

ESTTA Tracking number: **ESTTA172140**

Filing date: **10/31/2007**

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	MarcVianello
Granted to Date of previous extension	12/12/2007
Address	5209 West 83rd Terrace Prairie Village, KS 66209 UNITED STATES

Attorney information	Michael R. Annis, Timothy J. McFarlin Blackwell Sanders LLP 720 Olive St., Suite 2400 St. Louis, MO 63101 UNITED STATES mannis@blackwellsanders.com, tmcfarlin@blackwellsanders.com, jdiener@blackwellsanders.com Phone:(314) 345-6000
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Applicant Information

Application No	77110266	Publication date	08/14/2007
Opposition Filing Date	10/31/2007	Opposition Period Ends	12/12/2007
Applicant	Nudelman, Sandra L 92 Stone Hurst Lane Dix Hills, NY 117467934 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. All goods and services in the class are opposed, namely: Background investigation and research services; Legal services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	77031981	Application Date	10/30/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE JUDICIAL VIEW		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 041. First use: Newspaper publication

U.S. Application No.	77212172	Application Date	06/21/2007
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	THE JUDICIAL VIEW
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 038. First use: providing e-mail notification alerts of recent court decisions to others</p> <p>Class 041. First use: Providing on-line publications in the nature of newspapers, newsletters, magazines, and articles in the field of law, classified advertising, display and text advertising, law review, legal case summaries, feature articles, current events, civil rights, finance and banking, communications, immigration, education, politics, administrative law, agriculture, intellectual property, antitrust, bankruptcy, civil procedure, civil remedies, commercial contracts, computer and technology, conflicts at law, constitutional law, criminal justice, corporate and shareholder law, employment law, energy and utilities, environmental law, expert witness, family law, health, immigration, international law, lost profits, maritime and marine, military, products liability, professional malpractice, real and personal property, securities law, federal, state and local taxation, torts and personal injury, veterans, wills, trusts and estates, sports, entertainment, art, government, insurance, transportation, business valuation, alternative dispute resolution and legal matters; on-line journals, namely, blogs featuring information on recent court decisions, current events, civil rights, finance and banking, communications, immigration, education, politics, administrative law, agriculture, intellectual property, antitrust, bankruptcy, civil procedure, civil remedies, commercial contracts, computer and technology, conflicts at law, constitutional law, criminal justice, corporate and shareholder law, employment law, energy and utilities, environmental law, expert witness, family law, health, immigration, international law, lost profits, maritime and marine, military, products liability, professional malpractice, real and personal property, securities law, federal, state and local taxation, torts and personal injury, veterans, wills, trusts and estates, sports, entertainment, art, government, insurance, transportation, business valuation, alternative dispute resolution and legal matters</p>
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Signature	/s/ Michael R. Annis
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Name	Michael R. Annis, Timothy J. McFarlin
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Date	10/31/2007
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CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on October 31, 2007.

/s/ Timothy J. McFarlin

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

Mark: JUDICIAL REVIEW
U.S. Application Serial No. 77/110,266

MARC VIANELLO,)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
SANDRA L. NUDELMAN,)	App. No. 77/110,266
)	
Applicant.)	

NOTICE OF OPPOSITION TO APPLICATION SERIAL NO. 77/110,266

Marc Vianello (“Vianello” or “Opposer”), residing at 5209 West 83rd Terrace, Prairie Village, Kansas, will and is being damaged by the potential registration of the trademark shown in U.S. Application Serial No. 77/110,266, and hereby opposes the same.

As grounds for its position, it is alleged that:

1. Applicant, Sandra L. Nudelman (“Nudelman”), in U.S. Application Serial No. 77/110,266 (the “’266 Application”), applied for registration of the trademark JUDICIAL REVIEW on February 18, 2007, under Section 1(b). The ‘266 Application was published for opposition in the Official Gazette on August 14, 2007. An appropriate extension of time to submit this Notice of Opposition was timely filed with the Board.

2. Vianello has filed two pending applications with the United States Patent and Trademark Office seeking registration of the following marks:

a. THE JUDICIAL VIEW, U.S. Application Serial No. 77/031,981, filed October 30, 2006, for the following goods and/or services: “newspaper publication”; and

b. THE JUDICIAL VIEW, U.S. Application Serial No. 77/212,172, filed June 21, 2007, for the following goods and/or services: “providing e-mail notification alerts of recent court decisions to others” and “providing on-line publications in the nature of newspapers, newsletters, magazines, and articles in the field of law, classified advertising, display and text advertising, law review, legal case summaries, feature articles, current events, civil rights, finance and banking, communications, immigration, education, politics, administrative law, agriculture, intellectual property, antitrust, bankruptcy, civil procedure, civil remedies, commercial contracts, computer and technology, conflicts at law, constitutional law, criminal justice, corporate and shareholder law, employment law, energy and utilities, environmental law, expert witness, family law, health, immigration, international law, lost profits, maritime and marine, military, products liability, professional malpractice, real and personal property, securities law, federal, state and local taxation, torts and personal injury, veterans, wills, trusts and estates, sports, entertainment, art, government, insurance, transportation, business valuation, alternative dispute resolution and legal matters; on-line journals, namely, blogs featuring information on recent court decisions, current events, civil rights, finance and banking, communications, immigration, education, politics, administrative law, agriculture, intellectual property, antitrust, bankruptcy, civil procedure, civil remedies, commercial contracts, computer and technology, conflicts at law, constitutional

law, criminal justice, corporate and shareholder law, employment law, energy and utilities, environmental law, expert witness, family law, health, immigration, international law, lost profits, maritime and marine, military, products liability, professional malpractice, real and personal property, securities law, federal, state and local taxation, torts and personal injury, veterans, wills, trusts and estates, sports, entertainment, art, government, insurance, transportation, business valuation, alternative dispute resolution and legal matters.”

Hereinafter referred to as the “THE JUDICIAL VIEW Marks.”

3. Vianello’s THE JUDICIAL VIEW Marks are inherently distinctive and are uniquely associated with Vianello in connection with Vianello’s goods and services offered under the Marks and by reason of the continuous use and promotion of the Marks by Vianello and/or its licensee(s), prior to Nudelman’s filing of the ‘266 Application. Vianello and/or his licensee(s) have used the THE JUDICIAL VIEW Marks since at least as early as January 2007 in conjunction with noted goods and services and have promoted, caused to be promoted, and is now promoting and causing to be promoted the THE JUDICIAL VIEW Marks in interstate commerce within the United States for identifying these goods and services.

4. Vianello also filed U.S. Application Serial No. 77/031,981, on October 30, 2006, prior to the February 18, 2007 filing of Nudelman’s ‘266 Application, thereby establishing priority and a constructive date of first use prior to that of the ‘266 Application.

5. The application for JUDICIAL REVIEW herein opposed so resembles Vianello’s THE JUDICIAL VIEW Marks as to be likely, when used in conjunction with Nudelman’s goods, to cause confusion, mistake or deceive customers; and Nudelman’s mark under the ‘266

Application is confusingly and deceptively similarly to Vianello's THE JUDICIAL VIEW Marks when used in connection with Nudelman's goods.

6. Nudelman's goods are directed to the same or related class of customers as those for Vianello's goods, and Nudelman's and Vianello's goods are so commercially related that Nudelman's JUDICIAL REVIEW mark under the '266 Application and Vianello's THE JUDICIAL VIEW Marks, when used in conjunction with their respective goods, are confusingly similar.

7. Nudelman's use of its JUDICIAL REVIEW Mark under the '266 Application, which so resembles and is colorably imitative of Vianello's THE JUDICIAL VIEW Marks, is likely to cause confusion, mistake or deception of purchasers as to the source of Nudelman's goods and will inevitably falsely suggest a trade connection between Vianello and Nudelman.

WHEREFORE, Opposer Vianello prays that the registration sought by Nudelman be refused and that this Notice of Opposition will be sustained.

DATE: October 31, 2007.

Marc Vianello

By: /s/ Michael R. Annis
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