

ESTTA Tracking number: **ESTTA14844**

Filing date: **09/09/2004**

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

### Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

#### Opposer Information

|                |  |                    |          |
|----------------|--|--------------------|----------|
| <b>Name</b>    | The United States Playing Card Company                     |                    |          |
| <b>Entity</b>  | Corporation  | <b>Citizenship</b> | Delaware |
| <b>Address</b> | 4590 Beech Street<br>Cincinnati, OH 45212<br>UNITED STATES |                    |          |

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| <b>Attorney information</b> | Lynda E. Roesch<br>Dinsmore & Shohl LLP<br>1900 Chemed Center 255 East Fifth Street<br>Cincinnati, OH 45202<br>UNITED STATES<br>lynda.roesch@dinslaw.com, kristi.wells@dinslaw.com Phone:513/977-8139 |  |  |
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#### Applicant Information

|                               |             |                               |            |
|-------------------------------|-------------|-------------------------------|------------|
| <b>Application No</b>         | 78253725    | <b>Publication date</b>       | 08/10/2004 |
| <b>Opposition Filing Date</b> | 09/09/2004  | <b>Opposition Period Ends</b> | 09/09/2004 |
| <b>Applicant</b>              | Harbro, LLC |                               |            |

#### Goods/Services Affected by Opposition

Class 028. First Use: 20030613 First Use In Commerce: 20030613  
All goods and services in the class are opposed, namely: PLAYING CARDS

|                    |                           |
|--------------------|---------------------------|
| <b>Attachments</b> | VEGAS Opp.pdf ( 3 pages ) |
|--------------------|---------------------------|

|                  |                     |
|------------------|---------------------|
| <b>Signature</b> | /s/ Lynda E. Roesch |
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|             |                 |
|-------------|-----------------|
| <b>Name</b> | Lynda E. Roesch |
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|-------------|------------|
| <b>Date</b> | 09/09/2004 |
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Section 2(e) of the Trademark Act, 15 U.S.C. 1052. VEGAS is the equivalent of Las Vegas and applicant's products are not manufactured and do not come from Vegas.

5. VEGAS is known to the public as a well-known venue for card playing. The public is likely to believe that applicant's cards came from VEGAS, and the misrepresentation would be a material factor in the purchasing decision. The public would immediately associate cards and VEGAS.

6. Applicant is not entitled to exclusive rights in the phrase VEGAS for its playing cards because this phrase merely describes a purported characteristic of the goods and does not function as a source indicator. Nor does the phrase distinguish applicant's goods from those offered by others including those of opposer. Further VEGAS misdescribes the geographic characteristics of applicant's card.

7. Opposer is a competitor of applicant in the playing card market and will be damaged by registration of applicant's mark in that such registration would give applicant the exclusive right to geographically misdescribe the source of its cards or to deceive the public or to describe applicant's goods.

WHEREFORE, opposer prays that said application, serial no. 78/253725 be refused registration.

Dated: **September 9, 2004**

By: */s/ Lynda E. Roesch*  
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Attorney for Opposers  
The United States Playing Card  
Company

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted by electronic mail to the United States Patent and Trademark Office on the date shown below.

**Kristi Wells**

\_\_\_\_\_  
(Type or printed Name of Person Signing Certificate)

***/s/ Kristi Wells***

\_\_\_\_\_  
(Signature)

**September 9, 2004**

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(Date)