

ESTTA Tracking number: **ESTTA244538**

Filing date: **10/23/2008**

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.Kirk Fotakis
Granted to Date of previous extension	10/25/2008
Address	c/o Mark F. Warzecha 525 Sycamore Street Evansville, IN 47708 UNITED STATES
Party who filed Extension of time to oppose	Mr.KirkFotakis
Relationship to party who filed Extension of time to oppose	A space was added between opposer's first and last name.

Attorney information	Mark F. Warzecha 525 Sycamore Street Evansville, IN 47708 UNITED STATES mfwlaw@insightbb.com Phone:812-598-7555
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**Applicant Information**

Application No	77373768	Publication date	08/26/2008
Opposition Filing Date	10/23/2008	Opposition Period Ends	10/25/2008
Applicant	Motley Crue, Inc. Suite 300 2850 Ocean Park Boulevard Santa Monica, CA 90405 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, live performances by a musical group; Providing a web site featuring information about music; Organizing and conducting musical festivals and live concerts
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CRUEFEST		
Goods/Services	Entertainment services, namely, live performances by musical groups; providing a web site featuring information about music; organizing and conducting musical festivals and live concerts.		

Attachments	noticeofopposition.pdf ( 1 page )(30620 bytes ) certofservice.pdf ( 1 page )(18216 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Mark F. Warzecha/
Name	Mark F. Warzecha
Date	10/23/2008

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

KIRK FOTAKIS,            )  
                                  )  
          Opposer            )  
                                  )  
          v.                    )  
                                  )  
MOTLEY CRUE, INC.     )  
                                  )  
          Applicant         )  
\_\_\_\_\_ )

In re: Application Serial No. 77373768  
For The Mark: CRUEFEST  
Date of Publication: 08/26/2008

Mr. Kirk Fotakis, Opposer, an Individual, c/o Mark F. Warzecha, Attorney At Law, 525 Sycamore Street, Evansville, Indiana, 47708, by and through his attorney, files his Notice of Opposition to Application Serial No. 77373768 for the Mark, CRUEFEST. The above-identified oppose believes he will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

The grounds for opposition are as follows: 1) the prior use of the identical mark, with the knowledge of Applicant, in the same and or similar class of goods and services.

By:   
Mark F. Warzecha  
Attorney for Opposer

Date: October 23, 2008

## CERTIFICATE OF SERVICE

I certify that a copy of Mr. Kirk Fotakis' Notice of Opposition for the mark CRUEFEST, Application Serial No 77373768 has been served upon the following person(s) by placing the same, properly addressed, and with first-class postage prepaid, in the United States mail on this date: October 23, 2008.

Motley Crue, Inc.  
c/o Loeb & Loeb, LLP  
Attn: David W. Grace, Esq.  
10100 Santa Monica Blvd., Suite 2200  
Los Angeles, CA 90067-4120



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Mark F. Warzecha