

ESTTA Tracking number: **ESTTA655142**

Filing date: **02/10/2015**

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	Tijs M. Verwest
Granted to Date of previous extension	02/11/2015
Address	c/o Gelfand Rennert & Feldman LLP 360 Hamilton Avenue, Suite 100 White Plains, NY 10601 UNITED STATES
Party who filed Extension of time to oppose	TijsMVerwest
Relationship to party who filed Extension of time to oppose	The name was previously improperly entered without proper spacing and punctuation.

Attorney information	Jill M. Pietrini Sheppard Mullin Richter & Hampton, LLP 1901 Avenue of the Stars, Suite 1600 Los Angeles, CA 90067 UNITED STATES jpietrini@sheppardmullin.com, mdanner@sheppardmullin.com, rwalsh@sheppardmullin.com, lmartin@sheppardmullin.com Phone:310-228-3700
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**Applicant Information**

Application No	86314001	Publication date	10/14/2014
Opposition Filing Date	02/10/2015	Opposition Period Ends	02/11/2015
Applicant	T-Mobile USA, Inc. 12920 S.E. 38th Street Bellevue, WA 98006 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 038. First Use: 2014/06/18 First Use In Commerce: 2014/06/18 All goods and services in the class are opposed, namely: Cellular telecommunications services, namely, transmission of music via cellular telecommunications networks and the Internet; streaming services, namely, transmission of audio, video and multimedia content
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4196409	Application Date	06/20/2011
Registration Date	08/28/2012	Foreign Priority Date	12/21/2010
Word Mark	MUSICAL FREEDOM		
Design Mark	<b>MUSICAL FREEDOM</b>		
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0  Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music, musical shows and events; prerecorded video discs featuring music, musical shows and events; prerecorded digital video discs featuring music, musical shows and events; compact discs featuring music; super audio compact discs featuring music; prerecorded DVDs and CD-ROMs featuring music, musical shows and events; digital music downloadable from the Internet; MP3 players; personal digital assistants and electronic handheld units for the wireless receipt and/or transmission of sound; digital downloadable music provided from MP3 Internet websites</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0  Paper, cardboard and goods made from these materials, not included in other classes, namely, boxes of paper or cardboard, and banners of paper; printed matter, namely, posters, calendars, stickers, and decals; printed matter, namely, newspapers, magazines, books, newsletters and brochures in the field of musical events and shows; bookbinding material; photographs; stationery; printed instructional and teaching materials in the field of music; plastic materials for packaging, not included in other classes, namely, plastic bags for packaging</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0  Clothing, footwear, and headgear, namely, shirts, long-sleeved shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, scrubs not for medical purposes, smocks, dress shirts, bottoms, pants, jeans, culottes, cargo pants, stretch pants, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, stretch tops, tube tops, crop tops, tank tops, tankinis, halter tops, sweat shirts, hooded sweat shirts, sweat jackets, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, track pants, play suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, cloaks, shrugs, shawls, pashminas, jackets, dinner jackets, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, jean jackets, coats, heavy coats, over coats, top coats, petticoats, blazers, suits, tuxedos, cummerbunds, cuffs, collars, removable collars, collar protectors, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, layettes, infantwear, infants sleepers, booties, baby bibs not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, ties, neckerchiefs, pocket squares, ascots, underwear, thermal underwear, long underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers, corsets, panties, thongs, G-strings, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, underclothes, pajamas, sleepwear, night gowns, nighties, lingerie, camisoles, negligees, chemises, chemisettes, slips, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, rain slickers, rainwear, footwear, shoes, mules, sneakers, boots, galoshes, sandals, flip-flops, and slippers</p>		

	<p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>[ Organizing community sporting and cultural events; disc jockey services; entertainment in the nature of visual and audio performances by disc jockeys, artists and dancers; recording studio services; entertainment impresario services, namely, organizing, arranging and conducting live musical and dance performances and events; presentation of live show performances ]</p>
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U.S. Registration No.	4296771	Application Date	03/28/2011
Registration Date	03/05/2013	Foreign Priority Date	12/21/2010

Word Mark	MUSICAL FREEDOM
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Description of Mark	<p>The mark consists of the wording "MUSICAL FREEDOM" in stylized format. The "M" in "MUSICAL" is embodied within a rectangle and the "E" in "FREEDOM" is represented as three horizontal lines.</p>
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Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music, musical shows and events; prerecorded video discs featuring music, musical shows and events; prerecorded digital video discs featuring music, musical shows and events; compact discs featuring music; super audio compact discs featuring music; prerecorded DVDs and CD-ROMs featuring music, musical shows and events; digital music downloadable from the Internet; MP3 players; personal digital assistants and electronic handheld units for the wireless receipt and/or transmission of sound; digital downloadable music provided from MP3 Internet websites</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0</p> <p>Paper, cardboard and goods made from these materials, not included in other classes, namely, boxes of paper or cardboard, and banners of paper; printed matter, namely, posters, calendars, stickers, and decals; printed matter, namely, newspapers, magazines, books, newsletters and brochures in the field of musical events and shows; bookbinding material; photographs; stationery; printed instructional and teaching materials in the field of music; plastic materials for packaging, not included in other classes, namely, plastic bags for packaging</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Clothing, footwear, and headgear, namely, shirts, long-sleeved shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, scrubs not for medical purposes, smocks, dress shirts, bottoms, pants, jeans, culottes, cargo pants, stretch pants, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, stretch tops, tube tops, crop tops, tank tops, tankinis, halter tops, sweat shirts, hooded sweat shirts, sweat jackets, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, track pants, play suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, cloaks, shrugs, shawls, pashminas, jackets, dinner jackets, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, jean jackets, coats, heavy coats, over coats, top coats, petticoats, blazers, suits, tuxedos, cummerbunds,</p>
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	<p>cuffs, collars, removable collars, collar protectors, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, layettes, infantwear, infants sleepers, booties, baby bibs not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, ties, neckerchiefs, pocket squares, ascots, underwear, thermal underwear, long underwear, briefs, swim and bathing trunks, bras, sportsbras, brassieres, bustiers, corsets, panties, thongs, G-strings, garters and garter belts, teddies, girdles, foundationgarments, singlets, socks, loungewear, robes, underclothes, pajamas, sleepwear, night gowns, nighties, lingerie, camisoles, negligees, chemises, chemisettes, slips, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, rain slickers, rainwear, footwear, shoes, mules, sneakers, boots, galoshes, sandals, flip-flops, and slippers</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Entertainment and relaxation, namely, disc jockey services; organizing community sporting and cultural events; entertainment in the nature of visual and audio performances by disc jockeys, artists and dancers; recording studio services; entertainment impresario services, namely, organizing, arranging and conducting live musical and dance performances and events; presentation of live show performances</p>
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Attachments	<p>79101209#TMSN.png( bytes )  79099363#TMSN.png( bytes )  Notice of Opposition - Tiesto v. T-Mobile.pdf(3690070 bytes )</p>
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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	/Jill M. Pietrini/
Name	Jill M. Pietrini
Date	02/10/2015

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

<p><i>In re Matter of Application No. 86/314,001 for the mark: MUSIC FREEDOM in Class 38</i></p> <p>Tijs M. Verwest,  Opposer,  vs.  T-Mobile USA, Inc.,  Applicant.</p>	<p>Opposition No. _____</p> <p><b>NOTICE OF OPPOSITION</b></p>
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Commissioner for Trademarks  
ATTN: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

Dear Commissioner:

Opposer, Tijs M. Verwest, an individual from the Netherlands, having a business address of c/o Gelfand Rennert & Feldman LLP, 360 Hamilton Avenue, Suite 100, White Plains, New York 10601 (“Opposer”), believes that he will be harmed by the registration of the mark MUSIC FREEDOM in Class 38, as shown in U.S. Application Serial No. 86/314,001 (the “Application”), and hereby opposes its registration on the following grounds:

**FACTUAL BACKGROUND REGARDING THE MUSICAL FREEDOM MARKS**

1. Opposer performs and records under the name Tiësto. Opposer is one of the world’s best known DJs and record producers. At least as early as 2009, Opposer began the record label Musical Freedom. Various luminaries of the dance music world have released music on Musical Freedom, including, for example, Martin Garrix, R3hab, Danny Avila,

Hardwell, and Opposer himself. Musical Freedom has sponsored and/or hosted stages at international music festivals. Musical Freedom also has a strong presence on the internet: it owns and operates the domain name <musicalfreedom.com>, from which it streams its releases; its @musicalfreedom Twitter account has over 103,000 followers; its YouTube account has over 270,000 subscribers; and its Facebook account has over 209,000 Likes. Likewise, Musical Freedom's releases are distributed via a variety of online channels, including, for example, iTunes, Spotify, Pandora, Soundcloud, and Rdio. Musical Freedom has a profile on Spotify and a podcast on iTunes Radio.

2. Opposer owns a registration of the trademark MUSICAL FREEDOM (Reg. No. 4,196,409) for various goods in Classes 9, 16, and 25, and a registration of the trademark MUSICAL FREEDOM (Stylized) (Reg. No. 4,296,771) for various goods and services in Classes 9, 16, 25, and 41 (collectively, the "MUSICAL FREEDOM Marks"). Attached as **Exhibit A** are true and correct copies of U.S. Registrations of the MUSICAL FREEDOM Marks and of recent printouts of the TESS pages reflecting the status of Opposer's U.S. Registrations of the MUSICAL FREEDOM Marks. Opposer's MUSICAL FREEDOM (Stylized) mark is shown below:



3. Pursuant to Section 66A of the Lanham Act, Opposer filed his application underlying Reg. No. 4,196,409 on June 20, 2011, and has a priority date of December 21, 2010 based on his OHIM registration underlying this Section 66A application. Pursuant to 66A of the Lanham Act, Opposer filed his application underlying Reg. No. 4,296,771 on March 28, 2011, and has a priority date of December 21, 2010 based on the Benelux registration underlying this

Section 66A application. Opposer's priority dates for his U.S. Registrations of the MUSICAL FREEDOM Marks predate the filing date of the Application.

4. Opposer first used its MUSICAL FREEDOM Marks at least as early as 2009. Since then, Opposer has used the MUSICAL FREEDOM Marks for various goods and services in the music industry, including the goods and services identified in its U.S. Registrations of the MUSICAL FREEDOM Marks. Opposer has also developed common law rights in the MUSICAL FREEDOM Marks, which precede the filing date of the Application.

#### **FACTUAL BACKGROUND REGARDING THE APPLICATION**

5. On June 18, 2014, Applicant T-Mobile USA, Inc., a Delaware corporation, having an address of 12920 S.E. 38th Street, Bellevue, WA 98006 (hereinafter "Applicant"), filed the Application in the Office seeking registration, pursuant to Section 1(a) of the Lanham Act, of MUSIC FREEDOM, in standard characters, for cellular telecommunications services, namely, transmission of music via cellular telecommunications networks and the Internet; streaming services, namely, transmission of audio, video and multimedia content, in Class 38.

6. The Application was published for opposition in the Official Gazette on October 14, 2014. On November 12, 2014, Opposer was granted an extension of time to oppose the Application.

#### **FIRST GROUND – LIKELIHOOD OF CONFUSION**

7. Opposer incorporates the allegations contained in Paragraphs 1 to 6 herein.

8. Applicant's proposed mark is confusingly similar to the MUSICAL FREEDOM Marks.

9. The services identified in the Application are related to those goods and services Opposer offers under his MUSICAL FREEDOM Marks.

10. Applicant's mark is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods, services, or commercial activities by Opposer.

## **SECOND GROUND – LIKELIHOOD OF DILUTION**

11. Opposer incorporates the allegations contained in Paragraphs 1 to 10 herein.

12. The MUSICAL FREEDOM Marks are inherently distinctive and have acquired secondary meaning and are associated with Opposer and the goods and services offered thereunder.

13. The MUSICAL FREEDOM Marks are famous within the meaning of the Federal Trademark Dilution Act. The MUSICAL FREEDOM Marks have been the subject of significant advertising and publicity, and the goods and services offered under the MUSICAL FREEDOM Marks have sold in high volumes. The MUSICAL FREEDOM Marks are actually recognized amongst the public in general, and, as noted above, the MUSICAL FREEDOM Marks are registered on the Principal Register.

14. Applicant filed the Application after the MUSICAL FREEDOM Marks had become famous, and Applicant seeks to commercially use, or is commercially using, the applied-for mark MUSIC FREEDOM.

15. Applicant's mark is likely to cause dilution of Opposer's MUSICAL FREEDOM Marks and blur the distinctiveness of Opposer's MUSICAL FREEDOM Marks.

## **DAMAGE TO OPPOSER**

16. As a result of all of the foregoing, the maturation of the Application into a registration would cause a likelihood of confusion, mistake, or deception of Applicant's services identified in the Application with Opposer and the MUSICAL FREEDOM Marks; a likelihood of association, connection, or affiliation of Applicant's services identified in the Application with Opposer or the goods and services offered by Opposer under the MUSICAL FREEDOM Marks, or as to the origin, sponsorship or approval by Opposer of Applicant's services identified in the Application; and a likelihood of dilution of the MUSICAL FREEDOM Marks.

17. Opposer would be damaged by the registration of the mark shown in the Application, in that such registration would give Applicant a *prima facie* exclusive right to the

use of MUSIC FREEDOM, despite the likelihood of confusion and likelihood of dilution described above.

***PRAYER***

WHEREFORE, Opposer prays that this Opposition be sustained in favor of Opposer, that the Application be rejected, and that registration of the Application be refused.

Respectfully submitted,

Dated: February 10, 2015

/s/Jill M. Pietrini

Jill M. Pietrini

Paul A. Bost

SHEPPARD MULLIN RICHTER & HAMPTON LLP

1901 Avenue of the Stars, Suite 1600

Los Angeles, California 90067-6017

(310) 228-3700

*Attorneys for Opposer Tijs M. Verwest*

**CERTIFICATE OF SERVICE**

I hereby certify that this Notice of Opposition is being deposited with the United States Postal Service, postage prepaid, first class mail, in an envelope addressed to:

Richard W. Hansen  
T-Mobile USA, Inc.  
12920 SE 38<sup>th</sup> St.  
Bellevue, WA 98006-7305

Jessica D. Bradley  
Jones Day  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001-2113

on this 10<sup>th</sup> day of February, 2015.

/LaTrina A. Martin/  
LaTrina A. Martin

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being transmitted electronically to Commissioner of Trademarks, Attn: Trademark Trial and Appeal Board through ESTTA pursuant to 37 C.F.R. §2.195(a), on this 10<sup>th</sup> day of February, 2015.

/LaTrina A. Martin/  
LaTrina A. Martin

SMRH:436323296.1

# **EXHIBIT A**

# United States of America

United States Patent and Trademark Office

## MUSICAL FREEDOM

**Reg. No. 4,196,409**

**Registered Aug. 28, 2012**

**Corrected July 29, 2014**

**Int. Cls.: 9, 16 and 25**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

TIJS M. VERWEST (NETHERLANDS INDIVIDUAL)  
C/O GELFAND RENNERT & FELDMAN  
LLP 360 HAMILTON AVENUE, SUITE 100 WHITE PLAINS NEW YORK NY  
NEW YORK, UNITED STATES 10601

FOR: APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; PRERECORDED MAGNETIC DATA CARRIERS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; PRERECORDED VIDEO DISCS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; PRERECORDED DIGITAL VIDEO DISCS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; COMPACT DISCS FEATURING MUSIC; SUPER AUDIO COMPACT DISCS FEATURING MUSIC; PRERECORDED DVDS AND CD-ROMS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; DIGITAL MUSIC DOWNLOADABLE FROM THE INTERNET; MP3 PLAYERS; PERSONAL DIGITAL ASSISTANTS AND ELECTRONIC HANDHELD UNITS FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF SOUND; DIGITAL DOWNLOADABLE MUSIC PROVIDED FROM MP3 INTERNET WEBSITES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS, NOT INCLUDED IN OTHER CLASSES, NAMELY, BOXES OF PAPER OR CARDBOARD, AND BANNERS OF PAPER; PRINTED MATTER, NAMELY, POSTERS, CALENDARS, STICKERS, AND DECALS; PRINTED MATTER, NAMELY, NEWSPAPERS, MAGAZINES, BOOKS, NEWSLETTERS AND BROCHURES IN THE FIELD OF MUSICAL EVENTS AND SHOWS; BOOKBINDING MATERIAL; PHOTOGRAPHS; STATIONERY; PRINTED INSTRUCTIONAL AND TEACHING MATERIALS IN THE FIELD OF MUSIC; PLASTIC MATERIALS FOR PACKAGING, NOT INCLUDED IN OTHER CLASSES, NAMELY, PLASTIC BAGS FOR PACKAGING, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: CLOTHING, FOOTWEAR, AND HEADGEAR, NAMELY, SHIRTS, LONG-SLEEVED SHIRTS, T-SHIRTS, UNDER SHIRTS, NIGHT SHIRTS, RUGBY SHIRTS, POLO SHIRTS, CARDIGANS, JERSEYS, UNIFORMS, SCRUBS NOT FOR MEDICAL PURPOSES, SMOCKS, DRESS SHIRTS, BOTTOMS, PANTS, JEANS, CULOTTES, CARGO PANTS, STRETCH PANTS, DENIM JEANS, OVERALLS, COVERALLS, JUMPERS, JUMP SUITS, SHORTS, BOXER SHORTS, TOPS, STRETCH TOPS, TUBE TOPS, CROP TOPS, TANK TOPS, TANKINIS, HALTER TOPS, SWEAT SHIRTS, HOODED SWEAT SHIRTS, SWEAT JACKETS, SWEAT SHORTS, SWEAT PANTS, WRAPS, WARM-UP SUITS, JOGGING SUITS, TRACK SUITS, TRACK PANTS, PLAY SUITS, BLOUSES, SKIRTS, DRESSES, GOWNS, SWEATERS, VESTS, FLEECE VESTS, PULLOVERS, SNOW SUITS, PARKAS, CAPES, ANORAKS, PONCHOS,



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,196,409** CLOAKS, SHRUGS, SHAWLS, PASHMINAS, JACKETS, DINNER JACKETS, REVERSIBLE JACKETS, WIND-RESISTANT JACKETS, SHELL JACKETS, SPORTS JACKETS, GOLF AND SKI JACKETS, JEAN JACKETS, COATS, HEAVY COATS, OVER COATS, TOP COATS, PETTICOATS, BLAZERS, SUITS, TUXEDOS, CUMMERBUNDS, CUFFS, COLLARS, REMOVABLE COLLARS, COLLAR PROTECTORS, TURTLENECKS, CLOTH SKI BIBS, SWIMWEAR, BEACHWEAR, TENNIS WEAR, SURF WEAR, SKI WEAR, LAYETTES, INFANTWEAR, INFANTS SLEEPERS, BOOTIES, BABY BIBS NOT OF PAPER, CAPS, SWIM CAPS, BERETS, BEANIES, HATS, VISORS, HEADBANDS, WRIST BANDS, SWEAT BANDS, HEADWEAR, EAR MUFFS, APRONS, SCARVES, BANDANAS, BELTS, SUSPENDERS, NECKWEAR, TIES, NECKERCHIEFS, POCKET SQUARES, ASCOTS, UNDERWEAR, THERMAL UNDERWEAR, LONG UNDERWEAR, BRIEFS, SWIM AND BATHING TRUNKS, BRAS, SPORTS BRAS, BRASSIERES, BUSTIERS, CORSETS, PANTIES, THONGS, G-STRINGS, GARTERS AND GARTER BELTS, TEDDIES, GIRDLES, FOUNDATION GARMENTS, SINGLETS, SOCKS, LOUNGEWEAR, ROBES, UNDERCLOTHES, PAJAMAS, SLEEPWEAR, NIGHT GOWNS, NIGHTIES, LINGERIE, CAMISOLES, NEGLIGEEES, CHEMISES, CHEMISETTES, SLIPS, SARONGS, LEG WARMERS, HOSIERY, PANTYHOSE, BODY STOCKINGS, KNEE HIGHS, LEGGINGS, TIGHTS, LEOTARDS, BODY SUITS, UNITARDS, BODY SHAPERS, GLOVES, MITTENS, RAIN SLICKERS, RAINWEAR, FOOTWEAR, SHOES, MULES, SNEAKERS, BOOTS, GALOSHES, SANDALS, FLIP-FLOPS, AND SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

PRIORITY DATE OF 12-21-2010 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1087143 DATED 6-20-2011, EXPIRES 6-20-2021.

SER. NO. 79-101,209, FILED 6-20-2011.



United States Patent and Trademark Office

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# MUSICAL FREEDOM

**Word Mark** MUSICAL FREEDOM

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music, musical shows and events; prerecorded video discs featuring music, musical shows and events; prerecorded digital video discs featuring music, musical shows and events; compact discs featuring music; super audio compact discs featuring music; prerecorded DVDs and CD-ROMs featuring music, musical shows and events; digital music downloadable from the Internet; MP3 players; personal digital assistants and electronic handheld units for the wireless receipt and/or transmission of sound; digital downloadable music provided from MP3 Internet websites

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper, cardboard and goods made from these materials, not included in other classes, namely, boxes of paper or cardboard, and banners of paper; printed matter, namely, posters, calendars, stickers, and decals; printed matter, namely, newspapers, magazines, books, newsletters and brochures in the field of musical events and shows; bookbinding material; photographs; stationery; printed instructional and teaching materials in the field of music; plastic materials for packaging, not included in other classes, namely, plastic bags for packaging

IC 025. US 022 039. G & S: Clothing, footwear, and headgear, namely, shirts, long-sleeved shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, scrubs not for medical purposes, smocks, dress shirts, bottoms, pants, jeans, culottes, cargo pants, stretch pants, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, stretch tops, tube tops, crop tops, tank tops, tankinis, halter tops, sweat shirts, hooded sweat shirts, sweat jackets, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, track pants, play suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, cloaks, shrugs, shawls, pashminas, jackets, dinner jackets, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, jean jackets, coats, heavy coats, over coats, top coats, petticoats, blazers, suits, tuxedos, cummerbunds, cuffs, collars, removable collars, collar protectors, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, layettes, infantwear, infants sleepers, booties, baby bibs not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, ties, neckerchiefs, pocket squares, ascots, underwear, thermal underwear, long underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers, corsets, panties, thongs, G-strings, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, underclothes, pajamas, sleepwear, night gowns, nighties, lingerie, camisoles, negligees, chemises, chemisettes, slippers, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits,

unitards, body shapers, gloves, mittens, rain slickers, rainwear. footwear, shoes, mules, sneakers, boots, galoshes, sandals, flip-flops, and slippers

(CANCELLED) IC 041. US 100 101 107. G & S: [ Organizing community sporting and cultural events; disc jockey services; entertainment in the nature of visual and audio performances by disc jockeys, artists and dancers; recording studio services; entertainment impresario services, namely, organizing, arranging and conducting live musical and dance performances and events; presentation of live show performances ]

**Standard  
Characters  
Claimed**

**Mark  
Drawing  
Code**

(4) STANDARD CHARACTER MARK

**Serial  
Number**

79101209

**Filing Date**

June 20, 2011

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66A

**Original  
Filing Basis**

66A

**Published for  
Opposition**

June 12, 2012

**Change In  
Registration**

CHANGE IN REGISTRATION HAS OCCURRED

**Registration  
Number**

**4196409**

**International  
Registration  
Number**

1087143

**Registration  
Date**

August 28, 2012

**Owner**

(REGISTRANT) Tijds M. Verwest INDIVIDUAL NETHERLANDS c/o Gelfand Rennert & Feldman LLP  
360 Hamilton Avenue, Suite 100 White Plains New York NY New York UNITED STATES 10601

**Attorney of  
Record**

Todd A. Denys

**Priority Date**

December 21, 2010

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Live/Dead  
Indicator**

LIVE

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# MUSICAL FREEDOM

**Word Mark**  
**Goods and Services**

MUSICAL FREEDOM

IC 009. US 021 023 026 036 038. G & S: Apparatus for recording, transmission or reproduction of sound or images; prerecorded magnetic data carriers featuring music, musical shows and events; prerecorded video discs featuring music, musical shows and events; prerecorded digital video discs featuring music, musical shows and events; compact discs featuring music; super audio compact discs featuring music; prerecorded DVDs and CD-ROMs featuring music, musical shows and events; digital music downloadable from the Internet; MP3 players; personal digital assistants and electronic handheld units for the wireless receipt and/or transmission of sound; digital downloadable music provided from MP3 Internet websites

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper, cardboard and goods made from these materials, not included in other classes, namely, boxes of paper or cardboard, and banners of paper; printed matter, namely, posters, calendars, stickers, and decals; printed matter, namely, newspapers, magazines, books, newsletters and brochures in the field of musical events and shows; bookbinding material; photographs; stationery; printed instructional and teaching materials in the field of music; plastic materials for packaging, not included in other classes, namely, plastic bags for packaging

IC 025. US 022 039. G & S: Clothing, footwear, and headgear, namely, shirts, long-sleeved shirts, T-shirts, under shirts, night shirts, rugby shirts, polo shirts, cardigans, jerseys, uniforms, scrubs not for medical purposes, smocks, dress shirts, bottoms, pants, jeans, culottes, cargo pants, stretch pants, denim jeans, overalls, coveralls, jumpers, jump suits, shorts, boxer shorts, tops, stretch tops, tube tops, crop tops, tank tops, tankinis, halter tops, sweat shirts, hooded sweat shirts, sweat jackets, sweat shorts, sweat pants, wraps, warm-up suits, jogging suits, track suits, track pants, play suits, blouses, skirts, dresses, gowns, sweaters, vests, fleece vests, pullovers, snow suits, parkas, capes, anoraks, ponchos, cloaks, shrugs, shawls, pashminas, jackets, dinner jackets, reversible jackets, wind-resistant jackets, shell jackets, sports jackets, golf and ski jackets, jean jackets, coats, heavy coats, over coats, top coats, petticoats, blazers, suits, tuxedos, cummerbunds, cuffs, collars, removable collars, collar protectors, turtlenecks, cloth ski bibs, swimwear, beachwear, tennis wear, surf wear, ski wear, layettes, infantwear, infants sleepers, booties, baby bibs not of paper, caps, swim caps, berets, beanies, hats, visors, headbands, wrist bands, sweat bands, headwear, ear

muffs, aprons, scarves, bandanas, belts, suspenders, neckwear, ties, neckerchiefs, pocket squares, ascots, underwear, thermal underwear, long underwear, briefs, swim and bathing trunks, bras, sports bras, brassieres, bustiers, corsets, panties, thongs, G-strings, garters and garter belts, teddies, girdles, foundation garments, singlets, socks, loungewear, robes, underclothes, pajamas, sleepwear, night gowns, nighties, lingerie, camisoles, negligees, chemises, chemisettes, slippers, sarongs, leg warmers, hosiery, pantyhose, body stockings, knee highs, leggings, tights, leotards, body suits, unitards, body shapers, gloves, mittens, rain slickers, rainwear, footwear, shoes, mules, sneakers, boots, galoshes, sandals, flip-flops, and slippers

IC 041. US 100 101 107. G & S: Entertainment and relaxation, namely, disc jockey services; organizing community sporting and cultural events; entertainment in the nature of visual and audio performances by disc jockeys, artists and dancers; recording studio services; entertainment impresario services, namely, organizing, arranging and conducting live musical and dance performances and events; presentation of live show performances

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design** 26.11.21 - Rectangles that are completely or partially shaded

**Search Code** 26.17.01 - Bands, straight; Bars, straight; Lines, straight; Straight line(s), band(s) or bar(s)  
26.17.05 - Bands, horizontal; Bars, horizontal; Horizontal line(s), band(s) or bar(s); Lines, horizontal  
27.03.01 - Geometric figures forming letters, numerals or punctuation

**Serial Number** 79099363

**Filing Date** March 28, 2011

**Current Basis** 66A

**Original Filing Basis** 66A

**Published for Opposition** December 18, 2012

**Registration Number** 4296771

**International Registration Number** 1082545

**Registration Date** March 5, 2013

**Owner** (REGISTRANT) Tijs M. Verwest INDIVIDUAL NETHERLANDS c/o Gelfand Rennert & Feldman LLP  
360 Hamilton Avenue, Suite 100 White Plains NEW YORK 10601

**Attorney of Record** Todd A. Denys

**Priority Date** December 21, 2010

**Prior Registrations** 4196409

**Description of Mark** Color is not claimed as a feature of the mark. The mark consists of the wording "MUSICAL FREEDOM" in stylized format. The "M" in "MUSICAL" is embodied within a rectangle and the "E" in "FREEDOM" is represented as three horizontal lines.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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United States of America  
United States Patent and Trademark Office

**MUSICAL  
FREEDOM**

Reg. No. 4,296,771

Registered Mar. 5, 2013

Int. Cls.: 9, 16, 25 and 41

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

TIJS M. VERWEST (NETHERLANDS INDIVIDUAL)  
C/O GELFAND RENNERT & FELDMAN  
LLP 360 HAMILTON AVENUE., SUITE 100  
WHITE PLAINS, NY 10601

FOR: APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; PRERECORDED MAGNETIC DATA CARRIERS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; PRERECORDED VIDEO DISCS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; PRERECORDED DIGITAL VIDEO DISCS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; COMPACT DISCS FEATURING MUSIC; SUPER AUDIO COMPACT DISCS FEATURING MUSIC; PRERECORDED DVDS AND CD-ROMS FEATURING MUSIC, MUSICAL SHOWS AND EVENTS; DIGITAL MUSIC DOWNLOADABLE FROM THE INTERNET; MP3 PLAYERS; PERSONAL DIGITAL ASSISTANTS AND ELECTRONIC HANDHELD UNITS FOR THE WIRELESS RECEIPT AND/OR TRANSMISSION OF SOUND; DIGITAL DOWNLOADABLE MUSIC PROVIDED FROM MP3 INTERNET WEBSITES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PAPER, CARDBOARD AND GOODS MADE FROM THESE MATERIALS, NOT INCLUDED IN OTHER CLASSES, NAMELY, BOXES OF PAPER OR CARDBOARD, AND BANNERS OF PAPER; PRINTED MATTER, NAMELY, POSTERS, CALENDARS, STICKERS, AND DECALS; PRINTED MATTER, NAMELY, NEWSPAPERS, MAGAZINES, BOOKS, NEWSLETTERS AND BROCHURES IN THE FIELD OF MUSICAL EVENTS AND SHOWS; BOOKBINDING MATERIAL; PHOTOGRAPHS; STATIONERY; PRINTED INSTRUCTIONAL AND TEACHING MATERIALS IN THE FIELD OF MUSIC; PLASTIC MATERIALS FOR PACKAGING, NOT INCLUDED IN OTHER CLASSES, NAMELY, PLASTIC BAGS FOR PACKAGING, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: CLOTHING, FOOTWEAR, AND HEADGEAR, NAMELY, SHIRTS, LONG-SLEEVED SHIRTS, T-SHIRTS, UNDER SHIRTS, NIGHT SHIRTS, RUGBY SHIRTS, POLO SHIRTS, CARDIGANS, JERSEYS, UNIFORMS, SCRUBS NOT FOR MEDICAL PURPOSES, SMOCKS, DRESS SHIRTS, BOTTOMS, PANTS, JEANS, CULOTTES, CARGO PANTS, STRETCH PANTS, DENIM JEANS, OVERALLS, COVERALLS, JUMPERS, JUMP SUITS, SHORTS, BOXER SHORTS, TOPS, STRETCH TOPS, TUBE TOPS, CROP TOPS, TANK TOPS, TANKINIS, HALTER TOPS, SWEAT SHIRTS, HOODED SWEAT SHIRTS, SWEAT JACKETS, SWEAT SHORTS, SWEAT PANTS, WRAPS, WARM-UP SUITS, JOGGING SUITS, TRACK SUITS, TRACK PANTS, PLAY SUITS, BLOUSES, SKIRTS, DRESSES, GOWNS, SWEATERS, VESTS, FLEECE VESTS, PULLOVERS, SNOW SUITS, PARKAS, CAPES, ANORAKS, PONCHOS,



*Sean Street*  
Acting Director of the United States Patent and Trademark Office

**Reg. No. 4,296,771** CLOAKS, SHRUGS, SHAWLS, PASHMINAS, JACKETS, DINNER JACKETS, REVERSIBLE JACKETS, WIND-RESISTANT JACKETS, SHELL JACKETS, SPORTS JACKETS, GOLF AND SKI JACKETS, JEAN JACKETS, COATS, HEAVY COATS, OVER COATS, TOP COATS, PETTICOATS, BLAZERS, SUITS, TUXEDOS, CUMMERBUNDS, CUFFS, COLLARS, REMOVABLE COLLARS, COLLAR PROTECTORS, TURTLENECKS, CLOTH SKI BIBS, SWIMWEAR, BEACHWEAR, TENNIS WEAR, SURF WEAR, SKI WEAR, LAYETTES, INFANTWEAR, INFANTS SLEEPERS, BOOTIES, BABY BIBS NOT OF PAPER, CAPS, SWIM CAPS, BERETS, BEANIES, HATS, VISORS, HEADBANDS, WRIST BANDS, SWEAT BANDS, HEADWEAR, EAR MUFFS, APRONS, SCARVES, BANDANAS, BELTS, SUSPENDERS, NECKWEAR, TIES, NECKERCHIEFS, POCKET SQUARES, ASCOTS, UNDERWEAR, THERMAL UNDERWEAR, LONG UNDERWEAR, BRIEFS, SWIM AND BATHING TRUNKS, BRAS, SPORTS BRAS, BRASSIERES, BUSTIERS, CORSETS, PANTIES, THONGS, G-STRINGS, GARTERS AND GARTER BELTS, TEDDIES, GIRDLES, FOUNDATION GARMENTS, SINGLETS, SOCKS, LOUNGEWEAR, ROBES, UNDERCLOTHES, PAJAMAS, SLEEPWEAR, NIGHT GOWNS, NIGHTIES, LINGERIE, CAMISOLES, NEGLIGEEES, CHEMISES, CHEMISETTES, SLIPS, SARONGS, LEG WARMERS, HOSIERY, PANTYHOSE, BODY STOCKINGS, KNEE HIGHS, LEGGINGS, TIGHTS, LEOTARDS, BODY SUITS, UNITARDS, BODY SHAPERS, GLOVES, MITTENS, RAIN SLICKERS, RAINWEAR, FOOTWEAR, SHOES, MULES, SNEAKERS, BOOTS, GALOSHES, SANDALS, FLIP-FLOPS, AND SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: ENTERTAINMENT AND RELAXATION, NAMELY, DISC JOCKEY SERVICES; ORGANIZING COMMUNITY SPORTING AND CULTURAL EVENTS; ENTERTAINMENT IN THE NATURE OF VISUAL AND AUDIO PERFORMANCES BY DISC JOCKEYS, ARTISTS AND DANCERS; RECORDING STUDIO SERVICES; ENTERTAINMENT IMPRESARIO SERVICES, NAMELY, ORGANIZING, ARRANGING AND CONDUCTING LIVE MUSICAL AND DANCE PERFORMANCES AND EVENTS; PRESENTATION OF LIVE SHOW PERFORMANCES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

OWNER OF U.S. REG. NO. 4,196,409.

PRIORITY DATE OF 12-21-2010 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 1082545 DATED 3-28-2011, EXPIRES 3-28-2021.

THE MARK CONSISTS OF THE WORDING "MUSICAL FREEDOM" IN STYLIZED FORMAT. THE "M" IN "MUSICAL" IS EMBODIED WITHIN A RECTANGLE AND THE "E" IN "FREEDOM" IS REPRESENTED AS THREE HORIZONTAL LINES.

SER. NO. 79-099,363, FILED 3-28-2011.

PAUL MORENO, EXAMINING ATTORNEY