

ESTTA Tracking number: **ESTTA562733**

Filing date: **10/02/2013**

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	CakeCraft LLC		
Entity	Limited Liability Company	Citizenship	California
Address	2930 Westwood Blvd., Suite 250 Los Angeles, CA 90064 UNITED STATES		

Attorney information	C. John Brannon Brannon Sowers & Cracraft PC 1 North Pennsylvania Street, Suite 800 Indianapolis, IN 46204 UNITED STATES aar@bscattorneys.com Phone:3176302812		
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Applicant Information

Application No	85899526	Publication date	09/03/2013
Opposition Filing Date	10/02/2013	Opposition Period Ends	10/03/2013
Applicant	Kolz, Amy Apt. 9-D 18 East 12th St. New York, NY 10003 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. First Use: 2013/02/20 First Use In Commerce: 2013/02/20
All goods and services in the class are opposed, namely: Bakery desserts; Cakes

Grounds for Opposition

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

U.S. Application No.	85949001	Application Date	06/03/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	CAKECRAFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use:		

	Cake frosting; Cake icing; Candy cake decorations; Cup cakes; Edible cake decorations; Flavorings, other than essential oils, for cakes
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Attachments	Notice of Opposition - VILLAGE CAKECRAFT.pdf(11387 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	/C. John Brannon/
Name	C. John Brannon
Date	10/02/2013

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

CakeCraft LLC)	Opposition No. _____
Petitioner)	
)	Mark: VILLAGE CAKECRAFT
v.)	
)	Serial No. 85899526
Amy Kolz)	
Applicant)	Published: September 3, 2013

NOTICE OF OPPOSITION

CakeCraft LLC (“Petitioner”) believes it will be damaged by registration of the VILLAGE CAKECRAFT trademark, as shown in Application Serial No. 85899526 and hereby opposes same. As grounds for this opposition, Petitioner respectfully alleges as follows:

1. Petitioner is a California limited liability company with a business address of 2930 Westwood Boulevard, Suite 250, Los Angeles, California 90064.
2. Upon information and belief, Amy Kolz (“Applicant”) is an individual with an address of 9-D 18 East 12th Street, New York, New York 10003.

The CAKECRAFT Trademark

3. Petitioner is the owner of U.S. Trademark Application Serial No. 85949001, filed June 3, 2013, for the word mark CAKECRAFT, which is used in connection with “cake frosting; cake icing; candy cake decorations; cup cakes; edible cake decorations; flavorings other than essential oils, for cakes” in International Class 30.
4. Petitioner’s CAKECRAFT trademark has been used in interstate commerce since at least as early as the spring of 2011.

5. Petitioner's goods are advertised and sold throughout the United States, accessible via the World Wide Web, and in retail locations through the west coast.

6. CAKECRAFT brand goods are Petitioner's only products.

7. Petitioner owns and operates the website www.cakecraftusa.com which is directed to and accessible by consumers located throughout the United States.

The VILLAGE CAKECRAFT Application

8. According to the Patent and Trademark Office records, Applicant filed a federal trademark application, assigned Application Serial No. 85899526, for the mark VILLAGE CAKECRAFT on April 9, 2013, in connection with "*Bakery desserts; cakes*" in International Class 30.

9. According to the Patent and Trademark Office records, Applicant first began using the VILLAGE CAKECRAFT trademark on February 20, 2013.

10. Applicant's goods are nearly identical to Petitioner's goods.

Registration of the VILLAGE CAKECRAFT Application will cause harm to Petitioner

11. Petitioner's rights in the CAKECRAFT trademark predate Applicant's filing date by at least two years.

12. The term VILLAGE CAKECRAFT is almost identical to Petitioner's CAKECRAFT mark.

13. Applicant's VILLAGE CAKECRAFT trademark is used in connection with goods that are identical to and serve the same function as the goods sold by Petitioner under its CAKECRAFT trademarks.

14. As such, the registration of Applicant's VILLAGE CAKECRAFT trademark will cause harm to Petitioner in that consumer confusion will be extremely likely, if not absolutely guaranteed.

Accordingly, Petitioner respectfully requests that this Opposition be sustained and that Applicant's VILLAGE CAKECRAFT Application Serial No. 85899526 be denied registration.

Respectfully submitted,

/C. John Brannon/

C. John Brannon
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Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served this 2nd day of October, via first class mail, postage prepaid, to the Applicant, Amy Kolz, 9-D 18 East 12th Street, New York, New York 10003.

/C. John Brannon/

C. John Brannon