

07/28/2003 TSMITH

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

In the Matter of Application Serial No. 76/278,598  
Trademark: MYSTIC PINES  
Filed: June 29, 2001  
Date Of Publication: June 10, 2003

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LITTLE SIX, INC., d/b/a MYSTIC LAKE  
CASINO HOTEL

Opposer,

Opposition No. \_\_\_\_\_

v.

CALLAMONT ASSOCIATES, LLC

Applicant.

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**NOTICE OF OPPOSITION**

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

This Notice of Opposition concerns the application to register the mark MYSTIC PINES (the "Mark") under the Trademark Act of 1946, Serial No. 76/278,598, filed June 29, 2001 in the name of Callamont Associates, LLC ("Applicant"). The Mark was published for opposition on June 10, 2003. Opposer Little Six, Inc. d/b/a Mystic Lake Casino Hotel ("Opposer") believes that it would be damaged by registration of the Mark and hereby opposes the same.

The grounds of opposition are as follows:

1. Opposer is the wholly-owned arm and instrumentality through which the Shakopee Mdewakanton Sioux (Dakota) Community ("Community"), a sovereign, federally-recognized Indian tribe, conducts lawful gaming in an exercise of

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inherent sovereignty and in accordance with the Indian Gaming Regulatory Act, 25 U.S.C. §§ 2701, *et seq.*, and is a corporation organized under the laws of the Community.

2. Opposer's principal place of business is located at 2400 Mystic Lake Boulevard, Prior Lake, Minnesota.

3. Mystic Lake Casino is one of the largest Native American casino resorts in the United States. Aside from numerous gambling opportunities such as slot machines and blackjack tables, it has a state-of-the-art, 800-seat electronic bingo facility, a 2,200-seat entertainment venue, over 1300 square feet of meeting/banquet space, four restaurants, and two ten-story towers (with over 400 suites and rooms). Mystic Lake Casino currently has over 500,000 square feet of gaming, entertainment, shopping, dining, and hotel space.

4. The goods and services Mystic Lake Casino provides are offered to customers from all over the United States and a variety of foreign countries.

5. Long prior to Applicant's filing date, namely since 1992, Opposer adopted and began to use trademarks consisting of or incorporating the word MYSTIC in connection with gaming, casino, restaurant, exhibition, entertainment, and retail services and various goods, and has used such trademarks continuously from that time until the present in connection with such services and goods. In addition to these common law rights, Opposer is the registered owner of several federal trademark and service mark registrations for marks consisting of or incorporating the word MYSTIC.



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Opposer's goods and services from the goods and services of others. Opposer has thus built up goodwill in connection with the promotion of its goods under the MYSTIC Marks.

10. Upon information and belief, Applicant is a Nevada corporation with its principal business located at 590 Lakeshore Boulevard, Incline Village, Nevada 89540.

11. Upon information and belief, notwithstanding Opposer's long prior rights in and to the MYSTIC Marks, on or about June 29, 2001, Applicant filed intent-to-use trademark application Serial No. 76/278,598 for the mark MYSTIC PINES for use in connection with clothing in Int. Class 25; sporting goods and accessories relating to golf in Int. Class 28; real estate development services in Int. Class 37; and golf courses in Int. Class 41. Said application was published for opposition on June 10, 2003.

12. Upon information and belief, Applicant's applied-for MYSTIC PINES mark so resembles Opposer's MYSTIC Marks as to be likely, when applied to the goods in Int. Classes 25 and 41, to cause consumers to be confused, mistaken or deceived as to the origin and sponsorship of Applicant's goods, and misled into believing that such goods are rendered by, emanate from, or are in some way directly or indirectly associated with Opposer, to the damage and detriment of Opposer and its reputation.

13. Upon information and belief, the mark MYSTIC PINES cannot be registered in Int. Classes 25 and 41 consistent with Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

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**WHEREFORE**, Opposer believes that it would be damaged by registration of Applicant's MYSTIC PINES mark in Int. Classes 25 and 41, and prays that application Serial No. 76/278,598 be rejected accordingly, and that this opposition be sustained in favor of Opposer.

A duplicate of this Notice of Opposition is being filed herewith, together with a filing fee of \$600. If the amount submitted herewith is determined to be incorrect, the Commissioner may charge any additional fees or to credit any over payment to Deposit Account No. 06-0029.

Please address all correspondence to: **Eunice P. de Carvalho**, FAEGRE & BENSON LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402-3901, telephone (612) 766-7064.

Respectfully Submitted,  
LITTLE SIX, INC. d/b/a MYSTIC LAKE  
CASINO HOTEL

By: Eunice P. de Carvalho  
Eunice P. de Carvalho  
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Dated: July 16, 2003

M2:20555816.01

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 2,624,454**

**Registered Sep. 24, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**CLUB MYSTIC**

LITTLE SIX, INC. (UNITED STATES A CORPORATION UNDER THE LAWS OF THE SHAKOPEE MDEWAKANTON SIOUX COMMUNITY)  
2400 MYSTIC LAKE BOULEVARD  
PRIOR LAKE, MN 55372

FOR: CLOTHING, NAMELY, SHIRTS, SWEATSHIRTS, JACKETS, AND SWEATERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-0-1996; IN COMMERCE 1-0-1996.

OWNER OF U.S. REG. NOS. 1,783,495, 2,436,492 AND OTHERS.

SER. NO. 76-293,356, FILED 8-1-2001.

GI HYUN AN, EXAMINING ATTORNEY

**EXHIBIT A**

07/04/2007 10:10

**Int. Cl.: 25**

**Prior U.S. Cls.: 22 and 39**

**United States Patent and Trademark Office**

**Reg. No. 2,658,677**

**Registered Dec. 10, 2002**

**TRADEMARK  
PRINCIPAL REGISTER**

**MYSTIC**

**LITTLE SIX, INC. (UNITED STATES CORPORATION)  
2400 MYSTIC LAKE BOULEVARD  
PRIOR LAKE, MN 55372**

**OWNER OF U.S. REG. NOS. 1,783,495, 2,436,492  
AND OTHERS.**

**FOR: CLOTHING, NAMELY, SHIRTS, IN CLASS  
25 (U.S. CLS. 22 AND 39).**

**SER. NO. 76-302,288, FILED 8-21-2001.**

**FIRST USE 10-0-2000; IN COMMERCE 10-0-2000.**

**GI HYUN AN, EXAMINING ATTORNEY**

**EXHIBIT B**

07/01/2007TAS  
00110007/T0120

**Int. Cl.: 25**

**Prior U.S. Cl.: 39**

**United States Patent and Trademark Office** **Reg. No. 1,805,367**  
**Registered Nov. 16, 1993**

**TRADEMARK  
PRINCIPAL REGISTER**

**MYSTIC LAKE**

LITTLE SIX, INC. (MINNESOTA CORPORATION)  
2350 SIOUX TRAIL NORTHWEST  
PRIOR LAKE, MN 55372

FOR: CLOTHING; NAMELY, SHIRTS,  
SHORTS, PANTS, SLEEPWEAR, JACKETS,  
HEADWEAR, BELTS, STOCKINGS, FOOT-

WEAR, AND GLOVES, IN CLASS 25 (U.S. CL. 39).

FIRST USE 5-13-1992; IN COMMERCE 5-13-1992.

SN 74-258,910, FILED 3-25-1992.

JEFFREY SMITH, EXAMINING ATTORNEY

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07/04/2003TTAD

**Int. Cl.: 41**

**Prior U.S. Cls.: 100, 101, and 107**

**United States Patent and Trademark Office**

**Reg. No. 2,718,059**

**Registered May 20, 2003**

**SERVICE MARK  
PRINCIPAL REGISTER**

**MYSTIC LAKE**

**LITTLE SIX, INC. (UNITED STATES CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE SHAKOPEE MDEWAKANTON SIOUX COMMUNITY)  
2400 MYSTIC LAKE BOULEVARD  
PRIOR LAKE, MN 55372**

**FIRST USE 7-31-1996; IN COMMERCE 7-31-1996.**

**OWNER OF U.S. REG. NOS. 1,783,495, 1,794,274, AND OTHERS.**

**FOR: GOLF COURSES AND ENTERTAINMENT IN THE NATURE OF GOLF TOURNAMENTS , IN CLASS 41 (U.S. CLS. 100, 101 AND 107).**

**SN 76-975,065, FILED 7-11-2001.**

**CAROL SPILS, EXAMINING ATTORNEY**

**EXHIBIT D**

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

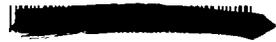
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CALLAMONT ASSOCIATES, LLC

07-21-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

Applicant.

Box TTAB  
FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

I CERTIFY THAT, ON JULY 16, 2003, THIS PAPER IS BEING  
DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS  
MAIL IN AN ENVELOPE ADDRESSED TO THE COMMISSIONER  
FOR TRADEMARKS, TRADEMARK TRIAL AND APPEAL BOARD,  
2900 CRYSTAL DRIVE, ARLINGTON, VA 22202-3513.

*Jean Beasley*  
JEAN BEASLEY

**TRANSMITTAL LETTER**

Enclosed for filing are the following papers in connection with the above-identified trademark opposition:

- Notice of Opposition (in triplicate);
- Credit Card payment form in the amount of \$600.00; and
- Postcard.

A self-addressed return postcard in accordance with T.M.E.P. Section 703 itemizing all of the above-referenced documents filed with the United States Patent and Trademark Office.

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Serial No.: 76/278,598

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Respectfully Submitted,  
LITTLE SIX, INC. d/b/a MYSTIC LAKE  
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