

ESTTA Tracking number: **ESTTA390910**

Filing date: **01/31/2011**

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	Greenville Arts Festival d/b/a Artisphere
Granted to Date of previous extension	02/02/2011
Address	16 Augusta Street Greenville, SC 29601 UNITED STATES
Attorney information	James M. Bagarazzi DORITY & MANNING, P.A. P.O. Box 1449 Greenville, SC 29602-1449 UNITED STATES docketing@dority-manning.com Phone:864-271-1592

### Applicant Information

Application No	76702697	Publication date	10/05/2010
Opposition Filing Date	01/31/2011	Opposition Period Ends	02/02/2011
Applicant	THE COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA #1 Courthouse Plaza, Suite 300 2100 Clarendon Boulevard Arlington, VA 222015406 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: ARRANGING AND ORGANIZING CULTURAL AND ARTS EVENTS; OPERATING OF A CULTURAL CENTER
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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	ARTISPHERE		
Goods/Services	Arranging and organizing cultural and arts events; operating of a cultural center		

Attachments	GAFa-1-TM-L - Notice of Opposition.pdf ( 4 pages )(80352 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	/james m. bagarazz/
Name	James M. Bagarazzi
Date	01/31/2011

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

In the Matter of Trademark Application Serial No. 76-702,697

Filed: 04/28/2010

Mark: ARTISPHERE

Published in the Official Gazette: October 5, 2010, Page TM 1142

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Greenville Arts Festival d/b/a Artisphere

Opposer,

v.

The County Board of Arlington County, Virginia

Opposition No: \_\_\_\_\_

NOTICE OF OPPOSITION

In the matter of the application for registration of the mark ARTISPHERE for arranging and organizing cultural and arts events; operating of a cultural center, in International Class 41, Serial No.: 76-702,697 filed April 28, 2010 by Applicant, The county Board of Arlington County, Virginia, published for opposition on Page TM 1142 of the Official Gazette for October 5, 2010, Opposer, Greenville Arts Festival d/b/a Artisphere, believes that it would be damaged by such registration, and hereby opposes the registration of Applicant's mark.

The grounds for this opposition are as follows:

1. Opposer, Greenville Arts Festival d/b/a Artisphere, is a corporate entity.

2. Opposer arranges, organizes and operates cultural and arts events, and advertises and promotes these events under the ARTISPHERE mark. These events include, but are not limited to, visual arts displays, performing arts, food vendors and children's activities.

3. Opposer has a South Carolina registration for the ARTISPHERE mark.

4. Beginning many years prior to the filing date of the opposed application and continuing without interruption through the present, Opposer has used the ARTISPHERE mark in commerce to advertise and promote these cultural and arts events.

5. Since at least as early as November 25, 2003, Opposer has used the ARTISPHERE mark for arranging and organizing cultural and arts events.

6. Upon information and belief, Opposer alleges that Applicant's ARTISPHERE services will be offered to the same or similar customers as Opposer's services are offered and in the same and/or similar channels of trade.

7. If Applicant is permitted to register its ARTISPHERE mark for arranging and organizing cultural and arts events, as specified in the application herein opposed, confusion in trade resulting in damage and injury to the Opposer would be caused and would result by reason of each party's use of the identical ARTISPHERE mark for the identical services and/or for similar services. Persons familiar with Opposer's ARTISPHERE mark would be likely to confuse Applicant's ARTISPHERE services as and for a service offered by the Opposer. Any such confusion in trade inevitably would result in loss of sales and goodwill to the Opposer. Furthermore, any defect, objection or fault found with Applicant's services marketed under its ARTISPHERE mark would

necessarily reflect upon and seriously injure the reputation which the Opposer has established for Opposer's services promoted under Opposer's ARTISPHERE mark.

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

9. If the Applicant is granted the registration herein opposed, such registration of Applicant's ARTISPHERE mark would require Opposer to abandon the use of the designation "ARTISPHERE," lose the goodwill associated with Opposer's use of the designation "ARTISPHERE" and change Opposer's promotional and advertising tactics, all to the great expense and detriment of Opposer.

WHEREFORE, the Opposer prays that the application Serial No. 76-702,697 be rejected, and that the registration therein sought for the services therein specified in International Class 41 be denied and refused.

Respectfully submitted,

DORITY & MANNING, P.A.

DATED:

Jan 31, 2011

BY:

James M. Bagarazzi

JAMES M. BAGARAZZI  
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P.O. Box 1449  
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(864) 271-1592

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing NOTICE OF OPPOSITION was served on counsel for Applicant by being deposited in U.S. First-Class Mail, postage prepaid, on the date written below, addressed as follows:

Robert G. Roomian, Esquire  
PO Box 7111  
Alexandria, VA 22307-0111

Date: Jan 31, 2011

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