

ESTTA Tracking number: **ESTTA398480**

Filing date: **03/16/2011**

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	CREEM Enterprises, Inc.
Granted to Date of previous extension	03/16/2011
Address	936 Southwood Blvd.Suite 201 Incline Village, NV 89451 UNITED STATES
Correspondence information	CREEM Enterprises, Inc. 936 Southwood Blvd.Suite 201 Incline Village, NV 89451 UNITED STATES jason@creem.tv

Applicant Information

Application No	85066550	Publication date	11/16/2010
Opposition Filing Date	03/16/2011	Opposition Period Ends	03/16/2011
Applicant	Jennifer Cress 681 17th Ave. Northeast Minneapolis, MN 55413 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Providing on-line magazines in the field of fashion, culture and design
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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	CREEM		
Goods/Services	Providing on-line magazines in the field of music, lifestyle, and music culture.		

Attachments	cressopp.pdf (4 pages)(114192 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	/Jason Turner/
Name	CREEM Enterprises, Inc.
Date	03/16/2011

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

In the matter of Application No. 85066550
Filed: June 18, 2010
Applicant: Jennifer Cress
Mark: CREEM
Class: 041
Published in the *Official Gazette* of November 16, 2010

CREEM Enterprises, Inc., :
 :
Opposer, :
 :
v. :
 :
Jennifer Cress, :
 :
Applicant. :

Opposition No.

NOTICE OF OPPOSITION

CREEM Enterprises, Inc., a Nevada corporation with a business address of 936 Southwood Blvd., Suite 201, Incline Village, NV 89451 (hereinafter "Opposer"), will be damaged by registration of the mark CREEM in International Class 41 as shown in Application No. 85066550 and hereby opposes same.

As grounds for the opposition, Opposer alleges that:

- 1) Opposer is the owner of the trademark CREEM for, among other things, providing on-line magazines in the field of music, lifestyle, and music culture.
- 2) Application Serial No. 85066550 (hereinafter the "opposed application") seeks registration of the mark CREEM for "Providing on-line magazines in the field of fashion, culture and design" in Class 41.
- 3) The opposed application was filed on June 18, 2010 on an intent-to-use basis.

4) Long prior to the June 18, 2010 filing date of the opposed application, Opposer's related company, CREEM Media, Inc., has used in interstate commerce, and has not abandoned, the trademark CREEM for, among other things, providing on-line magazines in the field of music, lifestyle, and music culture.

5) All use of the mark CREEM by Opposer's affiliated or related companies inures to the benefit of Opposer.

6) As a result of Opposer's use and promotion of the CREEM mark, Opposer has developed extensive good will and exclusive rights in the CREEM mark, which serves as a powerful indicator of the source of the services provided by, licensed by, or otherwise affiliated with or related to Opposer.

7) Upon information and belief, Applicant had knowledge of Opposer's prior use of the CREEM mark.

8) The services covered by the opposed application are the same as and/or commercially related to the services covered by Opposer's CREEM mark and travel in the same channels of trade to the same or overlapping classes of consumers.

9) Applicant's identical mark is likely, when applied to Applicant's nearly-identical services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe, contrary to fact, that Applicant's goods and services covered by the mark CREEM originate with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated with Opposer, thereby damaging Opposer.

10) Applicant's identical mark, CREEM, as used in connection with the nearly-identical services described in the opposed application, so resembles Opposer's CREEM mark as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of the Lanham Act, thereby damaging Opposer.

WHEREFORE, Opposer prays that the present opposition should be sustained and the registration of Applicant's mark refused.

Opposer has submitted the filing fee for this Notice of Opposition herewith.

Dated: March 16, 2011

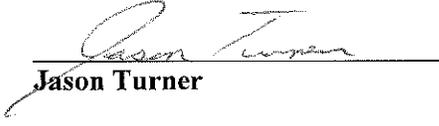
CREEM ENTERPRISES, INC.


Jason Turner
Chairman and President

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Opposition was served on the below counsel of record for Applicant at the address shown below by first class mail this 16th day of March, 2011:

Kyle T. Peterson, Esq.
PATTERSON THUENTE
CHRISTENSEN PEDERSON, PA
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402



Jason Turner