 29, 2000, of which I have always been the sole owner, transferred part of it's assets to me ("Assets"), Chuck Toler. I, Chuck Toler, as part of the organization of Anger Management & Entertainment, Inc., transferred those Assets to Anger Management & Entertainment, Inc. on the same date.
3. Included as part of the Assets transferred was the trademark "Anger Management & Entertainment", Registration No. 2555220 ("Mark"), and all the good will associated with the Mark.
4. The transfer of the Mark was absolute and exclusive and the transferee of the Mark, First Artists, LLC, retained no ownership rights whatsoever in the Mark and all such rights vested in Anger Management & Entertainment, Inc.
5. As the sole owner of both First Artists, LLC and Anger Management & Entertainment, Inc., I had exclusive and legitimate power and authority to make such transfers.
6. Attached to this Affidavit as Exhibit A, made part hereof, is an assignment of personal

property whereby First Artists, LLC transferred said Assets to Chuck Toler and Chuck Toler transferred the Assets to Anger Management & Entertainment, Inc.

7. No condition or contingency remains which could result in the Mark transferring to any party other than to Anger Management & Entertainment, Inc.

8. Anger Management & Entertainment, Inc. is now the exclusive owner of the Mark in all respects and the owner of any and all state or federal applications or registrations of the Mark.

9. The new attorney of record and correspondent for the Mark shall be Bell, Gierhart & Moore, S.C., Jeffrey J. Bartzen, P.O. Box 1807, Madison, WI 53701. EMAIL ADDRESS: jbartzen@bgmlaw.com. TELEPHONE NO. (608) 259.2308. FACSIMILE (608) 257.3757

Dated this 13 day of February, 2004.



Chuck Toler

SUBSCRIBED AND SWORN TO BEFORE ME

Alexis T. Olson  
Alexis T. Olson February 13, 2004  
Notary Public, Dane County, State of Wisconsin.  
My Commission: expires July 15, 2007.

This document drafted by and a copy should be returned to:  
Bell, Gierhart & Moore, S.C.  
Jeffrey J. Bartzen  
P.O. Box 1807  
Madison, WI 53701-1807

EXHIBIT A

## ASSIGNMENT OF PROPERTY

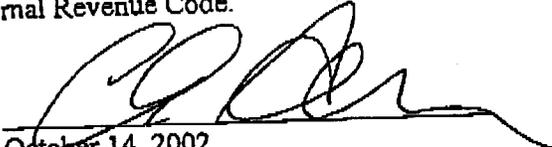
First Artists, LLC, a Wisconsin limited liability company, organized on December 29, 2000, hereby assigns all of its assets to Chuck Toler except for contracts and assets directly utilized in the music promotions business, which assets First Artists, LLC shall keep, but specifically including the trademark "Anger Management & Entertainment", Registration number 2555220 as well as all musical entertainment management contracts, such as with the musical groups Mudvayne, Depswa, V Shape Mind and Edgewater. The value of the assigned assets shall be established by First Artists, LLC's accountant.

by: 

October 14, 2002

Chuck Toler, Sole Member

Chuck Toler hereby assigns all of the assets assigned to him by First Artists, LLC, a Wisconsin limited liability company (said assets were assigned immediately prior to this assignment) to Anger Management & Entertainment, Inc., a Wisconsin statutory close corporation. The value of the assigned assets shall be established by Chuck Toler's accountant, and the assignment shall be a capital contribution qualifying for Section 351 treatment under the Internal Revenue Code.

  
October 14, 2002

Chuck Toler

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence related to the assignment of the trademark "Anger Management and Entertainment", Registration No. 2555220, from First Artists, LLC to Anger Management & Entertainment, Inc., is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

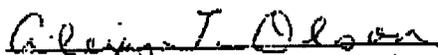
U.S. Patent and Trademark Office  
Attention: Assignment Services Division  
Mailstop Assignment Recording Services  
Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

on the date shown below.

Dated this 16<sup>th</sup> day of February, 2004.

  
\_\_\_\_\_  
Jeffrey J. Barzen

Subscribed and sworn to before me  
this 16<sup>th</sup> day of February, 2004.

  
Notary Public, State of Wisconsin  
My Commission expires 7/15/07.