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

B. EDWARD DEMASIO,

Opposer,

v.

**RUFF SKETCH PRODUCTIONS
CORP.,**

Applicant.

Serial No.: 76/566,881

03/28/2005 ZCLIFT01 00000029 76566881

01 FC:6402

300.00 OP

NOTICE OF OPPOSITION

B. Edward Demasio, a U.S. citizen located at 519 West 121st Street, New York, NY 10027 (“Opposer”), believes that he will be damaged by the registration of the alleged mark PLANET HIP HOP, Application No. 76/566,881 filed on December 11, 2003 (“Applicant’s Mark”) by Ruff Sketch Productions Corp., a New York corporation with a place of business at 135 Greene Street, New York, NY 10012 (“Applicant”) for “entertainment services in the nature of on-going television programs featuring music, performing artists, comedy sketches and entertainment news” in International Class 41. This application was published on November 9, 2004. Opposer, as a result, hereby opposes the registration of Applicant’s Mark.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the mark PLANET HIP HOP (“Opposer’s Mark”) which has been continuously used in commerce in connection with disk jockey services since at least as early as 1988. By virtue of the services rendered under Opposer’s Mark, this mark is widely



03-11-2005

recognized by the purchasing public as identifying Opposer's services.

2. Opposer owns United States Patent and Trademark Office Registration No. 2,770,556 for PLANET HIP HOP for disk jockey service for parties and special events. This registration was issued on October 7, 2003.

3. Applicant's Mark is identical to Opposer's Mark.

4. Upon information and belief, the services identified by Applicant's Mark are similar and, in some instances, identical to the services provided in connection with Opposer's Mark, and Applicant's services are capable of being marketed through the same channels of trade to the same classes of prospective purchasers as the services identified by Opposer's Mark.

5. Because Opposer's use of his PLANET HIP HOP mark in commerce predates the intent to use filing date for Applicant's Mark, there is no issue of priority in this proceeding.

6. Applicant's Mark is confusingly similar to Opposer's Marks, and its use and registration is likely to deceive and to cause mistake or confusion among members of the public as to the source of Applicant's services within the meaning of 15 U.S.C. §1052(d).

7. As a result of the foregoing, Opposer will be damaged within the meaning of 15 U.S.C. §1063.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Application Serial No. 76/566,881 be denied.

Respectfully submitted,

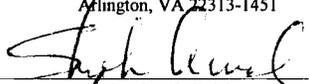
Dated: March 8, 2005



Lawrence E. Abelman
Stephen J. Quigley

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Attorneys for Opposer

<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:</p> <p style="text-align: center;">Commissioner for Trademarks United States Patent and Trademark Office P.O. Box 1451, Arlington, VA 22313-1451</p> <p style="text-align: center;"> _____ Stephen J. Quigley</p> <p>Date: March 8, 2005</p>



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March 8, 2005

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, VA 22202-3514

Applicant: Ruff Sketch Productions Corp.
Trademark: PLANET HIP HOP
Serial No.: 76/566.881
Our Ref.: 213571

Dear Sir:

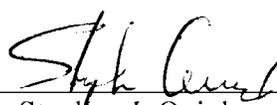
Enclosed are:

1. A Notice of Opposition, in duplicate, of the above-referenced application.
2. A check in the amount of \$300 in payment of the filing fee.

Please acknowledge receipt of these documents by returning the enclosed postcard.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB

By: 
Stephen J. Quigley
Attorneys for Opposer



03-11-2005