

ESTTA Tracking number: **ESTTA573699**

Filing date: **11/27/2013**

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	Junkstock, LLC		
Entity	LLC	Citizenship	Nebraska
Address	11440 W. Center Road Suite A Omaha, NE 68144 UNITED STATES		

Attorney information	Patrick E. McNamara Anderson, Bressman and Hoffman, PC, LLO 11440 West Center Road Suite A Omaha, NE 68144 UNITED STATES pmcnamara@andersonbressman.com Phone:4023334774
----------------------	---

Applicant Information

Application No	85873978	Publication date	10/29/2013
Opposition Filing Date	11/27/2013	Opposition Period Ends	11/28/2013
Applicant	Montage Festivals LLC P.O. Box 33 Arcadia, OK 73007 OK		

Goods/Services Affected by Opposition

Class 035. First Use: 2013/01/05 First Use In Commerce: 2013/01/05
All goods and services in the class are opposed, namely: Arranging and conducting special events in the nature of trade shows in the field of arts, crafts, antiques and vintage goods for business purposes

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	JUNKSTOCK		
Goods/Services	Arranging and conducting special events in the nature of trade shows in the field of arts, crafts, antiques and vintage goods for business purposes		

Attachments	Junkstock Pleading.pdf(39396 bytes)
-------------	--------------------------------------

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	/Patrick E. McNamara/
Name	Patrick E. McNamara
Date	11/27/2013

UNITED STATES PATENT AND TRADEMARK OFFICE

Opposition to Trademark Application No. 85873978

Junkstock, LLC.

(Party Opposing the Trademark Application)

PLEADING

1. Junkstock, LLC is a Limited Liability Company duly organized pursuant to the Laws of the State of Nebraska.
2. Junkstock, LLC is opposing Trademark No. 85873978 on numerous grounds, which will be detailed below.
3. Junkstock, LLC was the first to use the term "Junkstock" in commerce, when on April 5, 2012, it created a Facebook Page entitled "Junkstock". This page was created to promote the Junkstock festivals, the first of which was held on June 22-24, 2012. A subsequent Junkstock festival was held in October of 2012, and there have been numerous festivals since then.
4. Prior to the June 2012 Junkstock Festival, on June 12, 2012 the Omaha World Herald published an article about the upcoming Junkstock Festival on the front page of the Money Section.
5. As Junkstock LLC's first Use in Commerce predates the date of first use on the Application, the Application should be denied.

DATED: November 26, 2013.

Junkstock, LLC, a Nebraska
Limited Liability Company,
Party Opposing Application No.
85873978

By: 
Patrick E. McNamara
Anderson, Bressman and Hoffman
Law Firm, P.C., L.L.O.

11440 W. Center Rd., Suite A
Omaha, NE 68144-4421
(402) 333-4774
Attorney for Party Opposing
Application No.
85873978