

ESTTA Tracking number: **ESTTA245533**

Filing date: **10/29/2008**

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	Music Nation, Inc.
Granted to Date of previous extension	10/29/2008
Address	455 Broadway, 4th Floor New York, NY 10013 UNITED STATES

Attorney information	Patrick J. Jennings Pillsbury Winthrop Shaw Pittman, LLP 2300 N Street, N.W. Washington, DC 20037 UNITED STATES va-logocops@pillsburywinthrop.com Phone:202-663-8000
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Applicant Information

Application No	77134866	Publication date	07/01/2008
Opposition Filing Date	10/29/2008	Opposition Period Ends	10/29/2008
International Registration No.	NONE	International Registration Date	NONE
Applicant	Golzari, Alexander Kingston Vale flat 2 Harewood House London, SW153RN UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 038. All goods and services in the class are opposed, namely: Cable television broadcasting; Television broadcasting

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. Registration No.	3339966	Application Date	08/18/2006
Registration Date	11/20/2007	Foreign Priority Date	NONE
Word Mark	MUSIC NATION		

Design Mark	MUSIC NATION
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2006/07/01 First Use In Commerce: 2006/07/01 Entertainment services in the nature of ongoing talent search competitions conducted on and distributed via a global computer network

U.S. Application No.	77250526	Application Date	08/08/2007
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	MUSIC NATION
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Design Mark	MUSIC NATION
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 Audio recordings featuring music; Video recordings featuring music; Downloadable video recordings featuring music; Musical sound recordings Class 038. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 Providing on-line chat rooms for transmission of messages among computer users concerning music; Providing on-line electronic bulletin boards for transmission of messages among computer users concerning music Class 041. First use: First Use: 2006/11/00 First Use In Commerce: 2006/11/00 Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials; Entertainment services, namely, providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network

Attachments	78955621#TMSN.jpeg (1 page)(bytes) 77250526#TMSN.jpeg (1 page)(bytes)
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Music Nation TV Opposition.pdf (11 pages)(358284 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	/Pat Jennings/
Name	Patrick J. Jennings
Date	10/29/2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Music Nation, Inc.,)	
)	
Opposer,)	
)	
v.)	
)	Ser. No. 77/134,866
Alexander Golzari,)	Opp. No. _____
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Opposer Music Nation, Inc. ("Opposer") is or will be damaged by the registration of the mark MUSIC NATION TV, Serial No. 77/134,866, and hereby opposes the registration of the same pursuant to 37 CFR § 2.104(a). Allegations with respect to Opposer are based on actual knowledge. All other allegations are based on information and belief. As grounds for the opposition, Opposer, by its attorneys, aver as follows:

Opposer and its MUSIC NATION Mark

1. Opposer is a Delaware corporation with an address of 455 Broadway, 4th Floor, New York, New York 10013.
2. Located at musicnation.com, Opposer provides a unique platform in which artists and fans can interact and artists can promote themselves by sharing original music, music videos, and other materials.

3. Opposer provides video and audio recordings and entertainment related services like messaging, comment boards, chat rooms, electronic bulletin boards, and blogs.

4. Opposer, through a predecessor in interest, owns a registration (Reg. No. 3,339,966) for the mark MUSIC NATION. The registration covers “entertainment services in the nature of ongoing talent search competitions conducted on and distributed via a global computer network.” The registration issued on November 20, 2007 and contains a July 1, 2006 date of first use in commerce.

5. Opposer’s registration is valid, subsisting, and *prima facie* evidence of the validity and registration of the mark, Opposer’s ownership of the mark, and Opposer’s exclusive right to use the mark in commerce on or in connection with the services specified in the registration. A printout from the United States Patent and Trademark Office’s Trademark Electronic Search System (“TESS”) showing the status and title of the registration is attached as Exhibit A.

6. Opposer also owns a pending application (Serial No. 77/250,526) for the mark MUSIC NATION. Filed on August 8, 2007, the application covers “audio recordings featuring music; video recordings featuring music; downloadable video recordings featuring music; musical sound recordings” in Class 9; “providing on-line chat rooms for transmission of messages among computer users concerning music; providing on-line electronic bulletin boards for transmission of messages among computer users concerning music” in Class 38; and “entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials; entertainment services, namely, providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network” in Class 41. The application

contains a November 2006 date of first use in commerce. A printout from the United States Patent and Trademark Office's Trademark Electronic Search System ("TESS") showing the status and title of the application is attached as Exhibit B.

Applicant Alexander Golzari and the MUSIC NATION TV Mark

7. Applicant Alexander Golzari ("Applicant") is a citizen of the United Kingdom with an address of Kingston Vale, Flat 2, Harewood House, London, United Kingdom SW153RN.

8. On March 19, 2007, Applicant filed an application to register the mark MUSIC NATION TV for use in connection with "cable television broadcasting; television broadcasting." The application is based on CTM Reg. No. 2,451,387.

9. The United States Patent and Trademark Office published Applicant's mark on July 1, 2008.

Count One
Likelihood of Confusion, 15 U.S.C. § 1052(d)

10. Opposer repeats and re-alleges each and every allegation set forth in Paragraphs 1 through 9.

11. Applicant's MUSIC NATION TV mark, when used in connection with the services set forth in Application Serial No. 77/134,866, so resembles Opposer's MUSIC NATION mark as to be likely to cause confusion, cause mistake, or deceive pursuant to the provisions of 15 U.S.C. § 1052(d).

12. Opposer's rights in the MUSIC NATION mark predate any rights that could be asserted by Applicant.

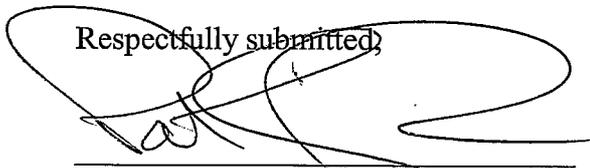
13. Applicant's MUSIC NATION TV mark is similar in sound, appearance, meaning, and overall commercial impression to Opposer's MUSIC NATION mark.

14. The services covered by the MUSIC NATION TV application are closely related to the goods and services offered by Opposer under the MUSIC NATION mark.

For the foregoing reasons, Opposer believes it is or will be damaged by the registration of the MUSIC NATION TV mark. WHEREFORE, Opposer respectfully requests that the Trademark Trial and Appeal Board refuse to register the MUSIC NATION TV mark and sustain this opposition on all grounds.

Dated: October 29, 2008

Respectfully submitted,

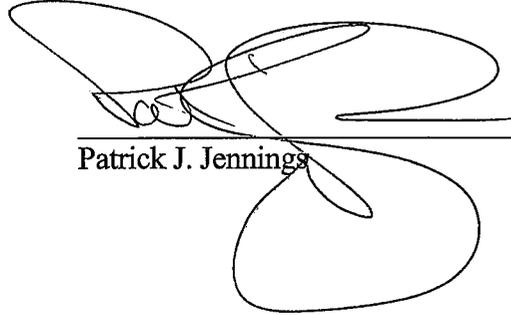


Patrick J. Jennings
Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, N.W.
Washington, D.C. 20037
Phone: 202-663-8000

Counsel for Opposer

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "NOTICE OF OPPOSITION" has been served on Alexander Golzari at Kingston Vale, Flat 2, Harewood House, London, United Kingdom SW153RN by Federal Express, postage prepaid, this 29th day of October 2008.



Patrick J. Jennings

Exhibit A



United States Patent and Trademark Office

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MUSIC NATION

Word Mark	MUSIC NATION
Goods and Services	IC 041. US 100 101 107. G & S: Entertainment services in the nature of ongoing talent search competitions conducted on and distributed via a global computer network. FIRST USE: 20060701. FIRST USE IN COMMERCE: 20060701
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	78955621
Filing Date	August 18, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	September 4, 2007
Registration Number	3339966
Registration Date	November 20, 2007
Owner	(REGISTRANT) Fame Finder, Inc. CORPORATION DELAWARE 134 Fifth Ave., 3rd Floor New York NEW YORK 10011
Attorney of	

Record Susan J. Kohlmann
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "MUSIC" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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Exhibit B



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MUSIC NATION

Word Mark **MUSIC NATION**
Goods and Services IC 009. US 021 023 026 036 038. G & S: Audio recordings featuring music; Video recordings featuring music; Downloadable video recordings featuring music; Musical sound recordings. FIRST USE: 20061100. FIRST USE IN COMMERCE: 20061100

IC 038. US 100 101 104. G & S: Providing on-line chat rooms for transmission of messages among computer users concerning music; Providing on-line electronic bulletin boards for transmission of messages among computer users concerning music. FIRST USE: 20061100. FIRST USE IN COMMERCE: 20061100

IC 041. US 100 101 107. G & S: Entertainment services, namely, providing a web site featuring musical performances, musical videos, related film clips, photographs, and other multimedia materials; Entertainment services, namely, providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network. FIRST USE: 20061100. FIRST USE IN COMMERCE: 20061100

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 77250526

Filing Date August 8, 2007

Current Filing Basis 1A

Original Filing Basis 1A
Owner (APPLICANT) **Music Nation, Inc.** CORPORATION DELAWARE 455 Broadway, 4th Floor New York NEW YORK 10013
Attorney of Record Patrick J. Jennings
Prior Registrations 3339966
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE MUSIC APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK. SERVICE MARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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