

ESTTA Tracking number: **ESTTA720697**

Filing date: **01/15/2016**

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	Shure Incorporated
Granted to Date of previous extension	01/16/2016
Address	5800 West Touhy Avenue Niles, IL 60714 UNITED STATES

Attorney information	Katherine Laatsch Fink Banner & Witcoff Ltd. 10 S. Wacker Drive Suite 3000 Chicago, IL 60606 UNITED STATES bwptotm@bannerwitcoff.com, bwlitdocket@bannerwitcoff.com, kfink@bannerwitcoff.com, pvanes@bannerwitcoff.com, sdease@bannerwitcoff.com Phone:312-463-5000
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Applicant Information

Application No	86630288	Publication date	11/17/2015
Opposition Filing Date	01/15/2016	Opposition Period Ends	01/16/2016
Applicant	No Show Productions, LLC 4025 Nestledown Drive Franklin, TN 37067 UNITED STATES		


Goods/Services Affected by Opposition

Class 021. First Use: 2015/04/23 First Use In Commerce: 2015/04/23 All goods and services in the class are opposed, namely: COFFEE CUPS, TEA CUPS AND MUGS; BEVERAGEWARE; SHOT GLASSES; THERMAL INSULATED WRAP FOR CANS TO KEEP THE CONTENTS COLD OR HOT
Class 025. First Use: 2015/04/23 First Use In Commerce: 2015/04/23 All goods and services in the class are opposed, namely: HATS, TOPS, BOTTOMS
Class 035. First Use: 2015/04/23 First Use In Commerce: 2015/04/23 All goods and services in the class are opposed, namely: RETAIL GIFT SHOPS
Class 041. First Use: 2015/04/23 First Use In Commerce: 2015/04/23 All goods and services in the class are opposed, namely: MUSEUM SERVICES
Class 043. First Use: 2015/04/23 First Use In Commerce: 2015/04/23 All goods and services in the class are opposed, namely: RESTAURANT AND BAR SERVICES AND RENTAL OF BANQUET AND SOCIAL FUNCTION FACILITIES FOR SPECIAL OCCASIONS, NAMELY, SOCIAL EVENTS, GET-TOGETHERS AND PRIVATE PARTIES

Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2163185	Application Date	05/20/1996
Registration Date	06/09/1998	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a design of a microphone, specifically, the housing having an arrangement of eight generally horizontal parallel slots around the middle portion of the housing and six generally vertical parallel slots on the top and bottom of the housing.		
Goods/Services	Class 009. First use: First Use: 1951/00/00 First Use In Commerce: 1951/00/00 microphones		

Attachments	75106877#TMSN.png(bytes) 010886.01743 Notice of Opposition.pdf(733711 bytes) 010886.01743 Exhibit 1.pdf(54102 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	/Katherine Laatsch Fink/
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Name	Katherine Laatsch Fink
Date	01/15/2016

Attorney Docket:
010886.01743

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

In the Matter of Trademark Applicant)
No Show Productions, LLC)
)
Mark: THE GEORGE JONES MUSEUM)
and Design)
)
Serial No.: 86/630,288)
)
Filed: May 14, 2015)
)
Published in the Official Gazette dated November 17, 2015)
_____)
)
SHURE INCORPORATED,)
Opposer,)
vs.)
)
NO SHOW PRODUCTIONS, LLC,)
Applicant.)
_____)

Opposition No. _____

NOTICE OF OPPOSITION

Sir:

Opposer, Shure Incorporated, whose address is 5800 West Touhy Avenue, Niles, Illinois, 60714-4608, believes it will be damaged by registration of the above-identified mark (“Applicant’s Mark”) and hereby opposes the same.

The grounds for the opposition are as follows:

1. Opposer is the owner of U.S. Trademark Registration No. 2,163,185, issued on June 9, 1998, for a mark consisting of "...a design of a microphone, specifically, the housing having an arrangement of eight generally horizontal parallel slots around the middle portion of the housing and six generally vertical parallel slots on the top and bottom of the housing." A copy of Registration No. 2,163,185 is attached as Exhibit 1, and the mark as shown in the registration is as follows:

Reg. No. 2,163,185







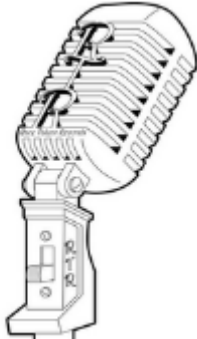
2. The mark shown in Registration No. 2,163,185 ("Opposer's Mark") is the configuration of goods known by Opposer's trademark "55SH," and said configuration mark has been in use continuously in interstate commerce since at least as early as 1951.

3. Shure has brought other successful oppositions based on Opposer's Mark, including the following:

	<p>SN 78440605 Opp. No. 91172313</p>
	<p>SN 76438405 Opp. No. 91157778</p>
	<p>SN 78802022 Opp. No. 91175285</p>
	<p>SN 78967404 Opp. No. 91179026</p>
	<p>SN 77145347 Opp. No. 91182265</p>
	<p>SN 77178685 Opp. No. 91182264</p>
	<p>SN 77352323 Opp. No. 91185874</p>

	<p>SN 78794202 Opp. No. 91187658</p>
	<p>SN 77759438 Opp. No. 91193922</p>
	<p>SN 85016660 Opp. No. 91196595</p>
	<p>SN 85033789 Opp. No. 91197079</p>
	<p>SN 85118278 Opp. No. 91200070</p>
	<p>SN 85009106 Opp. No. 91200695</p>

	<p>SN 85474646 Opp. No. 91204982</p>
	<p>SN 85551009 Opp. No. 91206540</p>
	<p>SN 85675053 Opp. No. 91208376</p>
	<p>SN 85356371 Opp. No. 91203951</p>
	<p>SN 85807737 Opp. No. 91211046</p>

	<p>SN 85759290 Opp. No. 91212880</p>
	<p>SN 85850814 Opp. No. 91211903</p>
	<p>SN 86268453 Opp. No. 91218383</p>
	<p>SN 85841098 Opp. No. 91218551</p>
	<p>SN 86360067 Opp. No. 91221331</p>

	<p>SN 86153272 Opp. No. 91221332</p>
	<p>SN 79152375 Opp. No. 91222290</p>
	<p>SN 86457032 Opp. No. 91223048</p>
	<p>SN 86324118 Opp. No. 91220609</p>
	<p>SN 86590677 Opp. No. 91223585</p>

Opposition Nos. 91172313, 91179026, 91182264, 91193922, 91197079, and 91222290 were

terminated with the voluntary withdrawal of the application by the Applicant; Opposition Nos. 91157778, 91175285, 91182265, 91185874, 91196595, 91200070, 91200695, 91204982, 91206540, 91208376, 91203951, 91211046, 91212880, 91211903, 91218383, 91218551, 91221331, 91221332, 91223048, and 91223585 resulted in decisions sustaining the oppositions; and Opposition Nos. 91187658 and 91220609 were terminated with the voluntary amendment of the application by the Applicant.

4. Applicant seeks to register a mark for a design that includes the design of a microphone that is virtually identical to Opposer's Mark. Applicant's Mark incorporates Opposer's Mark, without Opposer's permission, as shown below:

86/630,288



5. The opposed application, No. 86/630,288, was filed on May 14, 2015, pursuant to Section 1(a) of the Trademark Act, alleging a date of first use of April 23, 2015.

6. Applicant seeks to register its mark for “coffee cups, tea cups and mugs; beverageware; shot glasses; thermal insulated wrap for cans to keep the contents hot or cold” in International Class 021; “hats, tops, bottoms” in International Class 025; “retail gift shops” in

International Class 035; “museum services” in International Class 041; and “restaurant and bar services and rental of banquet and social function facilities for special occasions, namely, social events, get-togethers and private parties” in International Class 043.

7. Opposer’s Mark is known and widely used in the entertainment and music industry and widely recognized by the general public.

8. As a result of Opposer’s and its predecessors’ long use and registration of Opposer’s Mark, Opposer has developed substantial goodwill in said mark, and the public has come to associate Opposer’s Mark with the microphones of Opposer.

9. Applicant’s Mark, which contains a microphone that is virtually identical to Opposer’s Mark, so nearly resembles Opposer’s Mark, that when the mark is applied to the services identified in Applicant’s application, it is likely to be confused with Opposer’s Mark. Applicant’s Mark is deceptively similar to Opposer’s Mark, so as to cause confusion and to lead to deception as to the origin of Applicant’s services bearing Applicant’s Mark. As such, Applicant’s use and registration of its mark will inevitably lead to confusion, to mistake, or to deception of the public within the meaning of Section 2(d) of the Trademark Act of 1946, as amended, all to Opposer’s grave and irreparable damage.

10. As a further ground for opposition, Opposer’s Mark, which has been in use in commerce for more than fifty years, is famous within the meaning of Lanham Act Section 43(c), 15 USC 1125(c). Opposer’s Mark became famous prior to the date when Applicant commenced any use of Applicant’s Mark, and prior to the filing date of the application for Applicant’s Mark. Applicant’s use of its mark, which incorporates Opposer’s famous mark in its entirety, causes dilution by lessening the capacity of Opposer’s Mark to identify and distinguish Opposer’s goods, in violation of Section 43(c), 15 USC 1125(c) of the Lanham Act.

11. If Applicant is permitted to register its mark, the registration would give Applicant a prima facie exclusive right to the use of Applicant's Mark for the services set forth in the application. Such registration would damage and injure Opposer.

12. By reason of the foregoing, Applicant's registration of the design mark herein opposed will cause injury and damage to Opposer's rights to its registered Mark and to its use thereof described above.

WHEREFORE, Opposer respectfully prays that the present opposition be sustained and that the registration sought by the Applicant be refused.

Please charge the statutory fee of \$1,500 to our firm's deposit account, No. 19-0733. Please also charge any additional fees, or credit any overpayments, to our firm's deposit account, No. 19-0733.

Respectfully submitted,
BANNER & WITCOFF, LTD.
Attorneys for Opposer

Date: January 15, 2016

By: /Katherine Laatsch Fink/
Helen Hill Minsker
J. Pieter van Es
Katherine Laatsch Fink
10 South Wacker Drive, Suite 3000
Chicago, Illinois 60606
Telephone: 312-463-5000

Enclosure: Exhibit 1
Copy of Reg. No. 2,163,185

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of January 2016, a copy of the foregoing Notice of Opposition was served on counsel for Applicant, by first class mail, postage prepaid, addressed as follows:

Paul W. Kruse
Bone McAllester Norton PLLC
511 Union Street Suite 1600
Nashville, Tennessee 37219-1780
United States

/Katherine Laatsch Fink/

Exhibit 1

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

Reg. No. 2,163,185

United States Patent and Trademark Office

Registered June 9, 1998

**TRADEMARK
PRINCIPAL REGISTER**



SHURE BROTHERS, INC. (ILLINOIS CORPORATION)
222 HARTREY AVENUE
EVANSTON, IL 602043696

FOR: MICROPHONES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).
FIRST USE 0-0-1951; IN COMMERCE 0-0-1951.

THE LINING IN THE DRAWING IS USED TO INDICATE SHADING TO SHOW THE MARK IN THREE DIMENSIONAL FORM.

THE MARK CONSISTS OF A DESIGN OF A MICROPHONE, SPECIFICALLY, THE HOUS-

ING HAVING AN ARRANGEMENT OF EIGHT GENERALLY HORIZONTAL PARALLEL SLOTS AROUND THE MIDDLE PORTION OF THE HOUSING AND SIX GENERALLY VERTICAL PARALLEL SLOTS ON THE TOP AND BOTTOM OF THE HOUSING.

SEC. 2(F).

SER. NO. 75-106,877, FILED 5-20-1996.

ANDREW LAWRENCE, EXAMINING ATTORNEY