

ESTTA Tracking number: **ESTTA326268**

Filing date: **01/11/2010**

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	The Culinary Loft, LLC
Granted to Date of previous extension	01/10/2010
Address	515 Broadway, #5A New York, NY 10012 UNITED STATES

Attorney information	Matthew A. Kaplan, Anne C. Baker Cowan, DeBaets, Abrahams & Sheppard LLP 41 Madison Avenue, 34th Floor New York, NY 10010 UNITED STATES mkaplan@cdas.com, abaker@cdas.com Phone:212-974-7474
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### Applicant Information

Application No	77582207	Publication date	07/14/2009
Opposition Filing Date	01/11/2010	Opposition Period Ends	01/10/2010
Applicant	Television Food Network, G.P. 1180 Avenue of the Americas New York, NY 10036 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: EDUCATIONAL AND ENTERTAINMENT SERVICES, NAMELY, A CONTINUING PROGRAM ABOUT FOOD AND COOKING, ACCESSIBLE BY RADIO, TELEVISION, CABLE, FIBER OPTIC NETWORKS, WIRELESS NETWORKS, SATELLITE, AUDIO VIDEO, AND COMPUTER NETWORKS
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### 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.	3043853	Application Date	08/27/2004
Registration Date	01/17/2006	Foreign Priority Date	NONE
Word Mark	THE CULINARY LOFT		

Design Mark	<b>THE CULINARY LOFT</b>
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1998/02/00 First Use In Commerce: 1998/12/00 entertainment services, namely providing/renting a specially designed event facility for events such as photo shoots, media productions, seminars, corporate entertainment, wine tasting, formal dining and parties, and arranging, conducting, planning, coordinating and hosting special events

U.S. Registration No.	3452537	Application Date	07/24/2007
Registration Date	06/24/2008	Foreign Priority Date	NONE

Word Mark	THE CULINARY LOFT
Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2007/04/27 First Use In Commerce: 2007/04/27 entertainment services, namely, providing/renting a specially designed event facility for events, namely, photo shoots, media productions, seminars, corporate entertainment, wine tasting and parties, and arranging, conducting, planning, coordinating and hosting special events

Related Proceedings	N/A
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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	/mak/
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Name	Matthew A. Kaplan, Anne C. Baker
Date	01/11/2010

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

In the Matter of Application Serial No. 77/582,207  
Published in the Official Gazette on July 14, 2009

THE CULINARY LOFT, LLC,

Opposer,

v.

TELEVISION FOOD NETWORK, G.P.,

Applicant.

OPPOSITION NO. \_\_\_\_\_

TO: Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**NOTICE OF OPPOSITION**

Opposer The Culinary Loft, LLC (“Opposer” or “The Culinary Loft”), a New York Limited Liability Company, having a principal place of business at 515 Broadway, #5A, New York, New York 10012, believes that it will be damaged by registration of the mark THE COOKING LOFT shown in Serial No. 77/582,207 in International Class 41 (filing date September 30, 2008) (the “207 Application”), and having been granted an extension of time to oppose until January 10, 2010, hereby opposes the same. As the grounds of opposition, it is alleged that:

1. The Culinary Loft has been in existence since the late 1990’s, hosting high-profile and successful product launches and media events, corporate team-building events, cooking classes, cocktail parties, wine tastings, receptions for weddings, engagements, retirements, and promotions. The Culinary Loft has also hosted various culinary events for educational and entertainment purposes.

2. The Culinary Loft is the exclusive owner of two (2) United States trademark registrations (Nos. 3,043,853 and 3,452,537) in the mark THE CULINARY LOFT in International Class 41 (collectively, “THE CULINARY LOFT® Marks):

Reg. No.	Mark	Description
3,043,853	THE CULINARY LOFT	Entertainment services, namely providing/renting a specially designed event facility for events such as photo shoots, media productions, seminars, corporate entertainment, wine tasting, formal dining and parties, and arranging, conducting, planning, coordinating and hosting special events
3,452,537		Entertainment services, namely, providing/renting a specially designed event facility for events, namely, photo shoots, media productions, seminars, corporate entertainment, wine tasting and parties, and arranging, conducting, planning, coordinating and hosting special events

3. Opposer has actively marketed services under THE CULINARY LOFT® Marks since February 1998.

4. Opposer has developed valuable goodwill in THE CULINARY LOFT® Marks.

5. On September 30, 2008, Applicant Television Food Network, G.P. (“Applicant”) filed an application to register THE COOKING LOFT as a trademark on an Intent to Use basis under Section 1(b) of the Lanham Act in International Class 41 for:

educational and entertainment services, namely, a continuing program about food and cooking, accessible by radio, television, cable, fiber optic networks, wireless networks, satellite, audio video, and computer networks.

6. Upon information and belief, the ‘207 Application was published for opposition on July 14, 2009.

7. Upon information and belief, the applied-for THE COOKING LOFT mark for the identified services in the ‘207 Application is sufficiently similar to Opposer’s THE CULINARY LOFT® Marks as used in connection with Opposer’s services as to be likely to cause confusion or mistake.

8. If Applicant is granted the registration herein opposed, Applicant would obtain at least a *prima facie* exclusive right to the use of the mark. Such registration would be a source of damage to Opposer.

9. Registration of the '207 Application should be refused pursuant to Section 2(d) of the Lanham Act, as amended, (15 U.S.C. §1052(d)) on the ground that the applied-for THE COOKING LOFT mark for the services in the '207 Application so resembles Opposer's THE CULINARY LOFT® Marks for Opposer's services as to be likely to cause confusion or mistake.

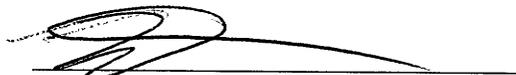
WHEREFORE, Opposer prays that this opposition be sustained and that the application Serial No. 77/582,207 be refused and/or invalidated and/or voided.

The Trademark Trial and Appeal Board is hereby authorized to charge the fee of \$300 (\$300 per Opposer per class) required in 37 C.F.R. § 2.6(a)(17) and any additional fees that may be required as well as credit any overpayments to our Deposit Account No. 50-1639, in the name of Cowan, DeBaets, Abrahams & Sheppard, LLP.

Dated: New York, New York  
January 11, 2010

Respectfully submitted,

COWAN, DeBAETS, ABRAHAMS & SHEPPARD LLP



Matthew A. Kaplan  
Anne C. Baker

41 Madison Avenue, 34<sup>th</sup> Floor  
New York, N.Y. 10010  
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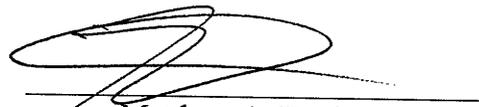
*Attorneys for Opposer The Culinary Loft, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 11, 2010, a true and correct copy of this paper has been served upon Applicant via first class mail at the following address:

Willard A. Stanback, Esq.  
Television Food Network, G.P.  
1180 Avenue of the Americas  
New York, NY 10036

I further certify that the foregoing paper is being filed electronically via the Electronic System for Trademark Trials and Appeals (ESTTA).



Matthew A. Kaplan