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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of Application for Registration:

Serial No. 78/373,256

Filed: February 24, 2004

Mark: HORSEBALLS

Published: 1/11/2005

International Classes: 28



TRANSMITTAL

BOX TTAB

Trademark Assistance Center
Madison East Building
Concourse Level, Room C55
600 Dulany Street
Alexandria, Virginia 22314

Madam:

Enclosed herewith is a Notice of Opposition (in triplicate).

Check No. 8586 in the amount of \$300.00 in payment of Notice of Opposition fee is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

Ira C. Edell
Attorney for Opposer

EDELL, SHAPIRO & FINNAN, LLC
1901 Research Boulevard, Suite 400
Rockville, Maryland 20850
(301) 424-3640

Hand-delivered: 3-9-05



03-09-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #40

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

Applied Animal Enrichments, LLC)	
)	
Opposer)	
)	
v)	
)	
LA Games Limited)	Opposition No. (To Be Assigned)
)	
Applicant)	Application No. 78/373256
)	Mark: HORSEBALLS
)	
)	

NOTICE OF OPPOSITION

Opposer, Applied Animal Enrichments, LLC, a limited liability company of Maryland with a business address of P.O. Box 2610, Kensington Maryland 20891, hereby opposes registration of the mark HORSEBALLS that is the subject of application Serial No. 78/373256, published in the Official Gazette of January 11, 2005, page TM 444, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and has continuously used the terms "HORSEBALL" and "HORSEBALLS" as trademarks for toys and games for animals.
2. Opposer is the owner of Registration No. 2,819,220, registered March 2, 2004, for the mark HORSEBALL for "Pet Toys For Large And Small Animals. That registration is valid, subsisting, unrevoked, and uncanceled.
3. Applicant has filed an application to register the mark HORSEBALLS for "Outdoor Activity Game Involving Throwing Devices At A Target". That application was filed on February 24, 2004, and was assigned Serial No. 78/373256. The application alleges a first use date of February 23, 2004.
4. Applicant's mark so resembles Opposer's previously used mark HORSEBALLS, and Opposer's previously used and

registered mark HORSEBALL, as to be likely, when applied to the goods set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,
Applied Animal Enrichments, LLC

By: 
Ira C. Edell, Attorney For Opposer

Date: 03/07/05

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