

ESTTA Tracking number: **ESTTA702124**

Filing date: **10/14/2015**

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	VIP Tickets, Inc.
Granted to Date of previous extension	10/14/2015
Address	14515 Ventura Blvd., Suite 210 Sherman Oaks, CA 91403 UNITED STATES
Attorney information	RALPH C LOEB KRANE & SMITH 16255 VENTURA BLVD ENCINO, CA 91436 UNITED STATES ralph@kranesmith.com

Applicant Information

Application No	86255428	Publication date	06/16/2015
Opposition Filing Date	10/14/2015	Opposition Period Ends	10/14/2015
Applicant	Medl Enterprises, Inc. 10820 Beverly Blvd, Ste A5256 Whittier, CA 90601 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. First Use: 2014/02/20 First Use In Commerce: 2014/02/20
All goods and services in the class are opposed, namely: Management of event ticketing for others

Grounds for Opposition

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.	4125266	Application Date	08/02/2011
Registration Date	04/10/2012	Foreign Priority Date	NONE
Word Mark	VIPTICKETS.COM		

Design Mark	
Description of Mark	The mark consists of the stylized wording "VIPTICKETS" and the stylized wording ".COM" below the wording "VIPTICKETS" on the lower right of the mark. The mark also contains the design of an outline of three tickets behind the wording in the mark.
Goods/Services	Class 041. First use: First Use: 2011/06/20 First Use In Commerce: 2011/06/20 On-line and telephone based ticket agency services for entertainment and sporting events

U.S. Application No.	86363490	Application Date	08/11/2014
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	VIP TICKETS
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Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1981/06/11 First Use In Commerce: 1981/06/11 On-line and telephone based ticket agency services for entertainment and sporting events

Attachments	85387376#TMSN.png(bytes) 86363490#TMSN.png(bytes) NOTICE OF OPPOSITION 10 14 15.pdf(74321 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	/Ralph C. Loeb/
Name	RALPH C LOEB
Date	10/14/2015

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

IN RE SERIAL NO. 86255428

VIP TICKETS, INC., a Nevada Corporation,)	Opposition No.:
)	
)	
Opposer,)	
)	
vs.)	
)	
MEDL ENTERPRISES, INC., a California corporation)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1452
Alexandria, VA 22313-1451

Dear Sir or Madam:

In the matter of the application of Medl Enterprises, Inc., a California corporation, (hereinafter "Applicant") for registration of the trademark, Application Serial No. 86255428, published for opposition on June 16, 2015, VIP Tickets, Inc., a Nevada corporation, (hereinafter "Opposer"), believes that it will be damaged by registration of the BOLETOSVIP.COM mark shown in Application Serial No. 86255428, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is the owner of the common law trademark VIP TICKETS which is the

subject of the application for registration of trademark, Application Serial No. 86363490.

2. Opposer has continuously and exclusively used the VIP TICKETS mark in interstate commerce since at least as early as June 1981 in association with on-line and telephone based ticket agency services for entertainment and sporting events.

3. Furthermore, Opposer is the owner of U.S. Registration No. 4125266 for the mark VIPTICKETS.COM for “on-line and telephone based ticket agency services for entertainment and sporting events’ in International Class 41. The Registration indicates a date of first use in commerce of June 30, 2011. Opposer’s VIP TICKETS and VIPTICKETS.COM marks are hereinafter collectively referred to as “Opposer’s Marks”.

4 Notwithstanding Opposer’s rights in and to Opposer’s Marks, Applicant, on information and belief, filed Application Serial No. 86255428 for registration of BOLETOSVIP.COM for “management of event ticketing for others”. The Application indicates a date of first use in commerce of February 20, 2014. Application Serial No. 86255428 was published for opposition on June 16, 2015.

5. Pursuant to Trademark Rules of Practice 2.102, Opposer timely filed requests for, and was granted, extensions of time to file this Notice of Opposition until October 14, 2015.

6. Opposer has used Opposer’s Marks well before Applicant’s use of the mark BOLETOSVIP.COM.

7. Opposer has priority of use of Opposer’s Marks and is entitled to registration of its mark VIP TICKETS.

8. Opposer is informed and believes and thereon alleges that Applicant's BOLETOSVIP.COM mark is confusingly similar to Opposer's Marks and its registration by Applicant with respect to the services claimed in the subject application is likely to cause confusion, deception and mistake.

9. Further, Opposer's Application Serial No. 86363490 has been refused registration under §2(d) of the Trademark Act, 15 U.S.C. §1052(d), of the Trademark Act, because the Examining Attorney has alleged that Applicant's mark BOLETOSVIP.COM is confusingly similar to the Opposer's mark VIP TICKETS.

10. For the reasons set forth above, registration of Applicant's mark BOLETOSVIP.COM will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of the mark BOLETOSVIP.COM to Applicant be denied.

DATED: October 14, 2015

Respectfully submitted,

KRANE & SMITH, APC

By: 

Ralph C. Loeb

16255 Ventura Boulevard, Suite 600

Encino, California 91436

Tel: 818-382-4000

Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was mailed first-class mail, postage prepaid, this 14th day of October, 2015.
to:

Matthew H. Swyers, Esq.
The Trademark Company
344 Maple Ave W Suite 151
Vienna, Virginia 22180-5612
Attorney for Opposer Medl Enterprises, Inc.



RALPH C. LOEB