

ESTTA Tracking number: **ESTTA538624**

Filing date: **05/17/2013**

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	Made Event, LLC
Granted to Date of previous extension	05/18/2013
Address	27-28 THOMSON AVENUE LONG ISLAND CITY, NY 11101 UNITED STATES

Attorney information	Gary Adelman Davis Shapiro & Lewit LLP 414 West 14th Street, 5th Floor New York, NY 10014 UNITED STATES ip@davisshapiro.com, smatz@davisshapiro.com, garya@davisshapiro.com Phone:212-230-5500
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**Applicant Information**

Application No	85412399	Publication date	03/19/2013
Opposition Filing Date	05/17/2013	Opposition Period Ends	05/18/2013
Applicant	MADE Holdings, LLC 1011 Lake County Drive Greensboro, GA 30642 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. All goods and services in the class are opposed, namely: advertising, marketing and promotional services; marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels including wireless interaction between mobile action codes and handheld mobile devices; electronic billboard advertising through interactive advertising panels incorporated into garments; consumer survey services in the nature of audience measurement surveys and media exposure measurement surveys; business research and market research; market research services regarding audience measurement and media exposure measurement; providing a website featuring business research and market research information to customers; market manipulation research and analysis
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3605821	Application Date	09/08/2008
Registration Date	04/14/2009	Foreign Priority Date	NONE
Word Mark	MADE		
Design Mark			
Description of Mark	The mark consists of three concentric circles with "MADE" displayed in the center circle. The outer circle is dark shaded, the middle circle is light shaded, the inner circle is dark shaded, and "MADE" is in light shaded lettering.		
Goods/Services	Class 041. First use: First Use: 2001/11/21 First Use In Commerce: 2001/11/21 Entertainment, namely, production of concerts, music festivals and nightclub events featuring live DJs, bands and/or musicians		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	U.S. Application Serial No. 85922887 for the word mark #MADE#.		
Goods/Services	"Advertising, promotion, and marketing services in the nature of promoting music festivals, DJs, artists, sponsors of such festivals and Promoting music festivals for others# in International Classes 35 and #arranging, organizing, conducting, and hosting social entertainment events; namely Entertainment in the nature of live music concerts, disc jockey concerts, musical and artistic performances, music tours, dance parties, night clubs and art exhibitions# in International Class 41.		

Attachments	05 17 13 Notice of Opposition.pdf(285649 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	/Gary Adelman/
Name	Gary Adelman
Date	05/17/2013

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

In the Matter of Application Serial No. 85412399  
Filed: August 31, 2011  
For Mark: "MADE"  
Published in the Official Gazette: March 19, 2013

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MADE EVENT, LLC,

Opposer,

-against-

MADE HOLDINGS, LLC,

Applicant.  
-----X

Opposition No.:

**NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Made Event LLC ("Opposer"), a Massachusetts limited liability company having an address at 27-28 Thomson Ave #700, Long Island City, New York 11101, believes that it will be damaged by registration of the word mark "MADE" ("Applicant's Word Mark"), as shown in Application Serial Number 85412399 (the "Word Mark Application"), filed in the name of MADE Holdings, LLC ("Applicant") for "advertising, marketing and promotional services; marketing services provided by means of indirect methods of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels including wireless interaction between mobile action codes and handheld mobile devices; electronic billboard advertising through interactive advertising panels incorporated into garments; consumer survey services in the nature of audience measurement surveys and media

exposure measurement surveys; business research and market research; market research services regarding audience measurement and media exposure measurement; providing a website featuring business research and market research information to customers; market manipulation research and analysis” in International Class 35, and having been granted extensions of time to oppose Applicant’s Word Mark up and to including May 18, 2013, Opposer hereby opposes the same.

As grounds of opposition, Opposer alleges as follows:

1. As set forth in detail below, Opposer offers services under the trade name, trademarks and service marks comprising or containing the term “MADE” either alone or combined in a circular design (collectively “Opposer’s MADE Marks”).

2. Since November 21, 2001, Opposer has used Opposer’s MADE Marks (i) to designate and provide entertainment services, including producing concerts, music festivals and nightclub events that feature live DJ’s bands and other musicians and to arrange, organize, conduct, and host social entertainment events, namely entertainment in the nature of live music concerts, disc jockey concerts, musical and artistic performances, music tours, dance parties, night clubs and art exhibitions; and (ii) to advertise, promote, and market its services in the nature of promoting music festivals, DJs, artists, sponsors of such festivals and promoting music festivals for others. Opposer has provided, marketed, promoted and advertised its services under Opposer’s MADE Marks, including arranging, organizing, marketing and promoting concerts, featuring prominent artists such as Tiesto, Danny Tenaglia, Armin Van Buuren, Paul Van Dyk, Markus Schulz, Above & Beyond, ATB, Loco Dice, Steve Bug, Benni Bennasi, Chateau Flight, David Guetta, and Deadmau5, just to name a few.

3. In addition to traditional mediums, Opposer advertises, markets and promotes its events and events for third parties using Opposer's MADE Marks by marketing communications including but not limited to social media outlets, search engine marketing, internet marketing, and electronic billboard advertising.

4. Opposer owns the following federal registration and applications for Opposer's MADE Marks:

- a. Federal Registration No. 3605821 for the "MADE" trademark consisting of design plus the words and letters "MADE" for "[e]ntertainment, namely, production of concerts, music festivals and nightclub events featuring live DJs, bands and/or musicians" which issued in International Class 41 on April 14, 2009, as depicted below:



- b. Application Serial No. 85922887, for the word mark "MADE", for "[a]dvertising, promotion, and marketing services in the nature of promoting music festivals, DJs, artists, sponsors of such festivals and Promoting music festivals for others" in International Classes 35 and "[a]rranging, organizing, conducting, and hosting social entertainment events; namely Entertainment in the nature of live music concerts, disc jockey concerts, musical and artistic performances, music tours, dance parties, night clubs and art exhibitions" in International Class 41.

5. The above applications and registration are valid and subsisting, and are in full force and effect and are owned by Opposer.

6. The services rendered using Opposer's MADE Marks have been extremely successful and are promoted, marketed and advertised to hundreds of thousands of people in the United States and around the world.

7. Events that are arranged, organized, hosted, advertised, promoted and marketed by Opposer under Opposer's MADE Marks garner attendance from 500-50,000 attendees from all over the United States and around the world.

8. Opposer has also expanded use of its marks to various promotional goods including clothing, namely t-shirts.

9. Opposer operates a website used to promote, advertise and help facilitate sales of tickets to its events that are promoted using Opposer's MADE Marks. Opposer's website is located at [www.madeevent.com](http://www.madeevent.com).

10. Opposer has continuously and prominently used Opposer's MADE Marks since their adoption in 2001. Opposer has extensively advertised and promoted Opposer's MADE Marks in connection with the many events that it has arranged, organized, promoted, advertised, as described above, and has achieved significant sales, exposure and recognition in connection with Opposer's MADE Marks.

11. By virtue of Opposer's longstanding use, advertisement, promotion, and production in connection with Opposer's MADE Marks and the goods and services they designate, Opposer's MADE Marks have developed enormous goodwill in the trade and among consumers and have become associated in the mind of the public with Opposer's well known services.

12. On August 31, 2011 Applicant filed Applicant's Word Mark for "advertising, marketing and promotional services; marketing services provided by means of indirect methods

of marketing communications, namely, social media, search engine marketing, inquiry marketing, internet marketing, mobile marketing, blogging and other forms of passive, sharable or viral communications channels including wireless interaction between mobile action codes and handheld mobile devices; electronic billboard advertising through interactive advertising panels incorporated into garments; consumer survey services in the nature of audience measurement surveys and media exposure measurement surveys; business research and market research; market research services regarding audience measurement and media exposure measurement; providing a website featuring business research and market research information to customers; market manipulation research and analysis” in International Class 35.

13. Upon information and belief, Applicant did not use Applicant’s Word Mark in the United States in connection with the goods and services covered by the Word Mark Application prior to its constructive first use date of August 31, 2011.

14. By virtue of Opposer’s prior use (since 2001), promotion and advertisement of and applications and registration for Opposer’s MADE Marks, Opposer has rights in Opposer’s MADE Marks prior and superior to any alleged rights of Applicant in Applicant’s Word Mark covered by the applications for same.

15. The goods and services covered by Applicant’s Word Mark are identical and/or closely related to goods bearing and services offered in connection with Opposer’s MADE Marks. Opposer primarily provides services in (i) entertainment, namely, production of concerts, music festivals and nightclub events featuring live DJs, bands and/or musicians and arranging, organizing, conducting, and hosting social entertainment events, namely entertainment in the nature of live music concerts, disc jockey concerts, musical and artistic performances, music tours, dance parties, night clubs and art exhibitions in International Class 41; and (ii)

advertising, promotion, and marketing services in the nature of promoting music festivals, DJs, artists, sponsors of such festivals and promoting music festivals for others in International Class 35. Among other mediums, advertises, markets and promotes its services using Opposer's MADE Marks by marketing communications including but not limited to social media outlets, search engine marketing, internet marketing, and electronic billboard advertising. In addition Opposer uses Opposer's MADE Marks in connection with goods including clothing, namely t-shirts.

16. The use of MADE in Applicant's Word Mark Application is identical and confusingly similar to the dominant "MADE" element of Opposer's MADE Marks.

17. Applicant's Word Mark so resembles Opposer's MADE Marks so as to be likely, when used in connection with Applicant's services, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's services have their origin with Opposer and/or that such services are approved, endorsed, or sponsored by Opposer or associated in some way with Opposer. Opposer would therefore be injured by the granting to Applicant of a certificate of registration for Applicant's Word Mark.

**WHEREFORE**, Opposer believes that it will be damaged by registration of Applicant's Word Mark and respectfully requests that its opposition be sustained and that the application for said registration be denied.

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Please recognize as attorneys for Opposer in this proceeding Gary Adelman and Sarah M. Matz and the firm Davis Shapiro & Lewit, LLP, 414 West 14<sup>th</sup> Street, 5<sup>th</sup> Floor, New York, New York 10014.

Dated: New York, New York  
May 17, 2013

Respectfully submitted,

DAVIS SHAPIRO & LEWIT LLP

By:  \_\_\_\_\_

Gary Adelman

Sarah M. Matz

414 West 14<sup>th</sup> Street, 5<sup>th</sup> Floor

New York, New York 10014

(212) 230-5500

*Attorneys for Opposer*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2013, I caused a true and complete copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant addressed as follows:

MADE Holdings, LLC  
1011 Lake County Drive  
Greensboro, Georgia 30642

and Applicant's Attorney and Correspondent of Record:

Susan L. Heller  
Greenberg Traurig, LLP  
1840 Century Park East, Suite 1900  
Los Angeles, California 90067

Dated: New York, New York  
May 17, 2013

Signature: \_\_\_\_\_



Sarah M. Matz, Esq.