

ESTTA Tracking number: **ESTTA1124136**

Filing date: **03/31/2021**

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	Strange Music, Inc.
Granted to Date of previous extension	04/03/2021
Address	1250 NE SLOAN ST LEE'S SUMMIT, MO 64086 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 3105561956
Docket Number	

Applicant Information

Application No.	90106447	Publication date	02/02/2021
Opposition Filing Date	03/31/2021	Opposition Period Ends	04/03/2021
Applicant	Bellistri, Christopher 21 WOODLAND ROAD OLD BROOKVILLE, NY 11545 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2020/01/01 First Use In Commerce: 2020/01/01 All goods and services in the class are opposed, namely: Entertainment services, namely, live musical performances, live music concerts, and personal appearances by a musical group
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration	5738966	Application Date	08/30/2018
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No.			
Registration Date	04/30/2019	Foreign Priority Date	NONE
Word Mark	SM		
Design Mark			
Description of Mark	The mark consists of the letters "S" and "M" shaped as a bat and snake.		
Goods/Services	Class 021. First use: First Use: 2018/06/15 First Use In Commerce: 2018/06/15 Beer glasses; Insulating sleeve holder for bottles; Insulating sleeve holders for beverage cans Class 032. First use: First Use: 2018/06/15 First Use In Commerce: 2018/06/15 Beer		

U.S. Registration No.	4016487	Application Date	12/11/2009
Registration Date	08/23/2011	Foreign Priority Date	NONE
Word Mark	STRANGE MUSIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 2007/05/18 First Use In Commerce: 2007/05/18 Body jewelry; charms; jewelry; jewelry chains; jewelry and imitation jewelry		

U.S. Registration No.	3902834	Application Date	12/11/2009
Registration Date	01/11/2011	Foreign Priority Date	NONE
Word Mark	STRANGE MUSIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/07/31 First Use In Commerce: 2001/07/31 [Audio tapes featuring music;] Compact discs featuring music; Digital music downloadable from the Internet; Downloadable musical sound recordings; Downloadable video recordings featuring music; Musical sound recordings; Musical video recordings Class 025. First use: First Use: 2001/07/01 First Use In Commerce: 2001/07/01 Gloves as clothing; Hats; Headbands for clothing; Jackets; Jerseys; Leather belts; Pants; Short-sleeved or long-sleeved t-shirts; Sports jerseys; T-shirts; Ties; Tops; Underwear; Wearable garments and clothing, namely, shirts Class 041. First use: First Use: 2001/02/01 First Use In Commerce: 2001/02/01 Entertainment services in the nature of live musical performances; Entertainment, namely, live performances by musical bands		

U.S. Registration No.	5281911	Application Date	11/30/2015
Registration Date	09/05/2017	Foreign Priority Date	NONE
Word Mark	STRANGE LAND		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2012/06/20 First Use In Commerce: 2012/06/20 Shirts Class 041. First use: First Use: 2013/08/02 First Use In Commerce: 2013/08/02 Recording studio services; Sound recording studios

U.S. Registration No.	5835064	Application Date	11/30/2015
Registration Date	08/13/2019	Foreign Priority Date	NONE
Word Mark	STRANGEWORLD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2017/04/13 First Use In Commerce: 2017/04/13 Shirts		

U.S. Registration No.	5711137	Application Date	01/25/2018
Registration Date	03/26/2019	Foreign Priority Date	NONE
Word Mark	STRANGE MAIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2018/04/13 First Use In Commerce: 2018/04/13 Digital media, namely, downloadable audio and video recordings, DVDs, and high definition digital discs featuring music; Digital music downloadable from the Internet; Musical sound recordings; Musical video recordings; Downloadable musicalsound recordings Class 025. First use: First Use: 2018/04/15 First Use In Commerce: 2018/04/15 Shirts; Tops as clothing; T-shirts		

U.S. Registration No.	5916897	Application Date	04/12/2019
Registration Date	11/19/2019	Foreign Priority Date	NONE
Word Mark	STRANGEFEST		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 2019/06/01 First Use In Commerce: 2019/06/01 Arranging and conducting of concerts; Entertainment services in the nature of live musical performances; Entertainment services in the nature of presenting live musical performances; Entertainment services in the nature of live musical performances; Entertainment, namely, live music concerts		

U.S. Application	88326963	Application Date	03/05/2019
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SM		
Design Mark			
Description of Mark	The mark consists of the letters "S" and "M" shaped as a bat and snake.		
Goods/Services	Class 033. First use: First Use: 0 First Use In Commerce: 0 Alcoholic beverages containing fruit; Alcoholic mixed beverages except beers; Alcoholic tea-based beverage		

Attachments	NoticeOpposition.pdf(77466 bytes)
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Signature	/Michael P. Martin/
Name	MICHAEL P. MARTIN
Date	03/31/2021

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

In the Matter of Trademark Application

Serial No.: 90106447

Mark: GLENN STRANGE

Filed: August 11, 2020

Published: February 2, 2021

Int'l Classes: 41

STRANGE MUSIC, INC., a Missouri
Corporation,

Opposer,

v.

CHRISTOPHER BELLISTRI, a United States
Citizen,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Assistant Commissioner of Trademarks

PO Box 1451

Alexandria, VA 22313-1451

Sir:

Opposer Strange Music, Inc., a California corporation, (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: 5738966 for Strange Music Logo; 4016487 for the mark STRANGE MUSIC in Class 14; 3902834 for the mark STRANGE MUSIC in class 9, 25 and 41; 5281911 for the mark STRANGE LAND; 5835064 for STRANGE WORLD in class 25; 5711137 for STRANGE MAIN in classes 9 and 25; No. 88383349 for STRANGE FEST in class 41; and Serial No. 88326963 for the Strange Music Logo as well as common law rights in the STRANGE mark

for clothing. Opposer has been using said marks since at least February 1, 2001 and has been using said marks in interstate commerce since at least February 1, 2001.

2. Opposer sells, distributes, advertises, and licenses entertainment, audio and video recordings, musical sound recordings, merchandise, beer, beer mugs, clothing, jewelry, posters and promotional items, as well as various entertainment services under its well-known STRANGE trademarks. Opposer utilizes the above-referenced STRANGE marks in various combinations on its products, in connection with its services, in sales catalogs, online and in advertising to identify them as originating from Opposer.

3. Opposer has developed extensive goodwill with respect to its STRANGE marks, 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 products and services, Opposer has gained a valuable reputation through its above-identified STRANGE Marks.

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 August 18, 2020, Christopher Bellistri (hereinafter "Applicant") filed an application to register the mark GLENN STRANGE which is confusingly similar in sight and sound to Opposer's STRANGE marks for its services: Entertainment services, namely, live musical performances, live music concerts, and personal appearances by a musical group in class 41. This Application was assigned Serial No. 90106447 proceeded to publication in the Official Gazette of the United States Patent and Trademark Office on February 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 31, 2021

By: / Michael P. Martin /

Michael P. Martin

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Attorneys for Opposer Strange Music, Inc.

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 on attorney for Opposer on the date indicated below to:

Alexis Campbell
LEGALFORCE RAPC WORLDWIDE, P.C.
446 E SOUTHERN AVE
TEMPE, ARIZONA 85282

By electronic mail to: trademarks@legalforcelaw.com

Date: March 31, 2021

 /Michael P. Martin/

Michael P. Martin