

ESTTA Tracking number: **ESTTA301900**

Filing date: **08/19/2009**

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	Concerts 4 A Cause, Inc.		
Entity	Corporation	Citizenship	Kentucky
Address	105 S. Sherrin Ave Louisville, KY 40207 UNITED STATES		

Attorney information	Fred H. Zollinger III Zollinger & Burleson Ltd. P.O. Box 2368 North Canton, OH 44720 UNITED STATES docket@patentlawyerz.com Phone:330-526-0104 x1		
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Applicant Information

Application No	77689039	Publication date	07/21/2009
Opposition Filing Date	08/19/2009	Opposition Period Ends	08/20/2009
Applicant	Synchronizations, LLC 150. S. North Street Alpena, MI 49707 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Arranging and conducting of concerts; Entertainment, namely, live music concerts

Grounds for Opposition

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

U.S. Application No.	77777398	Application Date	07/09/2009
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CONCERTS 4 A CAUSE		

Design Mark	CONCERTS 4 A CAUSE
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2009/01/16 First Use In Commerce: 2009/01/16 arranging live music entertainment concerts

Attachments	77777398#TMSN.jpeg (1 page)(bytes) 20090819 Complaint.pdf (5 pages)(70438 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	/fhziii/
Name	Fred H. Zollinger III
Date	08/19/2009

Synchronizations, LLC, a Michigan Limited Liability Company, having an address of 105 S. North Street, Alpena, MI 49707 (Applicant), and hereby opposes the registration of the mark and requests that registration to Applicant be refused.

The grounds for opposition are as follows:

1. Applicant is the owner of United States Trademark registration application serial number 77/689,039 for the mark CONCERTS 4 A CAUSE for the services of Arranging and conducting of concerts; Entertainment, namely, live music concerts in international class 041.
2. Applicant filed application serial number 77/689,039 on March 11, 2009, as an Intent-to-Use registration application.
3. Upon information and belief, Applicant did not use the CONCERTS 4 A CAUSE mark prior to March 11, 2009.
4. Opposer is the owner of the CONCERTS 4 A CAUSE mark, having adopted and continuously used the CONCERTS 4 A CAUSE mark in connection with its services of arranging live music entertainment concerts since at least as early as January 16, 2009.
5. Opposer has advertised and promoted its services using the CONCERTS 4 A CAUSE mark. As a result of such use, Opposer's CONCERTS 4 A CAUSE mark has developed and represents valuable goodwill inuring to the benefit of the Opposer.
6. Opposer has priority with respect to the marks at issue in this opposition. Opposer adopted and commenced use of its CONCERTS FOR A CAUSE mark as a service mark before Applicant filed its intent-to-use registration application.
7. Opposer is the owner of trademark registration Application serial no. 77/777,398 filed July 9, 2009, under 15 U.S.C. Section 1051(a), as amended, for the CONCERTS 4 A CAUSE

mark for use with the services of arranging live music entertainment concerts in international class 041.

8. Applicant's CONCERTS 4 A CAUSE mark is identical in sight, sound, and commercial impression to Opposer's CONCERTS 4 A CAUSE mark.

9. Applicant's CONCERTS 4 A CAUSE mark is confusingly and deceptively similar to Opposer's CONCERTS 4 A CAUSE mark.

10. The services listed in Application Serial No. 77/689,039 are closely related or identical to Opposer's services in connection with the CONCERTS 4 A CAUSE mark.

11. Upon information and belief, a registration issuing from Application Serial No. 77/689,039 is likely to be cited by an Examiner against Opposer's trademark registration Application serial no. 77/777,398 thus damaging Opposer.

12. Upon information and belief, the services identified by Opposer's CONCERTS 4 A CAUSE mark and the services identified in Applicant's CONCERTS 4 A CAUSE registration application would be promoted in the same or similar channels of trade to the same or similar consumers or class of consumers.

13. Due to the similarity between Opposer's mark and Applicant's mark and the related nature off the Opposer's services with the services listed in Application Serial No. 77/689,039, customers and potential customers are likely to believe that Applicant's services, if performed in the future and identified by the CONCERTS 4 A CAUSE mark, originate from Opposer, resulting in a likelihood of confusion in the marketplace and damage to Opposer.

14. The use and registration by Applicant of the CONCERTS 4 A CAUSE mark for Applicant's services is likely to cause confusion or to cause mistake or deception in the trade,

and among purchasers and potential purchasers, with Opposer's previously used CONCERTS 4 A CAUSE mark, again resulting in damage to Opposer.

15. Because of the related nature of the services, and the similarity of the marks, use and registration of the phrase CONCERTS 4 A CAUSE by Applicant is likely to cause confusion, mistake, or deception that Applicant's services are those of Opposer, or are otherwise endorsed, sponsored, or approved by Opposer for use with Opposer's services causing further damage to Opposer.

16. Registration of the mark shown in Application Serial No. 77/689,039 will result in damage to Opposer under the provisions of Sections 2(d) of the U.S. Trademark Act, 15 U.S.C. Section 1052(d), pursuant to the allegations stated above.

17. Registration of the CONCERTS 4 A CAUSE mark would be prima facie evidence of rights of Applicant under 15 U.S.C. Section 1057(b), to the detriment of Opposer's rights in CONCERTS 4 A CAUSE.

WHEREFORE, Opposer requests that registration of Application Serial No. 77/689,039 be refused in whole and that this Opposition be sustained

The filing fee is included with the electronic submission of this document.

Respectfully submitted,

Concerts 4 A Cause, Inc.

By its attorney on August 19, 2009,



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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this document was filed August 19, 2009 via the USPTO online filing system Electronic System for Trademark trials and Appeal (ESTTA) through the USPTO website (www.uspto.gov).



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Fred H. Zollinger III