

ESTTA Tracking number: **ESTTA1065638**

Filing date: **07/01/2020**

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	Martin Larkin
Granted to Date of previous extension	07/01/2020
Address	1924 W. MONTROSE CHICAGO, IL 60613 UNITED STATES

Correspondence information	MARTIN LARKIN 1924 W. MONTROSE CHICAGO, IL 60613 UNITED STATES Primary Email: chef@rocknrollchef.com 7737697086
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Applicant Information

Application No.	87211491	Publication date	03/03/2020
Opposition Filing Date	07/01/2020	Opposition Period Ends	07/01/2020
Applicant	Gene Simmons Company C/O JOSEPH YOUNG ASSOCIATES, LTD., 18 HOOK MOUNTAIN ROAD, SUITE 203 PINE BROOK, NJ 07058 UNITED STATES		


Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, the provision of live-action, comedy, drama and/or animated television programs; production of live-action, comedy, drama and/or animated television programs; entertainment services, namely, the provision of an ongoing reality based television program; production of a reality based television program; providing entertainment information about reality, live-action, comedy, drama and animated television programs via the internet; distribution of television shows via the internet
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
The mark is merely descriptive	Trademark Act Section 2(e)(1)
The mark is generic	Trademark Act Sections 1, 2 and 45

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4575664	Application Date	12/31/2013
Registration Date	07/29/2014	Foreign Priority Date	NONE
Word Mark	THE ROCK & ROLL CHEF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1990/07/00 First Use In Commerce: 1990/07/00 Entertainment services, namely, providing live performances on television and radio, which combine music, comedy and cooking demonstrations and instruction; Education services, namely, conducting classes in cooking, and distribution of course materials in the nature of recipes and other printed materials relating to cooking in connection therewith		

Attachments	86155170#TMSN.png(bytes) Notice Of Opposition To Chefs Of Rock July 1 2020.pdf(122503 bytes)
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Signature	/Martin M Larkin/
Name	MARTIN LARKIN
Date	07/01/2020

NOTICE OF OPPOSITION TO “CHEFS OF ROCK”

July 1, 2020

ESTTA Tracking number: ESTTA1046589

Filing date: 04/02/2020

Applicant Mark Serial No: 87211491

OPPOSER INFO:

MARTIN LARKIN

THE ROCK & ROLL CHEF®

1924 W. Montrose #117

Chicago IL 60613

Email: chef@rocknrollchef.com

Tel: 1.773.769.7086

APPLICANT INFO:

THE GENE SIMMONS COMPANY

c/o Joseph Young Associates, Ltd.,

18 Hook Mountain Road, Suite 203 I

Pine Brook NJ 07058

To Whom It May Concern:

HISTORY. Opposer (The Rock & Roll Chef®) has a long public history of filmed and live national appearances and performances, blending food, music, comedy and education. Some of which include TV & radio for Kraft Foods, Taste Of Chicago, Ribfest Chicago, Sears Kenmore, Housewares Show, National Restaurant Show and more. He owns a longstanding registered USPTO trademark for The Rock & Roll Chef. He works with legendary musicians including Grammy Winners and Rock & Roll Hall Of Famers such as Brian Wilson (Beach Boys), Steven Adler (Guns N Roses), Ginger Baker (Cream), Rick Nielsen (Cheap Trick) and more. live and televised appearances and performances. He also produces related content, including podcast, food products (Totally Chipotle) and a pumpkin carving kit for X-Acto (The Rock & Roll Chef's Halloween Carving Kit).

(Cont.)

Reasons for Opposition include:

1. Trademark Act Section 2(d). Likelihood of confusion. Opposer believes Applicant's mark will create the likelihood of confusion with "The Rock & Roll Chef®." Both marks would be operating in television, radio, print, music and comedy, often featuring celebrity musicians/rock stars, which would create conflict and confusion between the marks.

2. Trademark Act Sections 1, 2 and 45; and Section 2(f).

Unlike The Rock & Roll Chef®, which has a long history of live and filmed performances and content, Opposer can find no samples or prior history for "Chefs Of Rock," or any distinctive characteristics or content whatsoever; it is purely descriptive, and therefore not protected or accorded trademark registration rights.

3. Trademark Act Sections 1, 2 and 45. Opposer believes the mark is generic, with no more distinction than (example) "janitors of buildings" or "bus drivers of schools."

Sincerely,



Martin Larkin

The Rock & Roll Chef®

chef@rocknrollchef.com

Tel: 1.773.769.7086