

ESTTA Tracking number: **ESTTA1142400**

Filing date: **06/23/2021**

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	The Village Recorder
Granted to Date of previous extension	06/23/2021
Address	1616 BUTLER AVE. LOS ANGELES, CA 90025 UNITED STATES
Attorney information	MICHAEL POWER MARTIN FISCHBACH, PERLSTEIN, LIEBERMAN & ALMOND, LLP 1925 CENTURY PARK EAST, SUITE 2050 LOS ANGELES, CA 90067 UNITED STATES Primary Email: mmartin@fpplaw.com 3105561956
Docket Number	

**Applicant Information**

Application No.	90001797	Publication date	02/23/2021
Opposition Filing Date	06/23/2021	Opposition Period Ends	06/23/2021
Applicant	LaFlame Retail, Inc. 1900 AVENUE OF THE STARS, 25TH FLOOR C/O KIA KAMRAN P.C. LOS ANGELES, CA 90067 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 035. First Use: 2019/11/00 First Use In Commerce: 2019/11/00 Opposed goods and services in the class: Retail store services featuring downloadable pre-recorded music and video
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**Applicant Information**

Application No.	90001784	Publication date	02/23/2021
Opposition Filing Date	06/23/2021	Opposition Period Ends	
Applicant	LaFlame Retail, Inc. 1900 AVENUE OF THE STARS, 25TH FLOOR C/O KIA KAMRAN P.C.		

	LOS ANGELES, CA 90067 UNITED STATES
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## Goods/Services Affected by Opposition

Class 035. First Use: 2019/11/00 First Use In Commerce: 2019/11/00 Opposed goods and services in the class: Retail store services featuring downloadable pre- recorded music and video
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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 No.	3665377	Application Date	07/30/2007
Registration Date	08/11/2009	Foreign Priority Date	NONE
Word Mark	VILLAGE STUDIOS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1967/02/00 First Use In Commerce: 1967/02/00 Recording Studio Services		

U.S. Registration No.	2071311	Application Date	01/11/1996
Registration Date	06/17/1997	Foreign Priority Date	NONE
Word Mark	THE VILLAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1995/01/01 First Use In Commerce: 1995/01/01 recording studio services		

U.S. Registration No.	2478744	Application Date	01/11/1996
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	THE VILLAGE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1995/01/01 First Use In Commerce: 1995/01/01 clothing, namely, shirts

U.S. Registration No.	4516887	Application Date	08/17/2011
Registration Date	04/22/2014	Foreign Priority Date	NONE

Word Mark	THE VILLAGE
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Design Mark	<h1>THE VILLAGE</h1>
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Description of Mark	NONE
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Goods/Services	Class 038. First use: First Use: 2003/04/29 First Use In Commerce: 2003/04/29 Streaming of audio, visual and audiovisual material via a global computer network; Streaming of live musical performances and audiovisual material on the Internet
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U.S. Application No.	88814116	Application Date	02/27/2020
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	THE VILLAGE
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Design Mark	<h1>THE VILLAGE</h1>
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1969/12/00 First Use In Commerce: 1969/12/00 Digital media, namely, pre-recorded DVDs, downloadable audio and video recordings, and CDs featuring and promoting music and films; Musical sound recordings; Audio and video recordings featuring music and artistic performances; Downloadable music files; Downloadable musical sound recordings Class 041. First use: First Use: 1969/12/00 First Use In Commerce: 1969/12/00
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	Entertainment services, namely, providing non-downloadable prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network; Post-production editing services in the field of music, videos and film; Production of sound and music video recordings; Entertainment services in the nature of development, creation, production and post-production services of multimedia entertainment content; Entertainment services in the nature of recording, production and post-production services in the field of music; Production of musical soundrecording; Providing a website featuring entertainment information; Providing a website featuring information in the field of music and entertainment; Provision of information relating to music
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Attachments	76680046#TMSN.png( bytes ) 85400738#TMSN.png( bytes ) 88814116#TMSN.png( bytes ) Opposition.pdf(107169 bytes )
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Signature	/Michael P. Martin/
Name	MICHAEL POWER MARTIN
Date	06/23/2021

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

In the Matter of Trademark Application

Serial No.: 90001797

Mark: SPACE VILLAGE

Filed: June 15, 2020

Published: February 23, 2021

Int. Class: 35

Serial No.: 90001784

Mark: SPACE VILLAGE (Wtylized and  
Design)

Filed: June 15, 2020

Published: February 23, 2021

Int. Class: 35

THE VILLAGE RECORDER, a California  
corporation,

Opposer,

v.

LAFLAME RETAIL, INC., a Texas Corporation,

Applicant.

Opposition No.:

NOTICE OF OPPOSITION

Assistant Commissioner of Trademarks  
PO Box 1451  
Alexandria, VA 22313-1451

Sir:

Opposer The Village Recorder, a California Corporation, (hereinafter "Opposer") believes that it will be damaged by registration of the marks shown in the above identified applications, 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 United States Trademark Registration Nos. 3,665,377 for the mark VILLAGE STUDIOS; 2,071,311 for the mark THE VILLAGE; 2,478,744 for the mark THE VILLAGE; and 4,516,887 for the mark THE VILLAGE; S/N 88814116 for THE VILLAGE ("Petitioner Marks").

2. Petitioner has been using said marks since at least 1968 and has been using said marks in interstate commerce since at least 1968 for entertainment services, recording studio services, sound recordings, and other broadcasting and multi-media uses, and is famous in the music industry. Thousands of albums by top selling recording artists have been recorded at the world famous Village recording studios and sold worldwide and also live recordings broadcast on the radio and on the Internet live and for download. Petitioner enjoys substantial success in the market for entertainment services and other collateral merchandise, and has acquired extraordinary goodwill in its marks.

3. Opposer has developed extensive goodwill with respect to its VILLAGE 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 VILLAGE 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 June 15, 2020, La Flame Retail, Inc. (hereinafter "Applicant") filed an application to register the mark SPACE VILLAGE and SPACE VILLAGE (Stylized and Design) for, in pertinent part: "On-line retail store services featuring ... downloadable pre-recorded music and video." in Class 35. These applications were assigned Serial Nos. 90001797 and 90001784 respectively and proceeded to publication in the Official Gazette of the United States Patent and Trademark Office on February 23, 2021.

7. Opposer is informed and believes that Applicant's proposed marks are 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 marks 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 marks referenced herein.

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

Respectfully submitted,

FISCHBACH, PERLSTEIN, LIEBERMAN & ALMOND LLP

Dated: June 23, 2021

By:  /s/ Michael P. Martin/

Michael P. Martin

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Attorneys for Opposer The Village Recorder

*CERTIFICATE OF SERVICE*

I hereby certify that on the 23rd day of June, 2021, I served a true and correct copy of the above and foregoing Notice of Opposition on:

Kia Kamran

KIA KAMRAN P.C.

1900 AVENUE OF THE STARS, 25TH FLOOR

LOS ANGELES, CALIFORNIA UNITED STATES 90067

By email to: [kia@tunelaw.com](mailto:kia@tunelaw.com) and [desiree@tunelaw.com](mailto:desiree@tunelaw.com)

/s/Michael P. Martin/

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