

ESTTA Tracking number: **ESTTA406111**

Filing date: **04/28/2011**

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 parties oppose registration of the indicated application.

**Opposers Information**

Name	Creations Fantastic, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	2281 Vineville Avenue Macon, GA 31204 UNITED STATES		

Name	Backdrops Fantastic, Inc.		
Entity	Corporation	Citizenship	Georgia
Address	552 Poplar Street Macon, GA 31201 UNITED STATES		

Attorney information	Nathan C. Belzer Belzer PC 2905 Bull Street Savannah, GA 31405 UNITED STATES kstrain@belzerlaw.com Phone:912-236-3001		
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**Applicant Information**

Application No	85125547	Publication date	04/19/2011
Opposition Filing Date	04/28/2011	Opposition Period Ends	05/19/2011
Applicant	Ideal Events, LLC 7990 Dagget Street Suite C San Diego, CA 92111 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 024. First Use: 2007/10/02 First Use In Commerce: 2008/01/23 All goods and services in the class are opposed, namely: Poly poplin fabric and muslin backdrops for use in photographic, video, film, television, art, theater production, and special events
Class 035. First Use: 2007/10/02 First Use In Commerce: 2008/01/23 All goods and services in the class are opposed, namely: Retail store services and on-line retail store services featuring backdrops for use in photographic, video, film, television, art, and theater production; rental of poly poplin fabric and muslin backdrops for use at trade shows, corporate and business events
Class 041. First Use: 2007/10/02 First Use In Commerce: 2008/01/23 All goods and services in the class are opposed, namely: Rental of poly poplin fabric and muslin backdrops for use in photographic, video, film, television, art, and theater production

## 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. Registration No.	3546131	Application Date	01/02/2008
Registration Date	12/16/2008	Foreign Priority Date	NONE
Word Mark	BACKDROPS FANTASTIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2001/10/16 First Use In Commerce: 2002/05/24 Hand-painted and digitally printed background scenery made of fabric for special events, parties, stage, theater and photographic shoots Class 035. First use: First Use: 2001/10/16 First Use In Commerce: 2002/05/24 Online retail store services featuring hand-painted and digitally printed background scenery for special events, parties, stage, theater and photographic shoots Class 041. First use: First Use: 2001/10/16 First Use In Commerce: 2002/05/24 Rental services featuring hand-painted and digitally printed background scenery for special events, parties, stage, theater and photographic shoots		

Related Proceedings	Creations Fantastic, Inc. and Backdrops Fantastic, Inc. v. Ideal Events, LLC, Civil Action No. 5:10-CV-454 in the Middle District of Georgia
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Attachments	77362599#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition - BACKDROPSBEAUTIFUL.pdf ( 3 pages )(19028 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	/Nathan C. Belzer/
Name	Nathan C. Belzer
Date	04/28/2011

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

_____	§	
Creations Fantastic, Inc.	§	
Backdrops Fantastic, Inc.	§	Mark: BACKDROPSBEAUTIFUL
Opposer	§	
	§	
v.	§	Application No.: 85/125,547
	§	
	§	Published: April 19, 2011
	§	
Ideal Events, LLC	§	Attorney Docket No.: 10039-1
Applicant	§	
_____	§	
	§	

**Notice of Opposition**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514

Sir:

Opposers, Creations Fantastic, Inc., a Georgia corporation with a business address of 2281 Vineville Avenue, Macon, Georgia 31204 (“Creations Fantastic”), and Backdrops Fantastic, Inc., a Georgia corporation with a business address of 552 Poplar Street, Macon, Georgia 31201 (“Backdrops Fantastic”) (collectively “Opposers”) hereby oppose registration of the mark BACKDROPSBEAUTIFUL that is the subject of application Serial No. 85/125,547 published in the Official Gazette of April 19, 2011, and request that registration to Applicant be refused.

As grounds in support of their opposition, Opposers assert as follows:

1. Opposers, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the mark BACKDROPS FANTASTIC in connection with the sale and rental of background scenery through its online retail store.

2. Creations Fantastic is currently the owner of the federal trademark registration for the mark BACKDROPS FANTASTIC, Registration No. 3,546,131. Backdrops Fantastic is Creations Fantastic's exclusive licensee of the mark BACKDROPS FANTASTIC in the United States.

3. The goods and services listed in Applicant's application are identical to the goods and services offered by Opposers under their BACKDROPS FANTASTIC mark.

4. Because of the unique placement of the identical noun before a trisyllabic adjective with a positive denotation and connotation, Applicant's mark is confusingly similar to Opposers' mark.

5. Applicant's mark so resembles Opposers' previously used mark, when applied to the goods and services set forth in Applicant's application, that it has caused actual confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

Wherefore, Opposers pray that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,

Creations Fantastic, Inc.  
Backdrops Fantastic, Inc.

Date: April 28, 2011

By: /Nathan C. Belzer/  
Nathan C. Belzer  
Attorney for Opposers

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this the 28<sup>th</sup> day of April, 2011, a true and correct copy of the foregoing Notice of Opposition was sent first class mail to Applicant's correspondent listed in the TARR database and to Applicant's legal counsel at the following addresses:

Mr. Christopher Ditico  
Raj Abhyanker, P.C.  
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                  /Nathan C. Belzer/  
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