

ESTTA Tracking number: **ESTTA20242**

Filing date: **11/29/2004**

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

Name	Maharishi Foundation, Ltd.
Granted to Date of previous extension	11/27/2004
Address	12 Hill Street St. Helier, Jersey, C.I., Great Britain, JH2 4UA UNITED KINGDOM

Correspondence information	Charles E. Brugza Attorney Bruzga & Associates 11 Broadway, Suite 400 New York, NY 10004 UNITED STATES cbruzga@cbruzgalaw.com Phone:212-269-1114, Ext. 3
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Applicant Information

Application No	78334787	Publication date	09/28/2004
Opposition Filing Date	11/29/2004	Opposition Period Ends	11/27/2004
Applicant	Shanker, Yohan M 8922 Hubbard St.		

Culver, CA 90232 UNITED STATES

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Pre-recorded audio CDs featuring music or comedy performances by the spoof rap artist "Maharishi Money Bags"

Attachments	untitled.pdf (4 pages)
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Signature	/charles e. bruzga/
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Name	Charles E. Brugza
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Date	11/29/2004
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 78/334,787

For the mark MAHARISHI MONEY BAGS

Published in the Official Gazette on September 28, 2004

MAHARISHI FOUNDATION, LTD.,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
YOHAN M. SHANKER,)	Serial No. 78/334,787
)	
Applicant.)	

NOTICE OF OPPOSITION

Maharishi Foundation, Ltd., 12 Hill Street, St. Helier, Jersey, Channel Islands (C. I.) Great Britain, JH2 4UA, UNITED KINGDOM, a corporation organized under the laws of United Kingdom, opposes the registration of the mark shown in the above-identified application. Opposer believes that it will be damaged by registration of said mark, as shown by the following grounds for opposition:

1. For decades prior to the filing date of the subject, opposed intent-to-use Application Serial No. 78/334,787, Opposer has been continually engaged in the business of promoting and providing a large range of services and manufacturing or distributing a wide variety of products (including prerecorded music and other sounds), under both common law and federally registered marks, which include the term MAHARISHI, in both intrastate and interstate commerce.

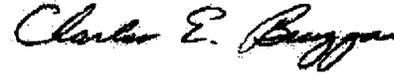
2. Opposer has engaged in the activities mentioned in the foregoing Paragraph 1 through various channels of trade and commerce with the result that Opposer's customers and the public in general have come to know and recognize Opposer's MAHARISHI mark and associate the same with Opposer and/or the services or goods provided by Opposer. Opposer had built up extensive goodwill with delivery of services and goods under its MAHARISHI marks, which have become famous.
3. Since at least as early as 1987, Opposer has been continually engaged in the business of, *inter alia*, manufacturing, marketing, promoting, offering for sale, selling and otherwise distributing goods including prerecorded audio cassettes and CDs in intrastate and interstate commerce, featuring music or other sounds such as Vedic recitations under trademarks including MAHARISHI GHANDHARVA VEDA and MAHARISHI AYUR-VED.
4. The dominant part of Opposer's marks including the term MAHARISHI, such as mentioned in foregoing Paragraphs 1 and 3—that is, MAHARISHI—is identical in sound, appearance and commercial impression to Applicant's alleged MAHARISHI mark.
5. Since the initial use of Opposer's MAHARISHI mark, Opposer has invested substantial resources in advertising and promoting its goods under the MAHARISHI mark. Opposer has done so through various channels of trade and commerce with the result that Opposer's customers and the public in general have come to know and recognize Opposer's MAHARISHI mark and associate the same with Opposer and/or the goods sold by Opposer. Opposer had built up extensive goodwill with the sale of goods under its MAHARISHI mark.

6. Through the activities mentioned in the foregoing Paragraph 5, Opposer's MAHARISHI mark has acquired a secondary meaning in the minds of the public in connection with Opposer and its goods.
7. Additionally, on or about October 14, 1997, Opposer filed intent-to-use application Serial No. 75/372,222 for MAHARISHI VEDALAND covering, *inter alia*, in International Class 9 "electrical and scientific apparatus; namely, audio and video cassette tapes featuring classical music from all cultures, folk music, new age music, and vedic science presentations."
8. Said application Serial No. 75/372,222 is currently pending before the US Patent and Trademark Office, and independently or cumulatively gives Opposer superior rights over the subject, opposed application of Applicant.
9. Despite Opposer's longstanding prior rights in the MAHARISHI mark, on information and belief, Applicant filed the subject, opposed intent-to-use Application Serial No. 78/334,787 on or about December 1, 2003 for the alleged mark MAHARISHI MONEY BAGS in International Class 9 for, "Pre-recorded audio CDs featuring music or comedy performances by the spoof rap artist 'Maharishi Money Bags.'"
10. The goods recited in the subject, opposed application are identical to, or closely related to, and/or within the natural zone of expansion of the services or goods that Opposer provides in connection with its MAHARISHI marks.
11. Registration of Applicant's alleged mark, if used on goods identified in Applicant's application for registration, would likely cause confusion, deception, or mistake, with Opposer's MAHARISHI marks.
12. Registration of Applicant's alleged mark, if used on the goods identified in Applicant's application for registration, would erode, dilute or tarnish the extensive goodwill and fame built up in Opposer's MAHARISHI marks.

WHEREFORE, Opposer respectfully requests that registration of the subject Application Serial No. 78/334,787 be refused, and that this opposition be sustained.

Dated: November 29, 2004

Respectfully submitted,



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