

ESTTA Tracking number: **ESTTA606388**

Filing date: **05/27/2014**

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	Frame Logic Digital LLC
Granted to Date of previous extension	05/28/2014
Address	29 South 3rd Street, # 1 E Brooklyn, NY 11249 UNITED STATES

Attorney information	Stewart J Bellus Collard and Roe 1077 Northern Blvd. Roslyn, NY 11576 UNITED STATES sbellus@collardroe.com Phone:5163659802
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**Applicant Information**

Application No	85682937	Publication date	01/28/2014
Opposition Filing Date	05/27/2014	Opposition Period Ends	05/28/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Technicolor 1-5 rue Jeanne d'Arc Issy-Les-Moulineaux, 92130 FRANCE		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Film production and post-production software, namely, computer software for thedailies processing
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	FRAME LOGIC DIGITAL
Goods/Services	FILM, VIDEO, DIGITAL AND COMPUTER IMAGING, PRODUCTION, EDITING AND RELATED AUDIO-VISUAL ACTIVITIES

Attachments	frame logic opposition.pdf(652924 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	/SJB/
Name	Stewart J Bellus
Date	05/27/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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FRAME LOGIC DIGITAL LLC	)	
	)	
Opposer,	)	
	)	
	)	Opposition No.
	)	Serial No. 85/682,937
v.	)	
	)	
TECHNICOLOR SOCIETE ANONYME	)	
	)	
Applicant.	)	
	)	
-----X		

**NOTICE OF OPPOSITION**

In the matter of an application for the registration of the trademark FRAME LOGIC for goods in Class 9, filed on July 20, 2012 under Serial No. 85/682,937 by TECHNICOLOR SOCIÉTÉ ANONYME (“Applicant”), FRAME LOGIC DIGITAL LLC (“Opposer”) believes it will be damaged by registration of said application and opposes same. The grounds for Opposition are as follows:

(BACKGROUND)

1. Opposer is a limited Liability Company organized under the laws of New York, located at 29 South 3<sup>rd</sup> Street, Brooklyn, NY 11249.
  
2. Opposer is the owner of the trademark and trade name FRAME LOGIC DIGITAL for use in connection with a wide variety of goods and services in the fields of film, video, digital and computer imaging, production, editing and related audio-visual activities, including but not limited to goods and services in Opposer’s abandoned Application Serial No. 85/693,272 and existing Registration No. 4,202,721, all of which are identical or commercially related to goods and services offered by Applicant.

3. Application Serial No. 85/692,937 was filed on July 20, 2012 with a priority date of February 13, 2012, which is the earliest date upon which Applicant can rely as its “first use date.”

4. Opposer’s rights in its FRAME LOGIC DIGITAL mark and trade name date back to 2008, the year in which Opposer began using its mark. This date is long before Applicant’s effective “first use date” of February 13, 2012, so Opposer has prior rights in the United States.

5. At the time Applicant filed its trademark application and began using its mark, Applicant had actual knowledge of Opposer, Opposer’s corporate and trade name FRAME LOGIC DIGITAL, and Opposer’s use of FRAME LOGIC DIGITAL as a trademark. Moreover, Applicant and Opposer provided goods and services to the same relevant consumers, and Opposer and Applicant had actual business interactions with each other. Therefore, Opposer’s filing of an application to register the mark FRAMELOGIC, as well as its use of the mark FRAMELOGIC, was and continues to be in bad faith.

Count I (Likelihood of Confusion)

6. Opposer incorporates by reference all the allegations contained in paragraphs 1-5 of this Notice of Opposition.

7. The commercial impression of Applicant’s mark FRAMELOGIC is nearly identical to Opposer’s FRAME LOGIC DIGITAL.

8. Applicant’s goods, as described in Application Serial No. 85/682,937, are closely related to goods and services provided by Opposer under its mark and trade name FRAME LOGIC DIGITAL.

9. Due to similarities between Opposer’s and Applicant’s marks and the closely related goods and services upon which those marks are used, there is a likelihood that consumers will be confused, mistaken and/or deceived into believing that Applicant’s goods emanate from, or in some way are associated or connected with, or sponsored, authorized or warranted by Opposer,

all to the detriment of Opposer, and Opposer will be damaged if a registration is granted to Applicant.

Count II (Dilution by Blurring)

10. Opposer incorporates by reference the allegations contained in paragraphs 1-9 of this Notice of Opposition.

11. Opposer is the owner of the FRAME LOGIC DIGITAL mark which is famous and distinctive throughout the United States. Opposer's FRAME LOGIC DIGITAL mark has been used in the United States since 2008. This mark has been used and advertised extensively and is widely recognized by consumers and those in the trade as a designation of source for the goods and services of Opposer and is therefore a famous and distinctive mark.

12. Applicant's use of its FRAMELOGIC mark is in violation of Section 43 © of the Lanham Act in that Applicant is likely to cause dilution by blurring by creating a likelihood of association with Opposer's FRAME LOGIC DIGITAL mark.

13. Applicant's use of the FRAMELOGIC mark will cause an association arising from the similarity with Opposer's FRAME LOGIC DIGITAL mark that will cause dilution by blurring and impair the distinctiveness of Opposer's mark, all to the detriment of Opposer who will be damaged by Applicant's use of the FRAMELOGIC mark.

Count III (Fraud on the PTO)

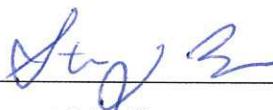
14. Opposer incorporates by reference the allegations contained in paragraphs 1-12 of this Notice of Opposition.

15. Applicant's application to register the mark FRAMELOGIC included a signed declaration which in part stated the following: "*The signatory believes that to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce....*" (emphasis added).

15. At the time Applicant signed this declaration, it had actual knowledge and should have known that Opposer had been using the nearly identical mark FRAME LOGIC DIGITAL for several years. Therefore Applicant's signing of the declaration containing a knowingly false assertion was intentional, had a material impact on examination by the PTO, and constituted "Fraud" on the PTO, all to the detriment of Opposer.

WHEREFORE, Opposer requests that this Opposition be sustained and that the requested registration of Applicant's mark in Application Serial Number 85/682,937 be denied.

FRAME LOGIC DIGITAL LLC



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Stewart J. Bellus  
Sara M. Dorchak  
COLLARD & ROE, P.C.  
1077 Northern Boulevard  
Roslyn, New York 11576  
Telephone: (516) 365-9802  
Facsimile: (516) 365-9805  
Email: [sbellus@collardroe.com](mailto:sbellus@collardroe.com)  
[sdorchak@collardroe.com](mailto:sdorchak@collardroe.com)

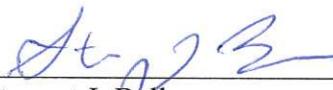
Attorneys for Opposer FRAME LOGIC  
DIGITAL LLC

Date: May 27, 2014

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the forgoing NOTICE OF OPPOSITION has this 27th day of May 2014 been sent by prepaid First Class Mail to:

**Michelle L. Visser  
Rader, Fishman & Grauer PLLC  
39533 Woodward Ave Ste 140  
Bloomfield Hills, Michigan 48304-5098**

  
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Stewart J. Bellus