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12/31/03

US Trademark Office
2900 Crystal Dr
Arlington, VA 22202
Att: Lamothe Lesley, Esq, Law Office 103

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T4AB

certified mail/return receipt

Re: **OPPOSITION TO PUBLICATION**

Mark: Big Bad Voodoo Mama (Class 09)
Serial #: 78223753
App filed: 3/10/03
Applicant: Bally Gaming Intl Inc

Dear Ms Lamothe:

Please note that the attached opposition letter dated 7/7/03 to the above-named Mark was received by your office on 7/11/03. I notice that for some reason it is not noted on the "Prosecution History" Docket.

We are shocked to see that you have approved this Mark for publication in the Official Gazette on or about 9/02/03.

If in fact you did not see this letter please re-read and enter this correspondence as A FORMAL OPPOSITION TO REGISTRATION!

The use of the name Big Bad Voodoo Mama by Bally to market its new game is/will cause gamers to confuse or mistake Big Bad Voodoo Daddy as the source of the game. Clearly, Bally under Trademark Law is illegally using the name Big Bad Voodoo Mama.

Note that we have notified Bally of their illegal use by letter on or about 7/7/03 and never received any reply, although we can see that they did not withdraw their application. If necessary, Big Bad Voodoo Daddy will be filing an action against Bally for damages and a permanent injunction.

Knowing the foregoing, we would expect the Trademark Office to act accordingly to preserve the rights of Big Bad Voodoo Daddy.

Thank you.

Regards,

Ben McLane

W/ enc

Cc: ballys
bbvd



01-05-2004

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7/7/03

US Trademark Office

2900 Crystal Dr

Arlington, VA 22202

Att: Law Office 103

Re: **Opposition to Pending Mark Application:** Big Bad Voodoo Mama (Class 09)
Serial #: 78223753
Filed: 3/10/03
Applicant: Bally Gaming Intl Inc

Gentlemen:

I represent recording artist Big Bad Voodoo Daddy and its operating entities (BBVD). BBVD is a brand name going concern known worldwide through its gold and platinum albums, constant touring, and high profile film and TV appearances (including an audience of 1 billion at the Superbowl a few years back). The public has associated entertainment with BBVD since 1992 when the band started and it has worked very hard for over 10 years to build good faith in the name, and benefit from its mark. "Big Bad Voodoo Daddy" is a registered mark with the US Patent and Trademark Office for Classes 9, 25 and 41. It also has registered trademarks in Canada and Europe.

It has recently come to our attention that Bally Gaming International Inc out of Las Vegas, NV has applied for a trademark in the mark "Big Bad Voodoo Mama" for class 9. Clearly, this is likely to cause consumer confusion and is Bally's attempt to "palm off" and use a variation of BBVD's mark for its own financial benefit and to the detriment of BBVD. The average reasonable person would likely believe that BBVD is the source of the mark "Big Bad Voodoo Mama". BBVD has actually performed at Bally Casino in Las Vegas several times over the years and is 1 of its most successful acts. Hence, this is not an accident. BBVD's first use and registration precedes Bally by many, many years.

BBVD is damaged by this pending application. As such, it opposes the pending application and requests that the Trademark Office refuse this application, as it is not entitled to registration.

Please confirm your receipt of this opposition. Thank you.

Regards,

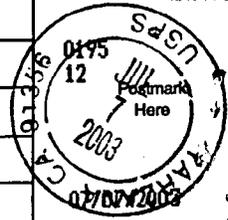
Ben McLane

Cc: BBVD
Bally

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2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No if YES, enter delivery address below:
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