

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

ERICA CHRISWELL,)	
)	
Opposer)	
)	
v.)	Opposition No.
)	Application Serial No. 77/751,586
BIG SCORE ENTERTAINMENT, LLC,)	
)	
Applicant.)	
)	
)	

NOTICE OF OPPOSITION

Opposer, Erica Chriswell, a United States citizen, whose principal business address is located at 8046 Narragansett, Burbank, IL 60459, hereby opposes registration of the mark ARIKA KANE by Big Score Entertainment, dba BSE Recordings Limited Liability Company, a Connecticut Limited Liability Company, with its principal place of business located at 421 Thompson Street, Stratford, CT 06615, that is the subject of Application Serial No. 77/751,586, published in the Official Gazette on November 9, 2010, and requests that registration to Applicant be refused.

As grounds for the opposition, the facts are as follows:

FACTS COMMON TO THE CASE

1. Opposer first appeared with Recording Artist "Twista" on his sophomore album entitled "Adrenaline Rush" released on Atlantic/BigBeat Records in 1997. Opposer was featured on that album on a internationally distributed, now accredited platinum

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300.00 OP



03-01-2011

single entitled "Get It Wet". At this time, Opposer was referred to by the stage name and trademark "MS. KANE". This Album sold over 1,000,000 copies and is still in the marketplace for sale. **EXHIBIT 1 (ADRENALINE RUSH ALBUM COVER / CREDITS)**

2. In 1999, Opposer released an album with her group "Twista" and the "Legit Ballaz" entitled "Legit Ballin". At this time, Opposer intentionally introduced her fan base to another stage name called "ERIKA KANE" in a song called "Rider Bitch". Opposer was still referred to by the stage name and trademark "MS. KANE" on song credits. This Album sold 170,000 units and is still in the marketplace for sale. **EXHIBIT 2 (LEGIT BALLIN ALBUM COVER/ CREDITS) LISTEN TO RIDER BITCH BY ACCESSING THIS LINK**

http://www.amazon.com/gp/product/B000SFVY5M/ref=dm_dp_trk16

3. Eryka Kane is named and seen photographed with Twista in a celebrity photo spread featured in plugged magazine's July 2000 issue. **EXHIBIT 3 (PLUGGED MAGAZINE JULY 2000 ISSUE)**
4. In 2002, Opposer released an album with her group "Twista" and the "Legit Ballaz" entitled "Respect The Game" in which Opposer is referred in song lyrics as E. Kane and Ms. Kane. Opposer is referred to in credits by the stage names and trademarks MS. KANE. This album sold 40,000 units and is still in the marketplace. **EXHIBIT 4 (RESPECT THE GAME ALBUM COVER AND CREDITS)**
5. Additionally in 2002, Opposer released a second album entitled "Street Scriptures" in which Opposer is referred to by the stage names and trademarks MS. KANE, ERIKA KANE, and MS. ERIKA KANE. This Album sold 80,000 units and is still in the

marketplace. **EXHIBIT 5 (STREET SCRIPTURES ALBUM COVER AND CREDITS)**

6. In 2004, Opposer appeared on Twista's buzz single from the Platinum Album "Kamikaze" entitled "I Know". Opposer is referred to by the stage names and trademarks MS. ERYKA KANE. Album sales over 1,000,000 and still in marketplace.
7. In 2006, Opposer released the album "Tha Truth" with the group "Legit Ballaz" in which Opposer is referred to by the stage names and trademarks MS. ERYKA KANE. Album sales 50,000 and is still in the marketplace. **EXHIBIT 6 (THE TRUTH ALBUM COVER AND CREDITS)**
8. Eryka Kane is a featured performer on a 2009 showcase held in Chicago Illinois. **EXHIBIT 7 (PROMOTIONAL FLYER DISPLAYING THE NAME AND IMAGE OF ERYKA KANE)**
9. In 2010, Opposer released the album "Diesel" in which Opposer is referred to by the stage names and trademarks ERYKA KANE. This Album is currently on sale on iTunes. **EXHIBIT 8 (DIESEL ALBUM COVER AND CREDITS) Access online at <http://itunes.apple.com/us/album/diesel/id352140060>**
10. Additionally in 2010, Opposer released the album "The Addiction" in which Opposer is referred to as ERYKA KANE. Currently being distributed as a promotional material.
11. Additionally in 2010, Opposer released a music video in which she is referred to as ERYKA KANE and MS. ERYKA KANE. **Access online at http://www.youtube.com/watch?v=4kMnS_zZJwQ**

12. Eryka Kane's Business Card lists her social internet sites which enable her to communicate directly with her fan base. She employs the marks ERYKA KANE, as well as MS. ERYKA KANE in connection with her myspace, twitter, reverbnation and facebook accounts. **EXHIBIT 9 (ERYKA KANE'S BUSINESS CARD)**
13. Opposer is an entertainer and entrepreneur who has been known internationally by the stage name MS. KANE since as early as 1997.
14. Opposer is an entertainer and entrepreneur who has been known internationally by the stage name ERYKA KANE since as early as 1999.
15. Opposer is an entertainer and entrepreneur who has been known internationally by the stage name MS. ERIKA KANE and ERIKA KANE since 2002.
16. Opposer is the owner of all common law rights in the marks MS. KANE, MS. ERIKA KANE, MS. ERYKA KANE, and ERYKA KANE for digital media, namely CDs and downloadable audio files featuring music. As highlighted above, the Opposer has used these four marks for such goods and services since 1997. Opposer has never abandoned any of these marks.
17. On June 3, 2009, Applicant filed application Ser. No. 77/751,586 to register ARIKA KANE for "Digital materials, namely, CDs and downloadable audio recordings featuring music" in Class 9, for Jeans; Shoes; T-shirts in Class 25, and for "Entertainment services in the nature of live musical performances" in Class 41, based on an alleged first use in commerce date of January 1, 2008.

COUNT ONE: LIKELIHOOD OF CONFUSION

18. Opposer repeats and realleges the facts set forth in Paragraphs 1-17.
19. The mark ARIKA KANE sought to be registered for the above goods is so similar to Opposer's common law trademarks MS. KANE, MS. ERIKA KANE, MS. ERYKA KANE, and ERYKA KANE for the goods and services set forth in Paragraph 16, *supra*, as to be likely to cause confusion or to cause mistake or to deceive. Applicant's ARIKA KANE mark differs from Opposer's ERYKA KANE mark by two letters and the two marks are phonetically identical. Applicant's ARIKA KANE mark differs from Opposer's MS. ERYKA KANE and MS. ERIKA KANE by two letters, the addition of MS. in Opposer's above referenced trademarks, and are phonetically identical.
20. Use of the mark sought to be registered by Applicant is likely to cause confusion or to cause mistake or to deceive the purchasing public by reason of Opposer's Marks, by creating the mistaken belief that Applicant's goods are approved, endorsed, or sponsored by Opposer, or that Opposer is the source of Applicant's goods, or that the goods of Applicant are in some other way associated with Opposer, all to Opposer's grave injury and harm.

COUNT TWO: FALSE SUGGESTION OF CONNECTION

21. Opposer repeats and realleges the facts set forth in Paragraphs 1-17.
22. Opposer is an individual known by the names MS. KANE, MS. ERIKA KANE, MS. ERYKA KANE, and ERYKA KANE, and the use of ARIKA KANE by the Applicant will falsely suggest a connection with Opposer, in violation of Section 2(a)

of the Lanham Act, 15 U.S.C. § 1052(a). By reason of the foregoing, Opposer will be damaged by the registration of the ARIKA KANE mark.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Dated: February ²³~~16~~, 2011

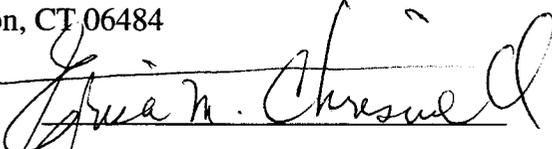
Respectfully submitted,

By: /evananderson/
Evan Anderson
John Alunit
Patel & Alunit, P.C.
16830 Ventura Blvd., Suite 360
Encino, CA 91436
(818) 380-1900
Attorneys for Opposer,
Erica Chriswell

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Brian C. Roche, counsel for Applicant, on February 16, 2011, via First Class U.S. Mail, postage prepaid to:

Brian C. Roche
Two Corporate Drive
Suite 248
Shelton, CT 06484


Erica Chriswell

COPY

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Dated: February ²³~~16~~, 2011

Respectfully submitted,

By: /evananderson/
Evan Anderson
John Alunit
Patel & Alunit, P.C.
16830 Ventura Blvd., Suite 360
Encino, CA 91436
(818) 380-1900
Attorneys for Opposer,
Erica Chriswell

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Brian C. Roche, counsel for Applicant, on February 16, 2011, via First Class U.S. Mail, postage prepaid to:

Brian C. Roche
Two Corporate Drive
Suite 248
Shelton, CT 06484

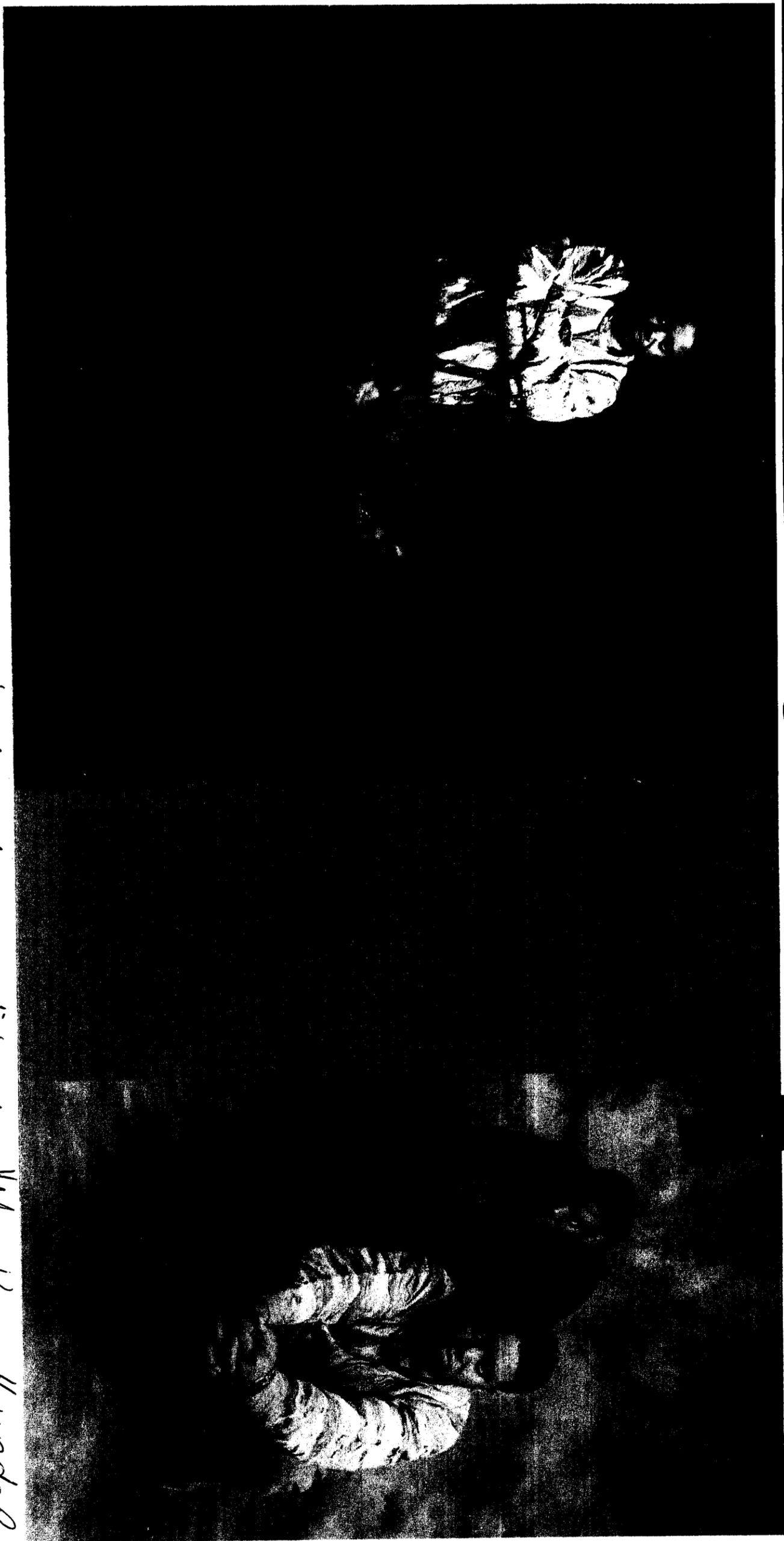

Erica Chriswell



Adrenaline Rush

PARENTAL
ADVISORY
EXPLICIT CONTENT

On Exhibit 1 ERICA Chriswell is listed in credits as "Ms. Kane" under the hit single "GET IT WET". SHE is also referenced under Additional vocals as "ERiKA."



LOOK OUT FOR



"True Goodfellas Or The Rap Game."

Executive Producers: James Frazier & James Grider

- 1 Intro > Twista
- 2 Victory Or Death > Twista
- 3 Legit Ballaz > Turtle Banxx Tod Fitty Twista
- 4 Artillery > Tod Fitty Twista
- 5 It's Burning
- 6 Wide Open > Ms Kane
- 7 Don Juan
- 8 My Apartment > Turtle Banxx
- 9 What Ya Gone Do > Bennie Frank
- 10 Don Juan
- 11 Jail Time > Turtle Banxx
- 12 Pastor Ya Dig
- 13 Piece Of Mind > Darkside Ballaz
- 14 Bennie Franks > Bennie Franks
- 15 Unprotective sex
- 16 Rider Bitch > Ms Kane
- 17 Don t Blink > Turtle Banxx
- 18 Get Em Off Me
- 19 Break Em Up > Bennie Franks Tod Fitty High Beam
- 20 Blood In Blood Out > Tod Fitty
- 21 Born This Way
- 22 Game Recognize Game > Twista Ms Kane Public Announcement
- 23 Get Ya > High Beam Twista
- 24 Grand Finale > Bennie Franks Turtle Banxx Tod Fitty Twista
- 25 Weeeee Straight

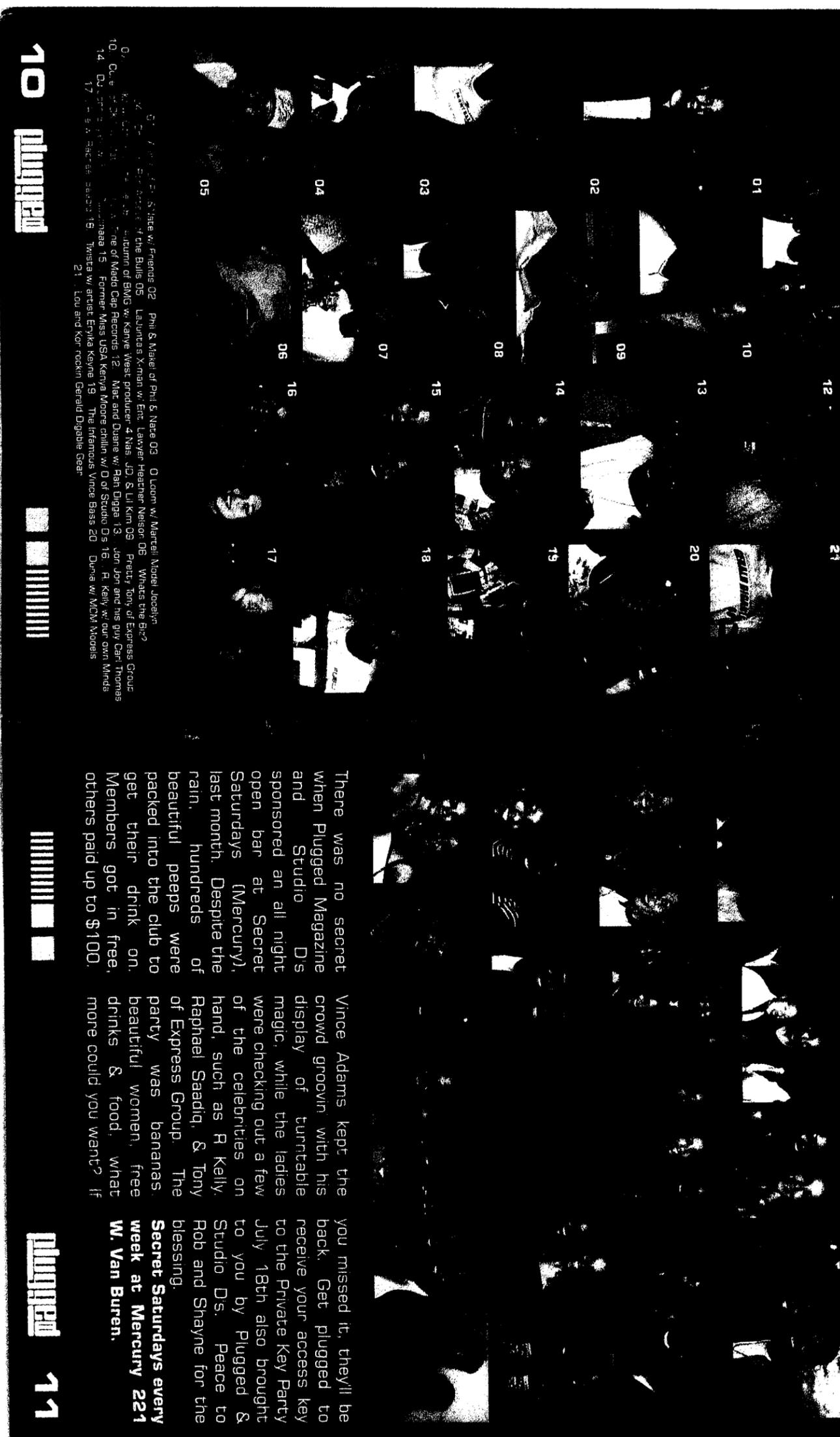
Legit Ballin@yahoo.com



An Exhibit 2 Erica Cherswell is referred to as "Ms. Kane" in songs credits #16 "RIDER BITCH" But in actual songs lyrics written & performed by "Rider Bitch" she is referred to as "ERIKA KANE". She also appears on song #'s 6; 22; in credits she is referred to as Ms. Kane.

MCM plugged pics

plugged & studio d's @ mercury and other plugged events (get plugged to the private key party)



01. Phil & Mikel of Phil & Nate 02. Phil & Mikel of Phil & Nate 03. O Loom w/ Martell Model Jocelyn
04. Phil & Mikel of Phil & Nate 05. LaJunta's X-man w/ Ent. Lawyer Heather Nelson 06. What's the Biz?
07. Phil & Mikel of Phil & Nate 08. Phil & Mikel of Phil & Nate 09. Predit, Tony of Express Group
10. Phil & Mikel of Phil & Nate 11. Phil & Mikel of Phil & Nate 12. Phil & Mikel of Phil & Nate
13. Phil & Mikel of Phil & Nate 14. Phil & Mikel of Phil & Nate 15. Phil & Mikel of Phil & Nate
16. Phil & Mikel of Phil & Nate 17. Phil & Mikel of Phil & Nate 18. Phil & Mikel of Phil & Nate
19. Phil & Mikel of Phil & Nate 20. Phil & Mikel of Phil & Nate 21. Phil & Mikel of Phil & Nate

There was no secret Vince Adams kept the you missed it, they'll be when Plugged Magazine crowd groovin with his back. Get plugged to and Studio D's display of turntable receive your access key sponsored an all night magic, while the ladies to the Private Key Party open bar at Secret were checking out a few July 18th also brought Saturdays (Mercury), of the celebrities on to you by Plugged & last month. Despite the hand, such as R Kelly, Studio Ds. Peace to rain, hundreds of Raphael Saadiq, & Tony Rob and Shayne for the beautiful peeps were of Express Group. The blessing. packed into the club to party was bananas Secret Saturdays every get their drink on. beautiful women, free week at Mercury 221 Members got in free, drinks & food, what W. Van Buren. others paid up to \$100. more could you want? If

10 plugged



plugged 11

ERICA CHRISWELL APPEARS IN CELEBRITY PHOTOS IN PLUGGED MAGAZINE WITH THE ARTIST "TWISTA" SHE IS REGENERATED TO AS ERYIKA KEYNE
See # 18

EXhibit 4 ERICA CHRISWELL APPEARED ON ALBUM CREDITS
As "Ms. Kane" but was referred to in songs lyrics as "E. Kane"
and "Ms. Kane".

© 2002 Legit Ballin' Records/AMC American Music
Manufactured & Distributed by AMC American Music
P. O. Box 4517 Downey, CA 90241
All Rights Reserved.
Unauthorized Duplication is a Violation
Of Applicable Laws.



ADVISORY



LEGIT BALLIN' RECORDS

Exhibit 4 cont. Respect the Game Credits ERICA CHRISWELL
is referred to AS "Mrs. Kane". She appeared on sales #'s 3,
6, 8, and sales 15.

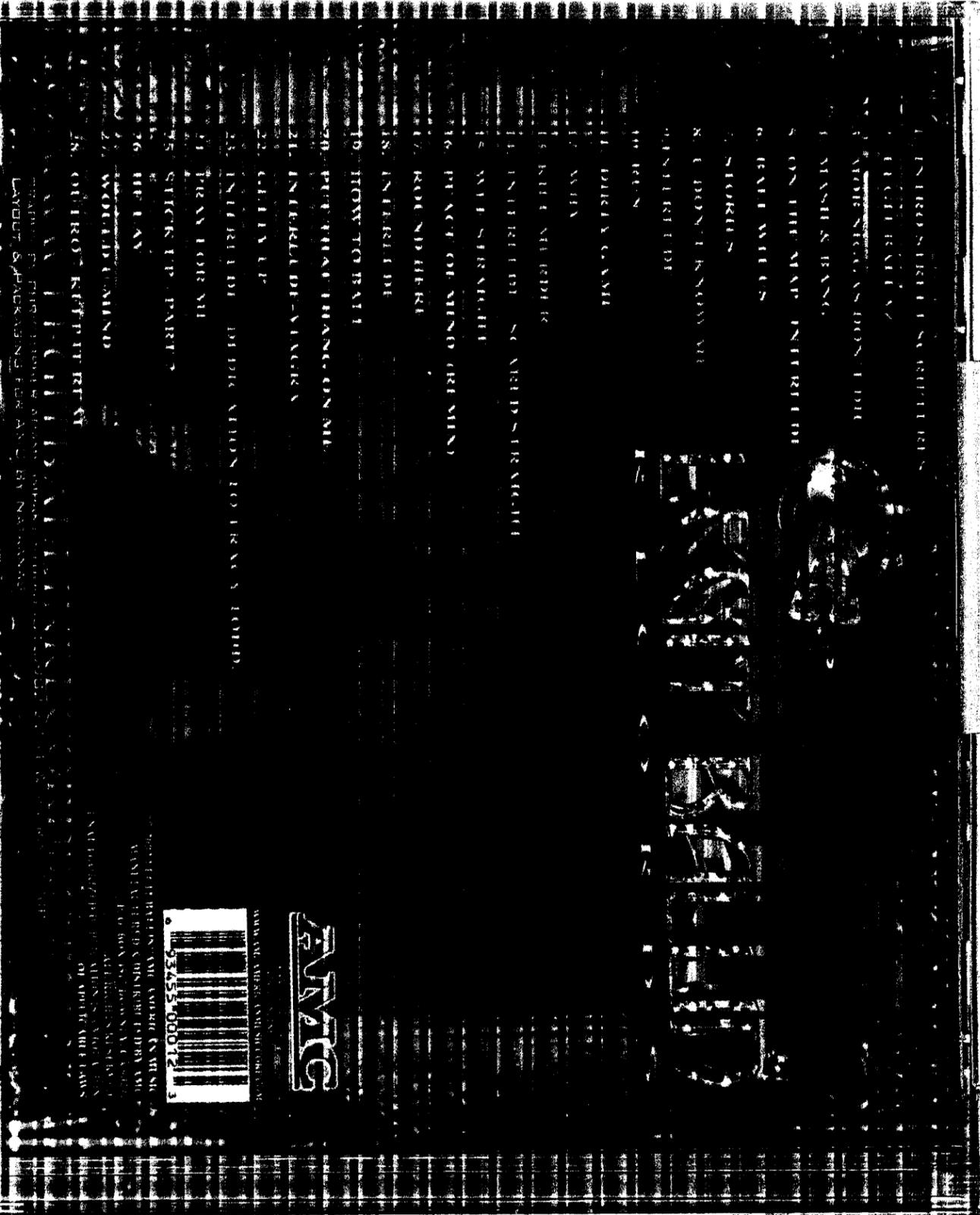


Exhibit 5 Street Scriptures Album Erica Christwell Appeared
 on Song #'s 15; 22; 2; 6

EXECUTIVE PRODUCER JAMES FRAZIER
GENERAL MANAGER REGINALD "BIG FUB" MCKINLEY

REST IN PEACE: TRACY TODD, LEM LEE, GAIL FLOWERS, JAMES FLOWERS,
CHARLES JACKSON, WALTER WHEAT, ANGELO ROBERTS, PIERRE FROM THE HOLY CITY,
ANNETTE MCKINLEY, ROSA MOORE, LUDY COOK, SHIRLEY MOORE, DIXIE MOORE

10. RUN
FEATURING: J. OF DARKSIDE BALLAZ TWISTA
PRODUCED BY CAVEK ILLAH FOR CHINA WHITE MUSIC
PUBLISHING, D. EVANS CHINA WHITE ASCAP, C. MITCHELL STICKY GREEN MUSIC ASCAP,
LEGIT BALLIN RECORDS ASCAP

11. DIRTY GAME
FEATURING: THE SPEED-KNOT HOUSTON
PRODUCED BY CAVEK ILLAH FOR CHINA WHITE MUSIC
PUBLISHING, D. EVANS CHINA WHITE ASCAP, A. ASHFORD PARISH BONY ASSAP,
C. MITCHELL STICKY GREEN MUSIC ASCAP, C. THOMAS INFAMOUS LORD ASCAP,
LEGIT BALLIN RECORDS ASCAP

12. WHY
FEATURING: HIGH BEAT
PRODUCED BY TOXIC FOR CHINA WHITE MUSIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, P. MOORE FOR MILLIONS ASCAP,
LEGIT BALLIN RECORDS ASCAP

13. KILL MURDER
FEATURING: JURILE SANKU TWISTA
PRODUCED BY CAVEK FOR CHINA WHITE MUSIC
PUBLISHING, D. EVANS CHINA WHITE ASCAP, C. MITCHELL STICKY GREEN MUSIC ASCAP,
A. ASHFORD PARISH BONY ASSAP, LEGIT BALLIN RECORDS ASCAP

14. INTERLUDE - SCARED STRAIGHT

15. ABE STRAIGHT
FEATURING: TWISTA, BENIE FRANKS, TURTLE SANKU, HIGH BEAT, LITTY STOKES,
DARKSIDE BALLAZ, MS. ERIKA KANE, DOBBIE
PRODUCED BY TOXIC FOR CHINA WHITE MUSIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, C. MITCHELL STICKY GREEN MUSIC ASCAP,
R. MOORE MR. MILLIONS ASCAP,
M. KIZER SOUTH CHIDE ASSAP, A. ASHFORD PARISH BONY ASSAP,
C. THOMAS INFAMOUS LORD ASCAP, E. CHIRIWELE
MILITARY ISLAND ASSAP, LEGIT BALLIN RECORDS ASCAP

16. PEACE OF MIND (REMIK)
FEATURING: DARKSIDE BALLAZ, TWISTA
PRODUCED BY TOXIC FOR CHINA WHITE MUSIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, C. MITCHELL STICKY GREEN MUSIC ASCAP,
LEGIT BALLIN RECORDS ASCAP

17. ROUND HERE
FEATURING: BENIE FRANKS, TWISTA, H. SHEPARD
PRODUCED BY TOXIC FOR CHINA WHITE MUSIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, C. MITCHELL STICKY GREEN MUSIC ASCAP,
M. KIZER SOUTH CHIDE ASSAP, LEGIT BALLIN RECORDS ASCAP,
R. MOORE MR. MILLIONS ASCAP

18. INTERLUDE - SCARED STRAIGHT

19. HOW TO BALL
FEATURING: TWISTA, LITTY STOKES, TODD AITTY
PRODUCED BY TOXIC FOR CHINA WHITE MUSIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, C. MITCHELL STICKY GREEN MUSIC ASCAP,
C. THOMAS INFAMOUS LORD ASCAP,
TODD A. TODD, BROOK COUNTY MUZIK ASSAP, LEGIT BALLIN RECORDS ASCAP

20. PUT THAT TRAMP ON ME
FEATURING: DOBBIE
PRODUCED BY CAVEK ILLAH FOR CHINA WHITE
PUBLISHING, D. EVANS CHINA WHITE ASCAP, LEGIT BALLIN RECORDS ASCAP

21. INTERLUDE / AGRA

22. GETT'UP
FEATURING: MS. ERIKA KANE
PRODUCED BY TOXIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, E. CHIRIWELE, WILD THOUGHTS ASSAP,
R. MOORE MR. MILLIONS ASCAP

23. INTERLUDE - DEDICATION TO TRACY TODD

24. PRAY FOR ME
FEATURING: TODD AITTY, HIGH BEAT
PRODUCED BY TOXIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, TODD A. TODD, BROOK COUNTY MUZIK ASSAP,
R. MOORE MR. MILLIONS ASCAP

25. STICK UP PART 2
FEATURING: BENIE FRANKS AND RUCK
PRODUCED BY TOXIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, M. KIZER SOUTH CHIDE ASSAP

26. HE LAY
FEATURING: SORGF DARKSIDE BALLAZ & LITTY STOKES
PRODUCED BY TOXIC
PUBLISHING, F. TAYLOR CHINA WHITE ASCAP, C. THOMAS INFAMOUS LORD ASSAP,
LITTY, NICHOLEE SWEAT (L.M.O.B.M)

27. MOUND A MIND
FEATURING: MECCA OF SOUL
PRODUCED BY CAVEK ILLAH
PUBLISHING, D. EVANS CHINA WHITE ASCAP

28. OUTRO - KEEP IT REAL
PERFORMED BY B. SHOP DON MAGIC JUAN

PRODUCED BY TOXIC & CAVEK ILLAH FOR CHINA WHITE PRODUCTIONS
GRAPHX & VIDEOS BY IMPAKT STUDIO (312)982-3851
LAYOUT & PACKAGING FOR AMG BY NATANAS

CONTACT INFO @

Exhibit 5 cont. ERICA Chriswell is referred to AS
"ERIKA KANE ON SONG #6 ; Ms. ERIKA KANE ON SONG # 22
AND ON THE ^{Street}PHOTO ^{scripture} ^{album} WHICH I DIDN'T INCLUDE SHE IS
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EXhibit 6 ERICA CHRISWELL is referred to as Mrs ERYKA KRANE
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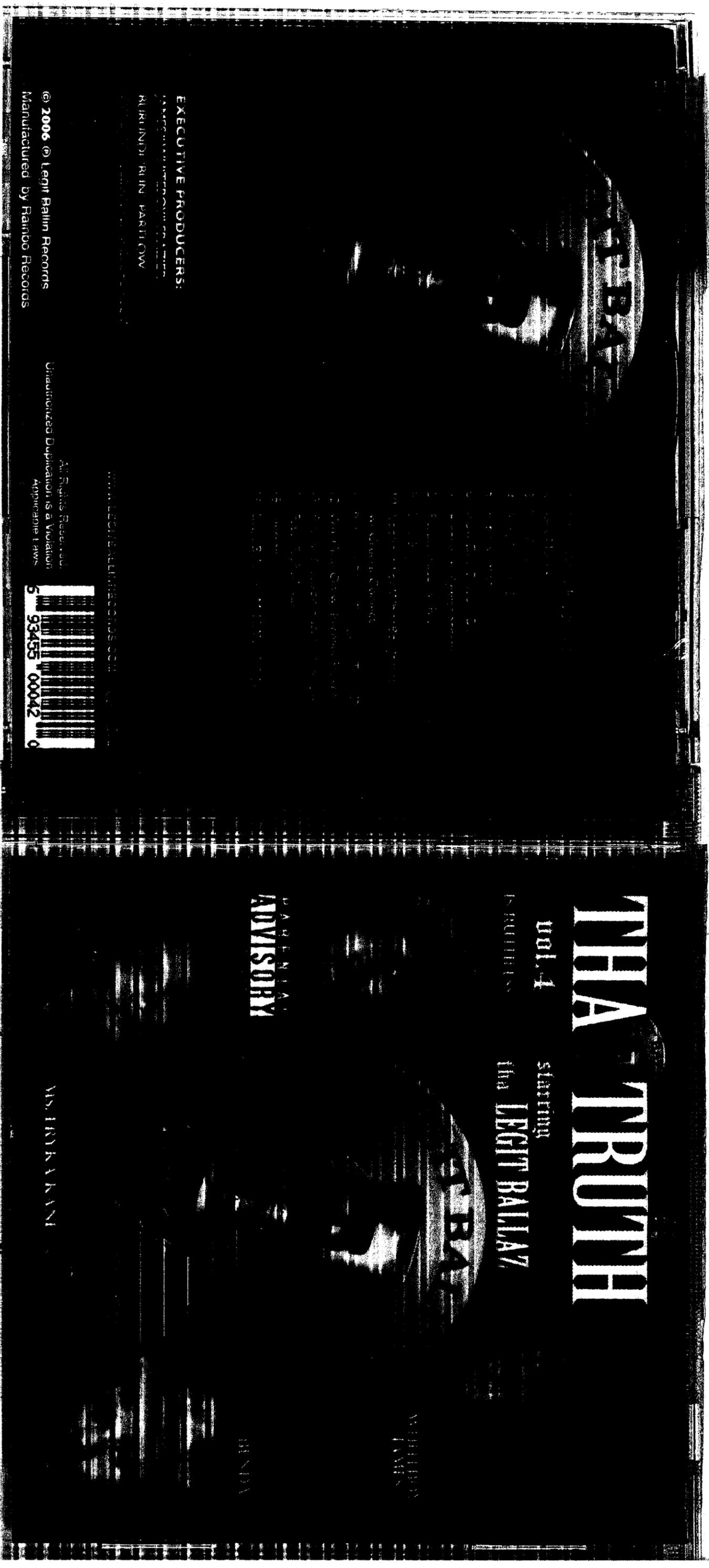


EXhibit 7 Promo Flyer DISPLAYING ERICA CHRISWELL - DBA -
ERYKA KANE ON BILL for musical performance



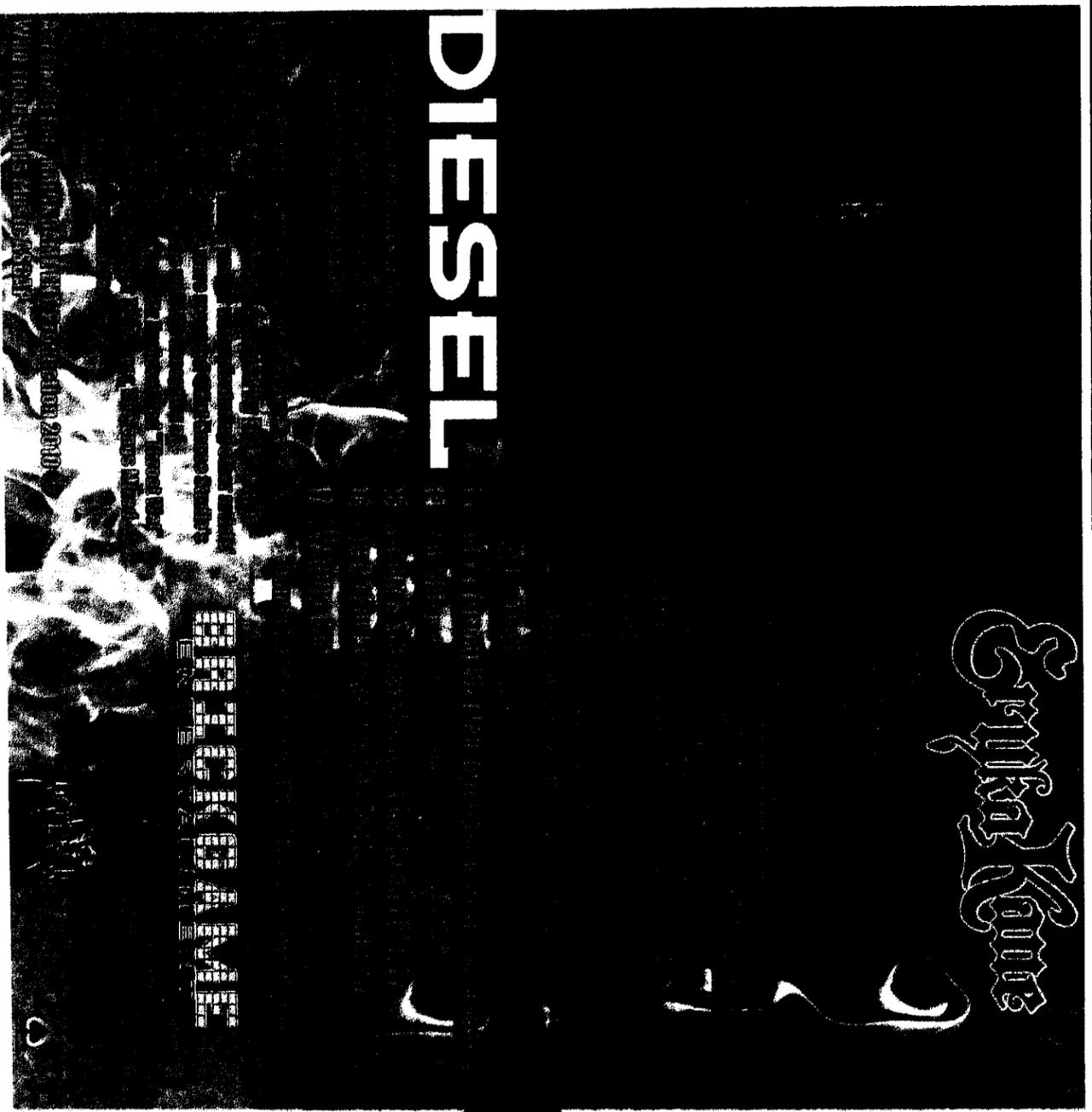
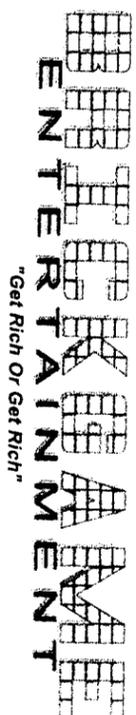


EXhibit 8 - "DIESEL ALBUM" ERICA CHRISWELL
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COVER



Eryka Kane
Chief Executive Officer



312.656.1319
brickgamemusic@gmail.com

www.myspace.com/erykakane
www.twitter.com/followerykakane
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www.facebook.com/mseerykakane

EXhibit 9 BUSINESS CARD PLEASE
VISIT SOCIAL SITES WHICH ARE USUALLY HELD BY MUSICIANS
NOTICE WWW.MYSPACE.COM/ERYKAKANE PRE-DATES
ARIKA KANE'S MEMBER DATE ON HER MYSPACE PAGE