

entertainment exhibitions in the nature of film festivals and in relation to film technology; conducting award ceremonies to promote excellence in the entertainment industry; entertainment in the nature of television shows and documentaries in the fields of action/adventure, comedy, crime, drama, horror, musicals, science fiction, war, westerns, soap operas, martial arts, sports, news, and game shows; entertainment in the nature of live and on-line musical performances, film festivals, and fashion shows; providing on-line computer games; entertainment in the nature of visual and audio performances, dance performances, amusement park shows, and theatre productions; entertainment services, namely providing a web site featuring musical performances, musical videos, photographs, movies, live-actions, comedies, dramas, related film clips, and other multimedia materials, and related reviews; entertainment services, namely live, televised and movie appearances by professional entertainers, movie stars, singers, and sports celebrities; entertainment services, namely providing television programs in the fields of movies, live-actions, comedies, and dramas via a global computer network; entertainment services, namely providing on-line reviews of movies, live-actions, comedies, dramas, books, music and computer games; arranging ticket reservations for shows and other entertainment events; educational and entertainment services, namely providing motivational and educational speakers; entertainment in the nature of competitions in the fields of films, television shows, television series, music, fashion, sports, animation shows, dance, theatre productions, and on-line computer games; entertainment services, namely providing prerecorded music, information in the field of music, and commentary and articles about music, all on-line via a global computer network and electronic global communications network; entertainment, namely live performances by musical bands;

entertainment, namely live music concerts; radio entertainment production; entertainment services, namely providing radio programs, television programs, and conducting contests and festivals in the fields of music, film, sports, animation, and audio and visual shows via a global computer network; entertainment services, namely conducting contests on board cruise ships for passengers of all ages, in function rooms, stadiums, exhibition centers, concert halls, parks, or shopping malls; radio entertainment services, namely radio programs featuring performances by fictional characters, radio or sports or movie or games personalities, professional entertainers, movie stars, singers or sports celebrities; movie studios; movie theatres; and production of radio and television programs; animation production services

2. Applicant filed Application No. 76/476969 based on intent to use on December 18, 2002.

3. Opposer is the owner of all right, title and interest in and to STAR BUTTON DEVICE trademark as represented below.



4. Opposer has used the STAR BUTTON DEVICE in connection with telecommunication services, including third generation mobile services and applications, video calling; premium content browsing, music, movie and multimedia messaging, location guides, and video games.

5. Products designed as third generation mobile services are not geographically limited and therefore may be used throughout the world.

6. Opposer's services identified and distinguished under the STAR BUTTON DEVICE are rendered throughout the world, including Australia, Denmark, Hong Kong, Ireland, Israel, Italy, Sweden, Thailand, Austria and the United Kingdom. Given the inherent nature and purpose of third generation mobile services, such use is not geographically limited.

7. Applicant's Mark is substantially similar to Opposer's mark.

8. Applicant's services are commercially related to Opposer's services.

9. The services are likely to travel in the same channels of trade, and/or be sold in the same type of retail outlets, and/or be purchased by the same class of consumers and/or be found in the same overlapping marketing environments.

10. Opposer promotes and advertises the services offered under the STAR BUTTON DEVICE throughout the world.

11. As a result of Opposer's widespread use and advertising, Opposer's mark is renowned throughout the world.

12. Upon information and belief, Applicant had actual knowledge of Opposer's use of Opposer's marks pleaded in the opposition.

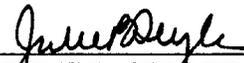
13. Upon information and belief, Applicant had actual knowledge of Opposer's use of the STAR BUTTON DEVICE and intentionally adopted the mark shown in

Application No. 76/476969 to trade on the goodwill Opposer has built in Opposer's mark pleaded in the opposition.

14. In view of the substantial similarity between the respective marks, the commercial relationship between the goods and services, registration of Applicant's mark is likely to cause confusion, mistake or deception to purchasers as to the source of Applicant's goods, and therefore it is requested that registration to Applicant be refused under Section 2(d) of the Trademark Act.

WHEREFORE, Opposer believes that it will be damaged by the registration of Application Serial No. 76/476969 and respectfully requests that registration be refused and this opposition be sustained.

Respectfully submitted,



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Gabriel M. Frayne (1929 - 2000)

TTAB

July 19, 2004

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Attention: TRADEMARK TRIAL AND APPEAL BOARD

Our Ref.: 212960

Re: NOTICE OF OPPOSITION
To Trademark Application No. 76/476969
For SOFT TRIANGLE DEVICE



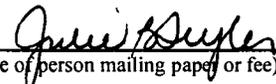
07-21-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

Dear Sir:

1. We submit herewith two copies of Notice of Opposition to the above referenced application.
2. The official fee of \$300.00 is covered by the attached check. Please charge Deposit Account No. 01-0035 for any additional fees not fully covered by said check.
3. Kindly acknowledge receipt by returning the attached card.

Respectfully Submitted,

<p>CERTIFICATE OF MAILING Date of Deposit : July 19, 2004 I hereby certify that this correspondence is being deposited with the United States Postal service as First Class Mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514</p> <p><u>JULIE B. SEYLER</u></p> <p> (Signature of person mailing paper or fee)</p>


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