

ESTTA Tracking number: **ESTTA348220**

Filing date: **05/18/2010**

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	Mr.AlanRKaralian
Granted to Date of previous extension	05/29/2010
Address	1775 Diamond St. Suite 1-226 San Diego, CA 92109 UNITED STATES

Attorney information	Ajay Kwatra The Law Offices of Ajay Kwatra 1775 Diamond St. Suite 1-226 San Diego, CA 92109 UNITED STATES ajaykwatra@aol.com Phone:(858) 539-1820
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Applicant Information

Application No	77856025	Publication date	03/30/2010
Opposition Filing Date	05/18/2010	Opposition Period Ends	05/29/2010
Applicant	Kaufman, Nicholas John 12015 Sycamore Street, NW Coon Rapids, MN 55448 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2006/09/14 First Use In Commerce: 2006/09/14 Opposed goods and services in the class: Conducting entertainment exhibitions in the nature of horror conventions; Entertainment services, namely, personal appearances by a celebrities; Entertainment services, namely, planning and conducting a series of film festivals; Entertainment, namely, live music concerts; Entertainment, namely, live performances by a musical band
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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/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CRYPTICON		
Goods/Services	Producing, recording and distribution of music in stores and on the		

	internet. Production and performance of photos, music, scripts, videos, live music performances, and educational productions having the basic aim of the entertainment, amusement or recreation of people; by presentation of works of visual art or literature to the public for cultural or educational purposes.
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Attachments	CCI05182010_00000.pdf (1 page)(763890 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	/Ajay Kwatra/
Name	Ajay Kwatra
Date	05/18/2010

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

Oppositor for Serial No. 77856025 , Karalian v. Kaufman

Submitted by Alan R. Karalian, by and through his attorney of record:

Ajay Kwatra, 1775 Diamond St. Suite 1-226, San Diego, CA 92109, (858) 539-1820, ajaykwatra@aol.com.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Filer, Alan R. Karalian, (an individual) is the owner of CRYPTICON, a sole proprietorship doing business since on or about May 1, 2000, from San Diego, California.

- (1) Filer comes now and makes this opposition to prevent the issuance of a registration of a mark on the Principal Register, Mr. Nicholas John Kaufman (an individual) for the identical mark of CRYPTICON, Serial Number 77856025.
- (2) Filer has a good faith belief that he has been in business longer than Mr. Kaufman, who started the use of the mark on September 14, 2006.
- (3) Mr. Karalian has a personal interest in the outcome of this proceeding, because he reasonably believes that his mark may be diluted, or mistaken or confused with Kaufman's business.
- (4) If customers of Mr. Karalian are mistaken or confused by Mr. Kaufman's mark, Mr. Karalian may be damaged, and may have been already been damaged by a loss of income from customers of his goods and services.
- (5) Pursuant to USC § 1052 (d), Mr. Kaufman's attempt for issuance of registration should be denied, because a mark or trade name was previously used, namely CRYPTICON, in the United States by Mr. Karalian, for entertainment and/ or educational goods and services, and would be to be likely, to cause confusion and/ or mistake.