

ESTTA Tracking number: **ESTTA871303**

Filing date: **01/16/2018**

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	J & S Audio Visual
Granted to Date of previous extension	01/17/2018
Address	9150 N. Royal Lane, Suite 150 Irving, TX 75063 UNITED STATES

Attorney information	Sanford E. Warren, Jr. Warren Rhoades LLP 1212 Corporate Drive, Suite 250 Irving, TX 75038 UNITED STATES Email: ipdocketing@wriplaw.com, swarren@wriplaw.com, srhoades@wriplaw.com, nlevenson@wriplaw.com Phone: 972-550-2955
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### Applicant Information

Application No	87447162	Publication date	09/19/2017
Opposition Filing Date	01/16/2018	Opposition Period Ends	01/17/2018
Applicant	JSAVLLC 19016 N 28th Place Phoenix, AZ 85050 UNITED STATES		

### Goods/Services Affected by Opposition


Class 041. First Use: 2009/10/01 First Use In Commerce: 2009/10/01  
All goods and services in the class are opposed, namely: Rental services for audio and video equipment

### 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/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	<p>distributorship services featuring audio-visual equipment; event production services in the nature of staging services, namely, audio production, videotape production, and lighting production for hotels, resorts, conventions, educational and medical facilities and other meeting and event venues; rental of audio-visual equipment in the nature of projection equipment, lighting, audio systems, video cameras, and video production and duplication equipment; and technical consultation and design in the field of audio-visual equipment; rental of show computers</p>

Attachments	<p>J S V &amp; Design Image.jpg          Notice of Opposition.pdf(2782483 bytes )</p>
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Signature	/Sanford E. Warren, Jr./
Name	Sanford E. Warren, Jr.
Date	01/16/2018


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

J & S AUDIO VISUAL	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Application Serial No.: 87/447,162
	:	Mark: JSAV
	:	
JSAV, LLC	:	
	:	
Applicant.	:	

**NOTICE OF OPPOSITION**

J & S Audio Visual, a corporation organized under the state of Texas, having a place of business at 9150 N. Royal Lane, Suite 150, Irving, Texas 75063 believes that it will be damaged by the registration of the mark shown in the above-identified application for JSAV (hereafter referred to as “Applicant’s Mark”), and hereby opposes Applicant’s Mark.

The grounds for the opposition are as follows:

1. Opposer is the owner of common law trademark (hereafter referred to as “Opposer’s Mark”) for J S V & Design  consisting in whole or substantial part of “JSAV”, or variants thereof.

2. Opposer has been using Opposer’s Mark substantially, continuously, and extensively in U.S. commerce since at least December 2008.

3. Applicant seeks registration pursuant to Section 1(a) of the Trademark Act (15 USC §1051(a)), of the mark JSAV for use in connection with “*Rental services for audio and video equipment*” in Class 41. See EXHIBIT A.

4. Applicant's Mark was published in the Official Gazette of September 19, 2017. Opposer filed a 30-day Extension of Time to Oppose the Application. The Trademark Trial and Appeal Board granted the request on October 19, 2017 and extended the time to oppose to November 18, 2017. On November 16, 2017, Opposer filed a 60-day Extension of Time to Oppose the Application for good cause. The Trademark Trial and Appeal Board granted a request for Extension of Time to Oppose the Application, extending the filing period to January 17, 2018. This Notice of Opposition is therefore timely filed.

5. Prior to the filing date and any claimed date of first use Applicant could claim in its intent-to-use application, and any other priority dates to which the Applications might be entitled, Opposer has provided *distributorship services featuring audio-visual equipment; event production services in the nature of staging services, namely, audio production, videotape production, and lighting production for hotels, resorts, conventions, educational and medical facilities and other meeting and event venues; rental of audio-visual equipment in the nature of projection equipment, lighting, audio systems, video cameras, and video production and duplication equipment; and technical consultation and design in the field of audio-visual equipment; rental of show computers* under Opposer's Mark and has sold in commerce, a multitude of products and services under the **JS<sup>AV</sup>** mark. Such products and services have been provided in commerce prior to any dates of first use that Applicant can claim.

6. Opposer owns common law trademark **JS<sup>AV</sup>** for use with "*distributorship services featuring audio-visual equipment; event production services in the nature of staging services, namely, audio production, videotape production, and lighting production for hotels, resorts, conventions, educational and medical facilities and other meeting and event venues;*

*rental of audio-visual equipment in the nature of projection equipment, lighting, audio systems, video cameras, and video production and duplication equipment; and technical consultation and design in the field of audio-visual equipment; rental of show computers”* in corresponding to International Classes 35, 41, and 42. A true and correct sample of use of the common law mark is demonstrated in EXHIBIT B.

7. Opposer has been using Opposer’s Mark substantially and exclusively in U.S. commerce since at least December 2008.

8. Opposer’s well-known reputation, and the close and long-time association of Opposer’s Mark with Opposer, are such that a connection with Opposer and Opposer’s goods and services is likely to be presumed when Applicant’s Mark is used in connection with its services.

9. Applicant’s Mark so resemble Opposer’s Mark and/or trade names used by Opposer as to likely cause confusion, to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 USC §1052(d).

10. Applicant’s Mark, JSAV, is identical in appearance, sound, connotation and commercial impression to Opposer’s Mark. Given the identical appearance of the marks, the identical services, and a consumer’s likely similar impression of the marks, a very strong likelihood of confusion exists as to the source of these goods and services.

11. The service recitation associated with Applicant’s Mark in Class 41 substantially corresponds with the services provided under Opposer’s Mark. Applicant applied for JSAV mark with identical services to those listed in Opposer’s Mark for audio and video equipment services.

Thus, the mark sought to be registered, used in connection with these identical services, would presumptively be marketed to consumers interested in audio and visual good and services.

Additionally, it must be presumed that the channels of trade through which Applicant seeks to offer services in connection with Applicant's Mark are identical to those that are currently used by the Opposer, and that have been used by Opposer since long prior to any priority dates to which Applicant might be entitled.

12. The mark sought to be registered by Applicant is identical to Opposer's Mark, and the services with which it is used are identical to or so closely related to the services which Opposer's Mark is used, that consumers are likely to associate Opposer with Applicant's Mark. The association is particularly likely because Applicant seeks to register and use its mark in a substantially unrestricted manner, allowing use in substantially the same channels of trade and in connection with substantially the same type of services as are currently offered under Opposer's well-known Mark. This likelihood of confusion with respect to endorsement, affiliation, association, or other connection to Opposer is further enhanced by the possibility and the presumption that Applicant's identified services could directly tie in to Opposer and Opposer's services. Thus, when Applicant's Mark is used as Applicant would be entitled if registration was granted, the marks sought to be registered would be recognized as connected with Opposer, and their use would cause consumer confusion.

13. The trade channels and conditions under which buyers may purchase the services associated with Applicant's Mark substantially correspond with how services are provided by Opposer with the use of the Opposer's Mark, for example through internet sales and distribution/rental centers.

14. Registration and/or use of Applicant's Mark as sought in Applicant's application is, likely to interfere with Opposer's use and exploitation of Opposer's Mark and, if used in at least some of the manners that would be permitted and presumptively will occur if the unrestricted Application is allowed, would be likely to diminish Opposer's rights in Opposer's Mark, the distinctive quality thereof, and the goodwill associated therewith, which presently inures to the benefit of Opposer.

15. Registration and/or use of Applicant's Mark as sought in Applicant's application is, without limitations, a source of damage and injury to Opposer and its business, reputation and goodwill.

WHEREFORE, Opposer prays that registration of the mark, shown in Application No. 87/447,162 for JSAV, be refused and that this opposition be sustained.

The required filing fees for the present Notice of Opposition are being submitted herewith. Please charge any deficiency or credit any overpayment to Warren Rhoades LLP Deposit Account No. 50-6546.

Dated: January 16, 2018

Respectfully submitted,

/Sanford E. Warren, Jr./  
Sanford E. Warren, Jr., Reg. No. 33,219  
R. Scott Rhoades, Reg. No. 44,300  
WARREN RHOADES LLP  
1212 Corporate Drive, Suite 250  
Irving, Texas 75038  
Tel.: 972-550-2955  
Email: [swarren@wriplaw.com](mailto:swarren@wriplaw.com)  
[ipdocketing@wriplaw.com](mailto:ipdocketing@wriplaw.com)  
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**ATTORNEYS FOR OPPOSER**



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

J & S AUDIO VISUAL	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Application Serial No.: 87/447,162
	:	Mark: JSAV
	:	
JSAV, LLC	:	
	:	
Applicant.	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 16<sup>th</sup> day of January, 2018 a *courtesy copy* of Opposer's **NOTICE OF OPPOSITION** was served via electronic mail to the Correspondent e-mail address of record, as listed in the TSDR records for the subject application:

James Coudright  
JSAV LLC  
19016 N 28<sup>th</sup> Place  
Phoenix, Arizona 85050  
[james@jsavllc.com](mailto:james@jsavllc.com)

By:     /Sanford E. Warren, Jr./      
Sanford E. Warren, Jr.  
Warren Rhoades, LLP

# EXHIBIT A

TSDR now includes a Post Registration Maintenance Tab. When viewing a Registered mark, users will now find a new 3rd tab providing Post Registration information next to the "Status" and "Document" tabs, below the search text box. The tab will not appear if the mark is not registered.

**STATUS**      **DOCUMENTS**

[Back to Search](#)

Print

**Generated on:** This page was generated by TSDR on 2018-01-12 20:01:20 EST

**Mark:** JSAV

**JSAV**

**US Serial Number:** 87447162

**Application Filing Date:** May 12, 2017

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**TM5 Common Status**

**Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the been published in a way that provides an opportunity for the registration.

**Status:** A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board see TTABVUE on the Trademark Trial and Appeal Board web page.

**Status Date:** Oct. 19, 2017

**Publication Date:** Sep. 19, 2017

## Mark Information

**Mark Literal Elements:** JSAV

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

### Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Rental services for audio and video equipment

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Oct. 01, 2009

**Use in Commerce:** Oct. 01, 2009

**Basis Information (Case Level)****Current Owner(s) Information****Attorney/Correspondence Information****Attorney of Record - None****Correspondent**

**Correspondent** JSAVLLC  
**Name/Address:** 19016 N 28TH PLACE  
 PHOENIX, ARIZONA UNITED STATES 85050

**Correspondent e-mail:** [james@jsavllc.com](mailto:james@jsavllc.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found****Prosecution History****TM Staff and Location Information****Assignment Abstract Of Title Information - Click to Load****Proceedings****Summary**

Party type

Proceedings

**Number of Proceedings:** 1

**Type of Proceeding: Extension of Time**

**Proceeding Number:** [87447162](#)

**Filing Date:** Oct 19, 2017

**Status:** Not Instituted

**Status Date:** Oct 19, 2017

**Interlocutory Attorney:**

**Defendant**

**Name:** JSAVLLC

**Correspondent Address:** JSAVLLC  
 19016 N 28TH PLACE  
 PHOENIX AZ , 85050

**Correspondent e-mail:** [james@jsavllc.com](mailto:james@jsavllc.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
JSAV	Request For Extension of Time to File Opposition	<a href="#">87447162</a>	

**Potential Opposer(s)**

**Name:** J & S Audio Visual

**Correspondent Address:** Sanford E. Warren, Jr.  
Warren Rhoades LLP  
1212 Corporate Drive, Suite 250  
Irving TX UNITED STATES , 75038

**Correspondent e-mail:** [ipdocketing@wriplaw.com](mailto:ipdocketing@wriplaw.com) , [swarren@wriplaw.com](mailto:swarren@wriplaw.com) , [srhoades@wriplaw.com](mailto:srhoades@wriplaw.com) , [nlevenson@wriplaw.com](mailto:nlevenson@wriplaw.com)

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 19, 2017	
2	EXTENSION OF TIME GRANTED	Oct 19, 2017	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 16, 2017	
4	EXTENSION OF TIME GRANTED	Nov 16, 2017	

# EXHIBIT B

# JSAV

J&S Audio Visual

HOME

ABOUT J&S

CREATIVE SERVICES

SHOW & EVENT SERVICES

HOSPITALITY SERVICES

DESIGN & INTEGRATION



00:00 01:58

JSAV provides creative communication solutions to companies and associations across North America. We help our clients identify their message, customize it for their audience and promote their brand. We offer the two things that count... The Creativity to craft a message that sticks; and the Technical Skill to deliver that message with impact.

We have decades of experience in Event Design and Media Production as well as Hospitality and Integration Services. We would love the opportunity to talk to you about your next event or communication project. Discover the JSAV Difference!