

Handwritten initials: HAPB

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Richard P. Brull  
Name (Print)

Richard P. Brull  
Signature

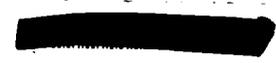
Docket No.: CDMN202USBB

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

_____	)	
CDM Networks, Inc.,	)	
Opposer	)	
	)	Opposition No. _____
v.	)	
	)	[Serial No. 76/055,098]
DreamNet Corporation,	)	
a Japanese corporation,	)	
Applicant	)	
_____	)	

**NOTICE OF OPPOSITION**

In the matter of U. S. Trademark Application Serial No. 76/055,098, for the mark DREAMNET as filed on May 23, 2000, in accordance with Section 1(b) by DreamNet Corporation, a Japanese corporation, with its place of business at Zexel Akasaka Building, 7F 2-13-1 Nagatacho, Chiyoda-ku, Toyko 100-0014 Japan, published in the Official Gazette on September 9, 2003, the time being extended, CDM Networks, Inc., an Arizona Corporation, having its principal place of business at 59 East Pennington, Tucson, Arizona 85701 ("Opposer") believes that it would be damaged by registration of Application Serial No. 76/055,098 and hereby opposes the registration of the mark DREAMNET by Applicant.



As grounds for the opposition, Opposer alleges:

1. At least as early as February 8, 1999, Opposer commenced use of the mark DREAMNET for streaming video over the Internet (International Class 38); entertainment services, namely, providing photographic, videographic and audiovideographic information in the field of adult entertainment via a wide area computer network (International Class 41); and for posting the websites of others on a global computer network and maintaining and supporting the websites of others (International Class 42).

2. Since at least as early as February 8, 1999, Opposer has used the mark DREAMNET in connection with the services described in paragraph 1 above, did offer such services to the public throughout the United States and is presently using the DREAMNET mark and name as a trademark and service mark.

3. On January 21, 2003, Opposer filed with the United States Patent and Trademark Office an Application to Register DREAMNET (Serial No. 76/483,967) for the services identified in paragraph 1 above.

4. By Examiner's Amendment dated September 17, 2003, in Application Serial No. 76/483,967, the United States Patent and Trademark Office did refuse Opposer's Application on the grounds that registration of Opposer's mark DREAMNET is apt to create a likelihood of confusion with the application opposed herein, namely Application Serial No. 76/055,098 for DREAMNET, and suspended Opposer's Application pending disposition of Application Serial No.76/055,098.

5. Applicant's intended mark DREAMNET is identical in sight, sound, meaning and commercial impression to Opposer's mark, which the public and trade have associated and

recognized with Opposer, so as to be likely, when applied to the products and services of Applicant, to cause confusion, to cause mistake or to deceive consumers as to the affiliation, connection, or association of Applicant with Opposer or as to the origin, sponsorship or approval of Applicant's services by Opposer, all to the damage of Opposer.

6. Contrary to the suggestion created by Applicant's intended use of the DREAMNET mark, Opposer is neither affiliated with nor a sponsor of Applicant.

7. On information and belief, Applicant's proposed use of the DREAMNET mark will cause dilution of the distinctive quality of Opposer's mark.

8. On information and belief, Applicant has made no use of the DREAMNET mark in the United States or for any product or service either prior to or since Applicant's filing date of May 23, 2000, which is a date subsequent to the date of first use for Opposer's use of the DREAMNET mark.

9. Opposer has expended considerable time, effort and money in advertising and otherwise promoting its products and services and encouraging the public and trade to recognize its DREAMNET mark and name, that unless refused, the registration of Applicant's mark will enable Applicant to reap the benefits of the goodwill attached to Opposer's DREAMNET mark and name, and Opposer will suffer irreparable damage and injury as a result of the confusion that is likely to arise from the registration of Applicant's mark.

WHEREFORE, Opposer requests that Application Serial No. 76/055,098 be rejected and that no registration be issued in connection with this application and that this opposition be sustained in favor of Opposer. The filing fee of \$600.00 (two classes) is attached hereto.

Applicant appoints Richard P. Brull, who is a member of the State Bar of California and

the firm of Brull Piccionelli Sarno & Braun, 1925 Century Park East, Suite 2350, Los Angeles, California 90067, telephone (310) 553-3375, facsimile (310) 553-4120, as attorneys for Opposer.

Respectfully submitted,

Date: 1/7/04

A handwritten signature in cursive script, appearing to read "Richard P. Brull", written over a horizontal line.

Richard P. Brull  
Brull Piccionelli Sarno & Braun  
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Los Angeles, California 90067  
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Attorneys for Opposer

RPB/kb

Encls: Check \$600.00

Two copies of Notice

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01/07/04

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Six Hundred and 00/100\*\*\*\*\* \$\*\*600.00

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Assistant Commissioner of Trademarks  
2900 Crystal Drive  
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MEMO Cdmn201usbb



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