

ESTTA Tracking number: **ESTTA1123847**

Filing date: **03/30/2021**

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	SOUNDBREAKERS, LLC		
Entity	Limited Liability Company	Citizenship	New York
Address	79 IVY STREET OYSTER BAY, NY 11771 UNITED STATES		

Attorney information	MICHAEL P. MARTIN FISCHBACH, PERLSTEIN, LIEBERMAN & ALMOND, LLP 1925 CENTURY PARK EAST, SUITE 2050 LOS ANGELES, CA 90067 UNITED STATES Primary Email: mmartin@fpplaw.com Secondary Email(s): mmartin@fpplaw.com 3107175278		
Docket Number			

Applicant Information

Application No.	88849072	Publication date	03/02/2021
Opposition Filing Date	03/30/2021	Opposition Period Ends	04/01/2021
Applicant	SOUNDBREAKER PO BOX 2375 MADISON, WI 53701 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2019/12/25 First Use In Commerce: 2019/12/25
All goods and services in the class are opposed, namely: Downloadable musical sound recordings featuring songs from an existing music band

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. Registration No.	6024516	Application Date	05/02/2017
Registration Date	03/31/2020	Foreign Priority Date	NONE

Word Mark	SOUNDBREAKERS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 2020/01/10 First Use In Commerce: 2020/01/10 Music production services

Attachments	NoticeOpposition.pdf(60559 bytes)
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Signature	/Michael P. Martin/
Name	Michael P. Martin
Date	03/30/2021

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

In the Matter of Trademark Application

Serial No.: 88849072

Mark: SOUNDBREAKER

Filed: March 26, 2020

Published: March 2, 2021

Int'l Class: 9

SOUNDBREAKERS, LLC, A New York Limited
Liability Company,

Opposer,

v.

DANIEL LANSING dba SOUNDBREAKER,
Individual

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Assistant Commissioner of Trademarks

PO Box 1451

Alexandria, VA 22313-1451

Sir:

{00007125.DOCX 1}

Opposer SOUNDBREAKERS, LLC, A New York Limited Liability Company, (hereinafter "Opposer") believes that it will be damaged by registration of the mark shown in the above identified application, and hereby opposes the same in accordance with the provisions of Section 13 of the Lanham Act. (15 U.S.C. 1063) and Section 2(d) of the Lanham Act (15 U.S.C. 1052(d)).

The grounds for opposition are as follows:

1. Opposer owns the following U.S. Federally Registered trademarks, among others: No. 6024516 for the mark SOUNDBREAKERS for Music production services in class 41 (hereafter the "SOUNDBREAKERS MARK"). Opposer's constructive first use date is May 2, 2017.

2. Opposer provides, advertises, sells and licenses various types of music related services under the SOUNDBREAKERS Mark. Opposer utilizes the above-referenced SOUNDBREAKERS MARK in various combinations on its services, on products sold, on its

websites, third party websites, retail stores and in advertising to identify them as originating from Opposer.

3. Opposer has developed extensive goodwill with respect to its SOUNDBREAKERS MARK, individually and in composite. Opposer has expended substantial sums in the advertising and promotion of its products and services, and by its efforts and its considerable expenditures for promotional activities, Opposer has developed an extensive and valuable reputation for its marks.

4. By virtue of its efforts, and the expenditures of considerable sums for promotional activities as well as the excellence of the quality of its services, Opposer has gained a valuable reputation through its above-identified SOUNDBREAKERS MARK.

5. Opposer's marks are inherently distinctive, have acquired substantial goodwill and secondary meaning, and are famous within the meaning of 15 U.S.C. § 1125(c)(1).

6. On March 26 ,2020, Applicant filed an application to register the mark SOUNDBREAKER for "Downloadable musical sound recordings featuring songs from an

existing music band in class 9". This application was assigned Serial No. 88849072 and proceeded to publication in the Official Gazette of the United States Patent and Trademark Office on March 2, 2021.

7. Opposer is informed and believes that Applicant's proposed mark is likely to confuse Opposer's customers and potential customers, and the public generally in relation to its own marks.

9. Opposer is informed and believes that Applicant's use or intended use of the proposed mark began after Opposer's marks became famous and will and/or may dilute the strength of Opposer's marks by lessening the capacity of Opposer's marks to identify and distinguish Opposer's goods and services.

10. Opposer has not and does not consent in any way to Applicant's proposed use of the mark referenced herein.

WHEREFORE, Opposer respectfully requests that registration of Applicant's mark under the above identified application be refused and that this opposition be sustained.

Respectfully submitted,

FISCHBACH, PERLSTEIN, LIEBERMAN & ALMOND

Dated: March 30, 2021

By: /Michael P. Martin/_____

Michael P. Martin

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Attorneys for Opposer

CERTIFICATE OF MAILING AND SERVICE

The undersigned hereby certifies that NOTICE OF OPPOSITION is being filed electronically with the U.S. Patent & Trademark Office, Trademark Trial and Appeal Board; and a true and correct copy of this document is being served by email on Opposer on the date indicated below to INFO@SOUNDBREAKER.COM:

SOUNDBREAKER

PO BOX 2375

MADISON, WISCONSIN UNITED STATES 53701

Date: March 30, 2021

 / Michael P. Martin /

Michael P. Martin