

ESTTA Tracking number: **ESTTA9983**

Filing date: **06/10/2004**

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

Notice of Opposition

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

Opposer Information

Name	MR RICHARD PREZELSKI
Granted to Date of previous extension	06/12/2004
Address	MR RICHARD PREZELSKI 270 WEST ROOSEVELT HWY WAYMART, PA 18472 UNITED STATES

Correspondence information	MR RICHARD PREZELSKI 270 WEST ROOSEVELT HWY WAYMART, PA 18472 UNITED STATES attymir@aol.com
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Applicant Information

Application No	78278245	Publication date	04/13/2004
Opposition Filing Date	06/10/2004	Opposition Period Ends	06/12/2004
Applicant	JMK		

Goods/Services Affected by Opposition

Class 030. First Use: First Use In Commerce:
All goods and services in the class are opposed, namely: Candy

Attachments

UNITED STATES PATENT AND TRADEMARK OFFICE.txt (2
pages)

Signature

/RICHARD PREZELSKI/

Name

MR RICHARD PREZELSKI

Date

06/10/2004

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF TRADEMARK APPLICATION SERIAL NO. 78278245
ESTTA TRACKING NO: ESTTA8497
FOR THE MARK CRISS CROSS
PUBLISHED IN THE OFFICIAL GAZETTE ON APRIL 13, 2004

Richard Prezelski
270 West Roosevelt Highway
Waymart, Pa. 18472

Opposer

v.
JMK
21 Kercheval, Suite 278
Gross Pointe, MI 48236-3633

Applicant

NOTICE OF OPPOSITION

Richard Prezelski ("Prezelski") believes that he will be damaged by registration of the mark shown in the above-referenced application by JMK, and hereby opposes such application.

1. Prezelski is the owner / registrant of the service mark "CRISS-CROSS", registration number 2843596, registered May 18, 2004, (International Class 34) for cigars, cigarettes, tobacco, cigar and cigarette lighters not of precious metal. Prezelski filed the application for the service mark "CRISS-CROSS" on April 10, 2002. The date of first use in commerce of Prezelski's service mark for "CRISS-CROSS" was January 16, 2004.
2. Beginning on January 16, 2004 and continuing to date, Prezelski has used the service mark "CRISS-CROSS" for roll-your-own tobacco products.
3. Upon information and belief, the applicant, JMK, filed an application on July 24, 2003 for "CRISS CROSS" in international class 30, for candy.
4. Upon information and belief, it is highly likely that the applicant's mark will be confused with Prezelski's trademark for "CRISS-CROSS".
5. Upon information and belief, it would reflect poorly upon Prezelski's tobacco brand "CRISS-CROSS" if candy were produced under the same name, thereby causing irreparable harm and injury to the value of Prezelski's trademark.
6. Prezelski will be damaged due to his substantial investment in the "CRISS-CROSS" trademark and servicemark, in the field of production and sale of tobacco products.
7. The applicant's mark is confusingly similar and conflicting unde

r
the
Trademark Act of 1946, as amended by the Trademark Law Revision Act of
1988.

WHEREFORE, it is respectfully submitted that the above-referenced
application for trademark and/or servicemark registration should be
denied.

Dated: June 10, 2004

By: /RICHARD PREZELSKI/