



<u>MARK</u>	<u>REG. NO.</u>	<u>DATE</u>	<u>GOODS and SERVICES</u>
7-ELEVEN & Design	2,751,552	8/19/2003	Sporting goods, namely golf balls; towels; clothing, namely caps and T-shirts.
7-ELEVEN & Design	2,642,740	10/29/2002	Coffee chilled flavored coffee-based beverages, and semi-frozen flavored coffee-based beverages, for consumption on or off the premises; soft drinks and semi-frozen soft drinks for consumption on or off the premises.
7-ELEVEN	2,685,684	2/11/2003	Retail store services featuring gasoline and retail store services featuring convenience store items.
7-ELEVEN	2,765,976	9/23/2003	Towels; hand tools, namely pocket tool sets; computer peripherals, namely mouse pads, and calculators; clocks; pencils, pens and stationery-type portfolios; briefcase-type portfolios, business card cases and luggage; clothing, namely caps, jackets, shirts, sweat shirts and T-shirts; sporting goods, namely golf balls and golf tees.
7-ELEVEN	2,152,472	4/21/1998	Telephone calling card services.
7-ELEVEN	1,702,010	7/21/1992	Coffee for consumption on or off the premises.
7-ELEVEN & Design	1,402,425	7/22/1986	Soft drinks for consumption on or off the premises.
7-ELEVEN & Design	1,288,594	8/7/1984	Gasoline.
7-ELEVEN & Design	1,035,454	3/9/1976	Sandwiches.
7-ELEVEN & Design	961,594	6/19/1973	Various flavors of soft drinks.
7-ELEVEN & Design	920,897	9/21/1971	Retail grocery store services.
7-ELEVEN	896,654	8/11/1970	Retail grocery store services.
7-ELEVEN & Design	718,016	7/4/1961	Retail grocery services.

These registrations are valid, subsisting and owned by 7-Eleven, and Registration Numbers 1,702,010, 1,402,425, 1,288,594, 1,035,454, 961,594, 920,897, 896,654 and 718,016 are incontestable in accordance with Sections 8 and 15 of The United States Trademark Act of 1946, 15 U.S.C. §§ 1065 & 1115(b).

4. In addition to the foregoing, 7-Eleven also uses 7-ELEVEN, including the 7-ELEVEN Logo, as a component of other composite marks used for its convenience store services and products including, *inter alia*, 7-ELEVEN GO GO TAQUITOS & Design, 7-ELEVEN VALUE +, 7-ELEVEN SPEAK OUT, CAFE 7-ELEVEN, 7-ELEVEN WEEKEND REWARDS, 7-ELEVEN TRAVEL BREW, I GEAR 7-ELEVEN & Design, X-TREME 7-ELEVEN & Design, 7-ELEVEN BAKERY STIX FRESH OFF THE GRILL OH THANK HEAVEN & Design, CONNECTIONS FROM 7-ELEVEN, 7-ELEVEN FRUT COOLER (Stylized) and 7-ELEVEN CAFÉ COOLER & Design (collectively “Additional 7-ELEVEN Marks”).

5. 7-Eleven has registered its Additional 7-ELEVEN Marks with the United States Patent and Trademark Office as follows:

<u>MARK</u>	<u>REG. NO.</u>	<u>DATE</u>	<u>GOODS and SERVICES</u>
7-ELEVEN GO GO TAQUITOS & Design	2,773,164	10/14/2003	Prepared taco product for consumption on or off the premises, namely, taquitos.
7-ELEVEN VALUE +	2,599,424	7/23/2002	Telephone calling cards.
7-ELEVEN SPEAK OUT	2,599,416	7/23/2002	Telephones.
CAFE 7-ELEVEN	2,617,577	9/10/2002	Retail convenience store services featuring prepared food and beverages.
7-ELEVEN WEEKEND	2,715,024	5/13/2003	Retail convenience store services featuring soft drinks.

REWARDS			
7-ELEVEN TRAVEL BREW	2,726,399	6/17/2003	Beverage containers, namely coffee mugs; coffee for consumption on or off the premises.
I GEAR 7-ELEVEN & Design	2,541,673	2/19/2002	Sunglasses and glasses accessories, namely, sunglass retainers, sunglass cords, sunglass clips, sunglass bags and cases, sunglass cleaning cloths, and sunglass repair kits comprised primarily of parts and tools.
X-TREME 7- ELEVEN & Design	2,528,578	1/8/2002	Beverage containers, namely mugs; soft drinks for consumption on or off the premises.
7-ELEVEN BAKERY STIX FRESH OFF THE GRILL OH THANK HEAVEN & Design	2,450,632	5/15/2001	Bakery products.
CONNECTIONS FROM 7-ELEVEN	2,567,836	5/7/2002	Telephones, telephone accessories, namely batteries, battery chargers, head sets, hand-free use adapter sets and pagers, and computer software for use with telecommunication and electronic personal assistance applications; prepaid telephone calling card services; telecommunication services, namely, pre-paid international, long distance and local telephone communication services and pre-paid cellular telephone communication services; pre-paid voice mail, electronic mail, fax, voice identification, text messaging, paging, text to voice messaging, call screening, call forwarding and caller identification services;

			providing multiple user access to a global computer information network.
7-ELEVEN FRUT COOLER (Stylized)	2,351,540	5/23/2000	Fruit flavored soft drinks for consumption on or off the premises.
7-ELEVEN CAFÉ COOLER & Design	2,309,144	1/18/2000	Chilled flavored coffee-based beverage product and semi-frozen flavored coffee-based beverage product.

These registrations are valid, subsisting and owned by 7-Eleven.

6. 7-Eleven owns an invaluable goodwill represented by each of its aforesaid 7-ELEVEN name and mark, as well as its Additional 7-ELEVEN Marks.

7. Applicants, upon information and belief, are engaged in the business of selling cleaning preparations.

6. Applicants have applied to register the trademark MIRACLE-7 and Design, United States Application Serial No. 78/225,628, for "Stain and odor cleaning preparations for clothing, rugs, and carpets."

7. Upon information and belief, prior to the December 27, 2002, Applicants made no use of the trademark MIRACLE-7 and Design for "Stain and odor cleaning preparations for clothing, rugs, and carpets."

8. Through long and substantial sales and advertising of the 7-ELEVEN name and mark, and since long prior to either December 27, 2002 or the filing date of Application Serial No. 78/225,628, each of 7-Eleven's 7-ELEVEN name and mark, including the 7-ELEVEN Logo, acquired a high degree of distinctiveness or secondary meaning symbolizing an invaluable goodwill owned by 7-Eleven.

9. By virtue of 7-Eleven's extensive use, advertising and promotion of its 7-ELEVEN name and mark, and long prior to either December 27, 2002 or the filing date of Application Serial No. 78/225,628, 7-Eleven's 7-ELEVEN name and mark, including the 7-ELEVEN Logo, have become extremely well-known and the consuming public associates the 7-ELEVEN name and mark, including the 7-ELEVEN Logo, with 7-Eleven.

10. Since long prior to either December 27, 2002 or the filing date of Application Serial No. 78/225,628, the 7-ELEVEN name and mark, including the 7-ELEVEN Logo, have become famous within the meaning of Section 43(c) of the United States Trademark Act, 15 U.S.C. § 1125(c).

11. Use by Applicants of the trademark MIRACLE-7 and Design for the aforesaid goods is likely to cause confusion, deception, or mistake as to the source of origin, sponsorship, or approval of Applicants' products, in violation of Section 2(d) of the United States Trademark Act of 1946, 15 U.S.C. § 1052 (d), in that purchasers or others are likely to believe that Applicants' products are 7-Eleven's or the products of a business legitimately connected with, or related to, 7-Eleven.

12. Any use of the mark MIRACLE-7 and Design for Applicants' aforesaid goods is likely to dilute the distinctive qualities of each of 7-Eleven's 7-ELEVEN name and mark, including the 7-ELEVEN Logo, in violation of Section 43(c) of the United States Trademark Act of 1946, 15 U.S.C. § 1125(c).

WHEREFORE, Applicants are not entitled to register the trademark MIRACLE-7 and Design, and any such registration would be damaging to 7-Eleven.

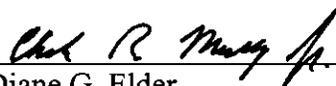
Please deduct the requisite opposition filing fees regarding the prosecution of this opposition from the deposit account of Wildman, Harrold, Allen & Dixon LLP, Deposit Account Number 23-2126

Please address all communications to Diane G. Elder, Wildman, Harrold, Allen & Dixon LLP, 225 West Wacker Drive, Chicago, Illinois 60606-1229; Telephone No. (312) 201-2000.

Respectfully submitted,

WILDMAN, HARROLD, ALLEN & DIXON LLP

Date: August 9, 2004

  
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