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September 13, 2005

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: *House of Blues Brands Corp. v. Celebrities Publishing Corporation*  
Mark: **IN ROCK WE TRUST**  
Opposition No.: 91165876 - 78, 411, 156  
Attorney Docket No. 064163.0064

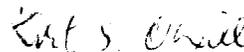
Dear Madam:

Enclosed please find the following for filing in the above-identified matter:

- Opposer's Response to Applicant's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted Pursuant to FRCP 12(b)(6);
- Declaration of John A. Tang; and
- A return receipt acknowledgment postcard.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the fees indicated above to Deposit Account No. 01-0477.

Respectfully submitted,



Kirt S. O'Neill

Enclosures



09-15-2005

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

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

House of Blues Brands Corp.,	§	Serial No. 78/441,156
	§	
Opposer,	§	
	§	Mark: IN ROCK WE TRUST
v.	§	
	§	
Celebrities Publishing Corporation,	§	Opposition No. 91165876
	§	
Applicant.	§	

**RESPONSE TO APPLICANT’S MOTION TO DISMISS FOR FAILURE TO STATE A  
CLAIM UPON WHICH RELIEF CAN BE GRANTED PURSUANT TO FRCP 12(b)(6)**

Opposer, House Of Blues Brands Corp., hereby responds to Applicant’s Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted Pursuant to FRCP 12(b)(6) (“Applicant’s Motion”). For the reasons discussed herein, Applicant’s Motion includes incorrect statements of facts and conclusions of law and should be denied.

**I. OPPOSER’S NOTICE OF OPPOSITION IS WELL PLEAD**

A. Standard for 12(b)(6)

A motion to dismiss for failure to state a claim is a test of the sufficiency of the notice of opposition. *See, e.g., Advanced Cardiovascular Systems Inc. v. SciMed Life Systems Inc.*, 26 USPQ2d 1038 (Fed. Cir. 1993); *Libertyville Saddle Shop Inc. v. E. Jeffries & Sons Ltd.*, 22 USPQ2d 1594 (TTAB 1992); *Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216 (TTAB 1990); *Consolidated Natural Gas Co. v. CNG Fuel Systems, Ltd.*, 228 USPQ 752 (TTAB 1985). The Board has regularly held that to withstand a motion under Fed. R. Civ. P. 12(b)(6), a notice need only allege facts which would, if proven, establish that the opposer is entitled to relief, i.e., that the opposer has standing to maintain the proceeding, and a valid ground exists for denying registration. *See Lipton Industries, Inc. v. Ralston Purina Co.*, 213 USPQ 185 (CCPA 1982); *Kelly Services Inc. v. Greene's Temporaries Inc.*, 25 USPQ2d 1460 (TTAB 1992); *Hartwell Co.*

*v. Shane*, 17 USPQ2d 1569 (TTAB 1990); *Consolidated Natural Gas Co. v. CNG Fuel Systems, Ltd.*, 228 USPQ 752 (TTAB 1985); *Intersat Corp. v. International Telecommunications Satellite Organization*, 226 USPQ 154 (TTAB 1985); *Springs Industries, Inc. v. Bumblebee Di Stefano Ottina & C.S.A.S.*, 222 USPQ 512 (TTAB 1984). The notice of opposition, taken as a whole, must be liberally construed in the light *most favorable to opposer* and may not be dismissed absent a finding that opposer could prove no set of facts based on the notice of opposition that would yield the relief sought. See *Scotch Whisky Association v. United States Distilled Products Co.*, 21 USPQ2d 1145 (Fed. Cir. 1991).

In the present proceeding, there is no question that Opposer meets the test required under Rule 12(b)(6). Opposer has standing to oppose Applicant's application. Regarding the issue of standing (i.e. damage), Section 13 of the Trademark Act, 15 U.S.C. Section 1063, provides that an opposition may be brought by "any person who believes that he is or will be damaged by the registration of a mark on the principal register . . . ." The term "damage" as used in Section 13 relates to a party's standing to file a notice of opposition. In order to establish standing, a party must plead (and eventually prove) a "real interest" in the case, that is, a personal interest in the outcome of the proceeding beyond that of the general public or a mere intermeddler. See *Lipton Industries, supra*; *Otto Roth & Co., Inc. v. Universal Foods Corp.*, 209 USPQ 40, 41-42 (CCPA 1981).

Applicant's Notice of Opposition ("Notice") clearly alleges that Opposer has priority (Notice, ¶ 6), a likelihood of confusion with applicant's mark exists (Notice, ¶¶ 9-10), and damage resulting therefrom (Notice, ¶¶ 11-15). Because the pleading is sufficient on its face, Applicant's Motion to dismiss under Fed. R. Civ. P. 12(b)(6) must be denied.

## II. GENUINE ISSUES OF MATERIAL FACTS EXIST

Although Applicant's Motion is not titled as a motion for summary judgment, should a motion to dismiss under Fed. R. Civ. P. 12(b)(6) include matters outside the pleadings and are not excluded by the Board, the Board ordinarily will treat the motion as a motion for summary judgment under Fed. R. Civ. P. 56. TBMP § 503.04. In the present case, within Applicant's Motion, Applicant has cited Fed. R. Civ. P. 56 and requests the Board to summarily dismiss the proceeding should the Board accept matters outside of the pleading (Applicant's Motion, page 7).

### A. Standard for 56

A party moving for summary judgment bears the initial burden of demonstrating the absence of any genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317 (1987); *Sweats Fashions Inc. v. Pannill Knitting Co. Inc.*, 4 USPQ2d 1793 (Fed. Cir. 1987). All doubts as to whether or not particular factual issues are genuinely in dispute must be resolved against the moving party and, similarly, all inferences to be drawn from the undisputed facts must be viewed in the light most favorable to the non-moving party. *See Copeland's Enterprises Inc. v. CNV Inc.*, 20 USPQ2d 1295 (Fed. Cir. 1991).

### B. Marks are Similar

Opposer's registered mark is IN BLUES WE TRUST. Applicant's proposed mark is IN ROCK WE TRUST. Applicant alleges that the marks are dissimilar because one mark contains the term BLUES while the other contains the term ROCK. That is, although both marks share the common terms IN \_\_\_\_\_ WE TRUST, the marks are dissimilar.

When Applicant's mark is compared to Opposer's mark, "the points of similarity are of greater importance than the points of difference." *Esso Standard Oil Co. v. Sun Oil Co.*, 108 USPQ 161 (D.C. Cir.), *cert. denied*, 351 U.S. 973, 109 USPQ 517 (1956). The marks are similar

in sight, sound and commercial impression. The only difference between the marks is the term used to describe a style of music, i.e., blues versus rock. However, the overall impression of the marks convey a similar sense of music reliance.

The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The issue is whether the marks created the same overall impression. *Visual Info. Inst. Inc. v. Vicon Indus. Inc.*, 209 USPQ 179 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling and Clamp Co.*, 203 USPQ 537 (TTAB 1979) and *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975). In the present case, consumers would recognize the marks as emanating from a single source since they convey similar connotations. Furthermore, the marks share the terms IN and WE TRUST. The terms are recited in the same order for both marks. The only difference between the party's marks is the inclusion of the musical terms BLUES and ROCK between IN and WE TRUST. Consequently, Applicant's mark and Opposer's mark look the same, sound the same and mean the same.

*C. Goods/Services are Related*

The goods identified in Applicant's application include jewelry and belt buckles made of precious metal. Opposer's registrations include clothing and restaurant and bar services. Applicant has haphazardly stated that jewelry and clothing are unrelated goods. Yet, federal courts, the Board and the Commissioner of Patents have consistently held that jewelry and clothing are related goods. *See Brown v. Quiniou*, 16 USPQ2d 1161, 1168 (S.D.N.Y. 1990); *David Crystal, Inc. v. Dawson*, 156 USPQ 573, 574 (TTAB 1967); *Society Brand Clothes, Inc. v. Kirsch*, 102 USPQ 260, 260-61 (Comr. Pats. 1954); *Societe Comptoir de L'Industrie Cotonniere, Etablissements Boussac v. Litwin and Sons, Inc.*, 130 USPQ 359, 359-60 (TTAB 1961).

Furthermore, it is well known that restaurants typically sell clothing goods, such as T-shirts, hats, jewelry and other promotional goods (such as belt buckles). Attached are true copies of third party registrations that demonstrate that such goods emanate from a single source. See Declaration of John A. Tang, ¶ 3, Exhibit A. With regards to Opposer's application for casino services, attached are third party registrations demonstrating that casino services and clothing goods emanate from a single source. See Declaration of John A. Tang, ¶ 4, Exhibit B.

Consequently, since the marks are similar and the goods/services are related, confusion between Applicant's mark and Opposer's mark is likely.

### **III. THIRD PARTY REGISTRATIONS ARE NOT DISPOSITIVE TOWARDS THE ISSUE OF A LIKELIHOOD OF CONFUSION**

In support of Applicant's argument that the marks are dissimilar, Applicant include PTO TESS print-outs of a scant twelve (12) registrations that include the terms IN blankWE TRUST<sup>1</sup> (blank includes various non-musical terms). First of all, except for Opposer's registrations, the Board should not consider these registrations as evidence that Applicant's mark is not confusingly similar to Opposer's registered mark since "third party registrations are afforded little weight in determining likelihood of confusion." *Helene Curtis Indus. Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618, 1622 (TTAB 1989) (citing *Richardson-Vicks, Inc. v. Franklin Mint Corp.*, 216 YSPQ 989 (TTAB 1982)). "They are not evidence of use of the marks shown therein and they are not proof that consumers are familiar with them so as to be accustomed to the existence of similar marks in the market place." *Id.*

Furthermore, two (2) of the twelve (12) registrations are for the same mark owned by the same entity ("IN FRIES WE TRUST", one for restaurant services, the other for food items) and

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<sup>1</sup> Applicant also includes a number of TESS print-outs of applications that have not matured into registrations which deserve no weight whatsoever.

another two (2) are Opposer's very own IN BLUES WE TRUST registrations. In addition, and most importantly, unlike Applicant's mark, the non-Opposer registered marks do not convey a sense of music (i.e., BLUES versus ROCK). For example, Applicant includes registrations for IN HOUSE WE TRUST, IN COD WE TRUST, IN GOD WE TRUST & Design, IN BEARS WE TRUST, IN ODD WE TRUST, IN GOLD WE TRUST, IN BAGELS WE TRUST and IN TRAVERS WE TRUST (Stylized). None of these cited registrations convey a similar connotation to Opposer's mark.

#### **IV. OTHER ERRONEOUS STATEMENTS OF FACT AND LAW**

Furthermore, Applicant's Motion includes a number of incorrect statements of fact and law. Without addressing each and every erroneous statements proffered by Applicant, Opposer identifies a few. First, Opposer does not provide its goods only at HOUSE OF BLUES establishments (Applicant's Motion, page 15). Opposer's goods can be purchased (through Opposer or its licensees) at concert venues and via the internet. Besides, such channels of trade limitations are not recited in Opposer's registrations. It is well settled that the issue of likelihood of confusion between marks must be determined on the basis of the goods or services as they are identified in the application and registration. *Canadian Imperial Bank of Commerce v. Wells Fargo Bank*, 1 USPQ2d 1813, 1815 (Fed. Cir. 1987) and *Paula Payne Prods. Co. v. Johnson Publ'g. Co., Inc.*, 177 USPQ 77, 77-78 (CCPA 1973). Consequently, with regards to deciding the issue of whether Applicant's mark should be registered in view of Opposer's unrestricted registrations, the Board must presume that Opposer's goods could travel in the same channels of trade as Applicant.

Next, Applicant erroneously claims that Opposer's mark is non-distinctive (Applicant's Motion, page 24). Such claim is incorrect in view of Opposer's U.S. Registration Nos. 2,050,935 and 1,981,453 (both registrations are incontestable). Registration of a mark on the

Principal Register is *prima facie* evidence that the mark is distinctive. 15 U.S.C. § 1115(a) and see *Quest Communs. Int'l. v. Cyber-Quest, Inc.*, 124 F.Supp.2d 297, 301 (M.D. Pa. 2000) (“If a mark has been federally registered and has become “incontestable” under 15 U.S.C. § § 1058 and 1065, validity, legal protectability and ownership are proved.”) (case cited by Applicant).

Furthermore, Applicant suggests “it is clear that the Applicant’s mark does not cause confusion with the Opposer’s mark, being that ROCK does not even closely resemble BLUES in terms of sight, sound or commercial impression” (Applicant’s Motion, page 12). Such analysis falls squarely in the impermissible “anti-dissection” rule. *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985) (a likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark.). What Applicant has failed to do is consider the marks in their entirety. Both marks are similar in sight, sound and commercial impression. As discussed above, BLUES and ROCK are types of music. When the marks are compared in their entirety, IN BLUES WE TRUST and IN ROCK WE TRUST impart a connotation that consumers should rely on music.

## V. DISCOVERY HAS NOT BEEN TAKEN

Applicant’s bold assertions are made without any discovery. Opposer has concurrently served Applicant with various discovery requests pertaining to this proceeding. Without any discovery, Applicant claims that Opposer sells its products at Opposer’s establishments (Applicant’s Motion, page 15) (which by the way such claim is incorrect). Next, without any evidentiary support, Applicant alleges that Opposer’s mark is not famous<sup>2</sup> (Applicant’s Motion, pages 18 – 19).

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<sup>2</sup> Applicant also alleges that Opposer’s Notice of Opposition is legally insufficient since Opposer did not allege a date when Opposer’s mark became famous. (Applicant’s Motion, page 18). Opposer has sufficiently pled that Applicant’s proposed mark (noting that Applicant’s application is an intent to use application and Applicant has not admitted any use of the mark) will dilute Opposer’s mark (Notice, ¶¶ 12-15). Opposer does not need to establish a precise date of when its mark became famous in its pleading. Opposer has alleged that Applicant’s application will

Furthermore, Applicant cites *Hasbro Inc.* for the proposition in a dilution claim that “Two of the statutory factors deserve slight more consideration: the distinctiveness of the mark and third party uses of it” (Applicant’s Motion, footnote 3). Applicant cites this case but fails to apply the correct facts. Applicant claims Opposer’s mark is not distinctive, yet the U.S. Trademark Office has issued a registration which includes a presumption of distinctiveness. Next, Applicant alleges that third parties use Opposer’s mark. *Id.* This allegation is another incorrect statement of fact. As Applicant is aware, no one other than Opposer uses the IN BLUES WE TRUST mark. While others may be using the terms IN and WE TRUST, no one uses/or proposes to use marks that connote music other than Applicant’s proposed use and Opposer’s current use. Should the Board adopt Applicant’s per se logic that since others use the term IN and WE TRUST and that Applicant’s mark and Opposer’s mark includes the dissimilar terms ROCK and BLUES, then confusion is unlikely if others use the term BREEZE and the parties in dispute use SPA BREEZE and POOL BREEZE since SPA and POOL are dissimilar (See appeal’s proceeding for 78295396, where the Board found these two marks SPA BREEZE and POOL BREEZE to be confusingly similar). Thus, to affirm Applicant’s Motion under Fed. R. Civ. P. 56 without further evidence would be clear error.

Next, Applicant states that Applicant’s mark and Opposer’s mark, as a matter of law are not substantially similar (Applicant’s Motion, page 21, citing the *Toro Co.* case). Applicant asserts that a significant segment of a group must see the two marks as essentially the same for a dilution claim. *Id.* (where the Board indicated that survey evidence would be helpful in determining dilution). In the present case, survey evidence has not been introduced. Therefore, in view of Applicant’s IN ROCK WE TRUST and Opposer’s IN BLUES WE TRUST, it would

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dilute Opposer’s trademark rights. Through discovery, Opposer will prove that Opposer’s mark has become famous prior to Applicant’s filing date.

be premature for the Board at this time to decide that the marks are not similar. Thus, Applicant's Motion should be denied in order for further evidence to be introduced.

#### **VI. APPLICANT HAS FAILED TO MEET ITS BURDEN**

Last, in support of Applicant's Motion, Applicant suggests that given the dissimilarity of the marks in question, there is no likelihood of confusion as a matter of law. Applicant has baldly asserted that Applicant's mark and Opposer's mark are dissimilar. As discussed above, such assertion is without merit. Furthermore, "Defendant[s]'s burden of showing that confusion is unlikely as a matter of law is a heavy one." *Id.* at 304. In ascertaining whether confusion exists, a number of factors which are fact-dependent could be analyzed, including channels of trade, sophistication of purchasers and whether actual confusion exists. *In re E.I. DuPont DeNemours & Co.*, 177 USPQ 563 (CCPA 1973). Applicant has failed to meet this heavy burden and therefore its motion should be denied.

#### **VII. CONCLUSION**

As discussed above, Applicant's Motion to Dismiss for a Failure to State a Claim includes incorrect statements of facts and conclusions of law and should be denied. Applicant has plead the requisite elements to avoid affirmation of a Fed. R. Civ. P. 12(b)(6) motion. Furthermore, if the Board considers Applicant's Motion as a motion for summary judgment, said Motion should also be denied since genuine issues of material facts still exist in this proceeding. Applicant's Motion should be denied so that discovery can be taken.

Respectfully submitted,

HOUSE OF BLUES BRANDS CORP.

Dated: 9/13/05

By: Kirt S. O'Neill

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### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Name of Person Signing Certificate: Michele Patterson

Signature: Michele Patterson

Date of Mailing: September 13, 2005

### **Certificate of Service**

I hereby certify that a true and complete copy of the foregoing Opposer's Response to Applicant's Motion to Dismiss for Failure to State a Claim Upon Which Relief can be Granted Pursuant to FRCP 12(b)(6) has been served on Chad M. Iida by mailing said copy on September 13, 2005, via First Class Mail, postage prepaid to:

Chad M. Iida  
Godbey Griffiths Reiss Chong  
Pauahi Tower, Suite 2300  
1001 Bishop Street  
Honolulu, HI 96813

Name of Person Signing Certificate: Kirt S. O'Neill

Signature: Kirt S. O'Neill

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

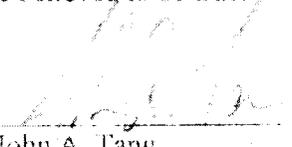
House of Blues Brands Corp.,	§	Serial No. 78441156
	§	
Opposer,	§	
	§	Mark: IN ROCK WE TRUST
	§	
Celebrities Publishing Corporation,	§	Opposition No. 91165876
	§	
Applicant,	§	

**DECLARATION OF JOHN A. TANG**

I, John A. Tang, declare as follows:

1. I am over the age of 21, I have never been convicted of a felony, and I am competent to make this Declaration.
2. I am a senior attorney with the firm of Akin Gump Strauss Hauer & Feld LLP and submit this Declaration herein in support of Opposer House of Blues Brands Corp.'s Response to Applicant's Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted Pursuant to FRCP 12(b)(6).
3. Attached as Exhibit "A" are U.S. Patent and Trademark Office TESS print-outs of third party registrations, namely, U.S. Reg. nos. 1436191, 1534968, 1529324, 2093222, 2992455, 2988305, 2978310 and 2973748.
4. Attached as Exhibit "B" are U.S. Patent and Trademark Office TESS print-outs of third party registrations, namely, U.S. Reg. nos. 1763360, 1822896 and 1353936.

The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

Dated: 9-13-2005 By:   
John A. Tang

# EXHIBIT A



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**Typed Drawing**

Word Mark      COKE

Goods and Services

IC 006. US 002 013 050. G & S: CONTAINERS MADE OF METAL/TIN, KEYRINGS [ AND MONEY CLIPS NOT MADE OF PRECIOUS METALS ]. FIRST USE: 19640000. FIRST USE IN COMMERCE: 19640000

IC 008. US 023. G & S: [ CUTLERY -NAMELY. FORKS, KNIVES, AND SPOONS USED AS TABLEWARE; ] NON-MECHANICAL CAN/BOTTLE OPENER. FIRST USE: 19500000. FIRST USE IN COMMERCE: 19500000

IC 009. US 021 026. G & S: RADIOS, TELEPHONES, [ CALCULATORS, ] THERMOMETERS [ SUNGLASSES, ] PLASTIC MAGNETS AND MAGNETIC MEMO HOLDERS FOR REFRIGERATORS AND KITCHEN CABINETS. FIRST USE: 19480000. FIRST USE IN COMMERCE: 19480000

IC 011. US 021 031. G & S: ELECTRIC LAMPS. ELECTRIC COOLERS IN THE NATURE OF REFRIGERATION UNITS [ , AND PORTABLE GRILLS FOR COOKING ]. FIRST USE: 19640430. FIRST USE IN COMMERCE: 19640430

IC 014. US 027 028 040. G & S: JEWELRY, NAMELY [ CHARMS, PENDANTS, ] RINGS, BRACELETS AND [ NECKLACES, STICK PINS, ] LAPEL PINS, WATCHES, CLOCKS [ , MONEY CLIPS, AND MEDALLIONS, MADE OF PRECIOUS AND NONPRECIOUS METALS ]. FIRST USE: 19630600. FIRST USE IN COMMERCE: 19630600

IC 016. US 022 037 038 050. G & S: WRITING INSTRUMENTS; NAMELY-PENS, PENCILS AND [ MECHANICAL PENCILS; ] WRITING PADS AND [ NOTEBOOKS, ] FOLDERS AND PORTFOLIOS FOR PAPERS, PEN AND [ PENCIL HOLDERS, ] PAPER CLIP HOLDERS, PAPER WEIGHTS, AND [ LETTER OPENERS, ] PLAYING CARDS, [ BOOK COVERS, ] POSTCARDS AND [ POSTERS, ] PAPER NAPKINS, ADHESIVE STICKERS, GREETING CARDS [ , BOOKMARKS AND ERASABLE MEMO BOARDS, CALENDARS ]. FIRST USE: 19500000. FIRST USE IN COMMERCE: 19500000

IC 013. US 003 022 041. G & S: [ UMBRELLAS, BUSINESS FOLDERS, NAMELY BRIEF CASE TYPE PORTFOLIOS, BRIEF CASES MADE OF LEATHER AND VINYL, ATTACHE CASES, VARIOUS LUGGAGE AND BAGS, NAMELY, PURSES, HANDBAGS, ] ALL PURPOSE SPORTS BAGS, [ GYM BAGS ] AND ALL PURPOSE GEAR CARRYING BAGS [ LUGGAGE AND LUGGAGE TAGS MADE OF LEATHER, VINYL AND TEXTILES, WALLETS, AND CREDIT CARD HOLDERS ] FIRST USE: 19690000, FIRST USE IN COMMERCE: 19690000

IC 020. US 002 032 050. G & S: [ HASSOCKS, ] MIRRORS, WOODEN STORAGE BOXES FOR THE HOME, AIR MATTRESSES, [ AIR PILLOWS, AIR CUSHIONS, ] GARDEN UMBRELLAS [ BEAN BAG CHAIRS, CHILDREN'S FURNITURE, AND INFLATABLE CUSHIONS ], FIRST USE: 19600000, FIRST USE IN COMMERCE: 19600000

IC 021. US 002 030 033 050. G & S: [ DISHWARE MADE OF NONPRECIOUS METAL AND PAPER, NAMELY, DISHES, MUGS, BOWLS, GOBLETS, TANKARDS, CUPS ] COASTERS, AND SERVING TRAYS, [ GLASSWARE, NAMELY, TANKARDS, ] MUGS, TUMBLERS, [ GOBLETS, STEMWARE, PLATES, PITCHERS, DECANTERS, PARTY BOWLS, ] STORAGE JARS, [ AND FLORAL CONTAINERS: PORCELAIN GIFTWARE, NAMELY, ] FIGURINES, [ PLATES, CUPS, SAUCERS, BELLS AND EGGS, DECANTERS, CERAMIC TRIVETS, ] THERMAL INSULATED BEVERAGE HOLDERS, ICE BUCKETS, AND ICE CHESTS, FIRST USE: 19500000, FIRST USE IN COMMERCE: 19500000

IC 028. US 022 050. G & S: [ SPORTING EQUIPMENT, NAMELY, GOLF TEES, GOLF BALLS, BASKETBALLS, FISHING LURES, TENNIS BALLS AND TENNIS RACKETS, BATS, AND BASKETBALL BACKBOARDS, ] TOYS, NAMELY [ --DOLLS, PUZZLES, DART BOARDS, PLASTIC DISH SETS, WHISTLES, ] YO-YO'S, INFLATABLE AIR MATTRESSES AND [ BALLS FOR RECREATIONAL USE, ] BANKS, [ RUBBER BALLS, ] NON-POWERED TOY VEHICLES AND [ ACCESSORIES, ] DIE CAST METAL VEHICLES, TRAINS AND CHRISTMAS TREE ORNAMENTS AND DECORATIONS, FIRST USE: 19500000, FIRST USE IN COMMERCE: 19500000

IC 034. US 008 009. G & S: [ MATCHES, ] LIGHTERS [ , AND ASHTRAYS ], FIRST USE: 19500000, FIRST USE IN COMMERCE: 19500000

IC 024. US 042. G & S: BATH LINEN, NAMELY, BATH TOWELS, FINGERTIP TOWELS AND WASH CLOTHS, [ SHOWER AND WINDOW CURTAINS; ] KITCHEN LINEN, NAMELY, TABLECLOTHS, TABLE RUNNERS, NAPKINS, AND PLACEMATS MADE OF FABRIC; BARBECUE AND OVEN MITTS, [ CURTAINS, ] POTHOLDERS, [ FABRIC APPLIANCE COVERS, ] BEACH TOWELS WHICH INCLUDE STANDARD AND OVERSIZED TOWELS, FIRST USE: 19810300, FIRST USE IN COMMERCE: 19810300

IC 025. US 022 039. G & S: **CLOTHING**, NAMELY-HATS, T-SHIRTS, SWEATSHIRTS, SHORTS, [ PAJAMAS, SWEATERS, ] SOCKS, SUNVISORS; [ NECKTIES, ] JOGGING SUITS, ATHLETIC HEAD [ AND WRIST ] BANDS, CAPS, VISORS, JACKETS, VESTS AND APRONS, FIRST USE: 19500000, FIRST USE IN COMMERCE: 19500000

IC 026. US 040. G & S: **BELT BUCKLE** [ AND BADGES NOT MADE OF PRECIOUS METALS, TIE PINS, AND TIE CLIPS ], FIRST USE: 19730000, FIRST USE IN COMMERCE: 19730000

IC 027. US 020 042. G & S: WALL HANGINGS NOT OF TEXTILE; RUGS [ , AND VINLY OR PLASTIC PLACEMATS ], FIRST USE: 19761200, FIRST USE IN COMMERCE: 19761200

Mark Drawing Code (1) TYPED DRAWING  
 Serial Number 73573873  
 Filing Date December 16, 1985  
 Current Filing Basis 1A  
 Original Filing Basis 1A  
 Published for

Opposition January 20, 1987  
Registration Number 1436191  
Registration Date April 14, 1987  
Owner (REGISTRANT) COCA-COLA COMPANY, THE CORPORATION DELAWARE One Coca-Cola Plaza Atlanta GEORGIA 30313  
Attorney of Record JAMES H. JOHNSON  
Prior Registrations 0415755;1271871  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Affidavit Text SECT 8 (6-YR)  
Live/Dead Indicator LIVE

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Word Mark © REDS

Goods and Services

IC 028. US 022 050. G & S. TOYS AND SPORTING GOODS NAMELY, METALLIZED BALLOONS, BASEBALLS, CHRISTMAS ORNAMENTS, DOLLS, INFLATABLE BATS AND BALLS, TRIVIA GAMES AND WINDSOCKS. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

IC 025. US 039. G & S: CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, SHORTS, APRONS, CHILDREN'S PLAYSETS COMRISED OF SHORTS AND SHIRTS, JERSEYS, BABY-BIBS, VISORS, CANVAS BELTS WITH BUCKLE, JACKETS, HEAD BANDS, WRIST BANDS AND NECKTIES. FIRST USE: 19360000. FIRST USE IN COMMERCE: 19360000

IC 026. US 040. G & S: BELT BUCKLES AND EMBROIDERED PATCHES FOR CLOTHING. FIRST USE: 19820000. FIRST USE IN COMMERCE: 19820000

IC 006. US 013 025. G & S: NOVELTY ITEMS, NAMELY, MONEY CLIPS, KEY CHAINS AND KEY RINGS. FIRST USE: 19860000. FIRST USE IN COMMERCE: 19860000

IC 011. US 021. G & S: ELECTRIC LAMPS. FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

IC 014. US 027 028. G & S: WATCHES AND JEWELRY, NAMELY, PENDANTS AND CHARMS. FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

IC 016. US 002 037 038. G & S: PAPER GOODS AND PRINTED MATTER, NAMELY, BASEBALL CARDS, BASEBALL CARD COLLECTOR CASES, BASEBALL STICKERS AND STICKER ALBUMS

MEDIA GUIDES, PENS AND WRAPPING PAPER. FIRST USE: 19810000. FIRST USE IN COMMERCE: 19810000

(CANCELLED) IC 018. US 001 002 003 022 041. G & S: [ COIN PURSES ], FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

IC 020. US 032 050. G & S: ORNAMENTAL NOVELTY ITEMS, NAMELY SEAT CUSHIONS, BUTTONS AND CLOISONNE PINS, LAPEL PINS. FIRST USE: 19860000. FIRST USE IN COMMERCE: 19860000

IC 021. US 002 033. G & S: BEVERAGE CONTAINERS, NAMELY, THERMAL BEVERAGE CONTAINERS, DRINKING GLASSES, MUGS, CUPS AND PAPER PLATES. FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

IC 024. US 042. G & S: FABRICS, NAMELY, STADIUM BLANKETS, BEACH TOWELS, BATH TOWELS AND POTHOLDERS. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 260301

Serial Number 73744370

Filing Date August 5, 1989

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition January 24, 1999

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 1634958

Registration Date April 18, 1989

Owner (REGISTRANT) CINCINNATI REDS, THE COMPOSED OF MARGE SCHOTT, UNITED STATES CITIZEN AND SCHOTTCO CORP., CORPORATION OF OHIO LIMITED PARTNERSHIP OHIO 100 RIVERFRONT STADIUM CINCINNATI OHIO 45202

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record KAREN G. BENDER

Prior Registrations 0891752;1121465;1129214;1143424;1143710;1144130;1144264;1144467;1145767;1147545;1149866;1150449;1150777;1156489;1221817;AND OTHERS

Description of Mark THE MARK CONSISTS OF THE WORDS "REDS" AND "C" DESIGN.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. PARTIAL SECT 8 (6-YR).

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Word Mark                      BOSTON RED SOX

Goods and Services:

IC 025 US 039. G & S: CLOTHING, NAMELY, SOCKS, CHILDREN'S PLAYSETS COMPRISING SHIRTS AND SHORTS, BOXER SHORTS, VISORS, POPLIN JACKETS, T-SHIRTS, SWEATSHIRTS, ATHLETIC SHORTS, 3/4 SLEEVE JERSEYS, SATIN JACKETS, NECKTIES, CANVAS BELTS WITH BUCKLE, CAPS, WRIST AND HEAD BANDS. FIRST USE: 19530000. FIRST USE IN COMMERCE: 19530000

IC 020 US 032 050. G & S: ORNAMENTAL NOVELTY ITEMS, NAMELY, PLAQUES, MUSICAL CELLULOID BUTTONS, DECORATIVE WALL AND BASEBALL STANDS. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

IC 014 US 027 028. G & S: WATCHES, CLOCKS, SOUVENIR COINS, AND JEWELRY, NAMELY, CLOISONNE PINS, COSTUME JEWELRY PINS, 14 KT/SILVER CHARMS AND PENDANTS, 14KT GOLD PINS, HAND-PAINTED LAPEL PINS. FIRST USE: 19840000. FIRST USE IN COMMERCE: 19840000

IC 021 US 002 033. G & S: SMALL DOMESTIC UTENSILS AND CONTAINERS, NAMELY, MUGS, PEWTER TANKARDS, DRINKING CUPS, GLASSES, INSULATING SLEEVES FOR BEVERAGE CONTAINERS, MINI MUGS, ALL PURPOSE PORTABLE CONTAINERS, COASTERS NOT OF PAPER OR LINEN, SHOT GLASSES, ICE CREAM CONTAINERS, PAPER PLATES AND WASTEBASKETS. FIRST USE: 19730000. FIRST USE IN COMMERCE: 19730000

IC 034 US 008. G & S: SMOKER'S ARTICLES, NAMELY, ASHTRAYS AND LIGHTERS. FIRST USE: 19680000. FIRST USE IN COMMERCE: 19680000

IC 026. US 040. G & S: **BELT BUCKLES AND EMBROIDERED PATCHES**. FIRST USE: 19790000. FIRST USE IN COMMERCE: 19790000

(CANCELLED) IC 009. US 021 023 026 036 038. G & S: [ THERMOMETERS ]. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000

IC 024. US 042 050. G & S: FABRICS, NAMELY, TOWELS, PENNANTS, GOLF TOWELS, BEDSPREADS, SHEETS, BATH MATS, SHOWER CURTAINS, COTTON WALLHANGINGS, STADIUM BLANKETS AND POTHOLDERS. FIRST USE: 19820000. FIRST USE IN COMMERCE: 19820000

IC 016. US 022 037 038. G & S: PAPER GOODS AND PRINTED MATTER, NAMELY, STICKERS AND STICKER ALBUMS, BASEBALL TRADING CARDS, PENS, PAPER TABLECLOTHS, WRAPPING PAPER, PLAYING CARDS, BUMPER STICKERS AND LITHOGRAPHS. FIRST USE: 19810000. FIRST USE IN COMMERCE: 19810000

IC 028. US 022 050. G & S: TOYS AND SPORTING GOODS, NAMELY, BASEBALLS, FLYING DISKS, BALLOONS, DECORATIVE WINDSTOCKS, CHRISTMAS TREE ORNAMENTS, HELMET SHAPED BANKS, PUTTERS, GOLF BALLS, AUTOGRAPHED BASEBALLS, INFLATABLE BATS, STUFFED ANIMALS AND BATTING GLOVES. FIRST USE: 19860000. FIRST USE IN COMMERCE: 19860000

IC 006. US 013. G & S: METAL NOVELTY ITEMS, NAMELY, KEY TAGS, KEY CHAINS, TROPHIES OF NON-PRECIOUS METAL, METAL DISPLAY BOARDS AND MONEY CLIPS. FIRST USE: 19850000. FIRST USE IN COMMERCE: 19850000

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 090309 210301 240501

Serial Number 73739604

Filing Date July 13, 1988

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition December 20, 1988

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 162902A

Registration Date March 14, 1989

Owner (REGISTRANT) BOSTON RED SOX BASEBALL CLUB, THE COMPOSED OF HAYWOOD C SULLIVAN, A U.S. CITIZEN AND JRY CORPORATION, A DELAWARE CORPORATION PARTNERSHIP MASSACHUSETTS FENWAY PARK 24 YAWKEY WAY BOSTON MASSACHUSETTS 02215

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record KAREN G BENDER

Prior Registrations 1014874, 1040684, 1043945 AND OTHERS

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE BOSTON APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register        PRINCIPAL  
Affidavit Text   SECT 15. PARTIAL SECT 8 (6-YR).  
Live/Dead  
Indicator        LIVE

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Typed Drawing

Word Mark DAKU  
 Goods and Services IC 025. US 022 039. G & S: **Clothing** and headgear for men, women, and children; namely, t-shirts, tank tops, sweatshirts, hooded sweatshirts, jackets, jeans, hats, caps, scarves, underwear, socks, and wristbands. FIRST USE: 20050425. FIRST USE IN COMMERCE: 20050425  
 IC 018. US 001 002 003 022 041. G & S: Handbags; backpacks; hiking and outdoor bags, namely all-purpose athletic bags, purses, wallets, and luggage. FIRST USE: 20050425. FIRST USE IN COMMERCE: 20050425  
 IC 014. US 002 027 028 050. G & S: **Jewelry**, namely, precious metal money clips, necklaces, earrings, rings, bracelets, and watches. FIRST USE: 20050425. FIRST USE IN COMMERCE: 20050425

Mark Drawing Code (1) TYPED DRAWING  
 Serial Number 78312352  
 Filing Date October 10, 2003  
 Current Filing Basis 1A  
 Original Filing Basis 1B  
 Published for Opposition September 21, 2004  
 Registration Number 2993222  
 Registration Date September 6, 2005  
 Owner

(REGISTRANT) Sandhu, Mandeep INDIVIDUAL CANADA 4150 Bremerton Street Victoria, BC CANADA

(REGISTRANT) Kaloti, Maninder INDIVIDUAL CANADA 578 Kay Street Victoria, BC CANADA V8Z 2L3

(REGISTRANT) Tomana, Balraj INDIVIDUAL CANADA 1287 Carmichael Court Victoria, BC CANADA V8Z 7B9

Attorney of Record Farhad Novian, Esq.  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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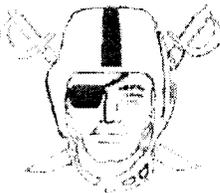
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Goods and Services IC 014. US 002 027 028 050. G & S: **Jewelry**, namely lapel pins, pendants, necklaces, charms, and rings. FIRST USE: 20020620. FIRST USE IN COMMERCE: 20020620

IC 025. US 022 039. G & S: Men's, women's, and children's **clothing** and headwear, namely t-shirts, caps, and knit caps. FIRST USE: 20020424. FIRST USE IN COMMERCE: 20020424

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 020101 020131 230101 230501

Serial Number 78450529

Filing Date July 14, 2004

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 14, 2005

Registration Number 2992455

Registration Date September 6, 2005

Owner (REGISTRANT) The Oakland Raiders A.D. Football, Inc., a California corporation LIMITED PARTNERSHIP CALIFORNIA 1220 Harbor Bay Parkway Alameda CALIFORNIA 94502

Attorney of Mary Beth Trice

Record

Prior Registrations 0974730;0975685;1771383;AND OTHERS

Description of Mark The mark consists of a fanciful depiction of a pirate's head dressed in a football helmet.

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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Typed Drawing

- Word Mark ALWAYS PLAY FAIR
- Goods and Services IC 014. US 002 027 028 050. G & S: wrist watches, **jewelry**, and ornamental label pins. FIRST USE: 20021130. FIRST USE IN COMMERCE 20040419
- IC 024. US 042 050. G & S: BED BLANKETS. FIRST USE: 20021130. FIRST USE IN COMMERCE 20040419
- IC 018. US 001 002 003 022 041. G & S: SCHOOL BAGS, BACKPACKS, AND ALL PURPOSE SPORTS/ATHLETIC BAGS. FIRST USE: 20021130. FIRST USE IN COMMERCE 20040419
- IC 016. US 002 005 022 023 029 037 038 050. G & S: PAPER GOODS AND PRINTED MATTER, NAMELY SCHOOL SUPPLIES, NAMELY, PENS, PENCILS, SHARPENERS, ERASERS, DRAWING RULERS, NOTEBOOKS, LOOSE-LEAF BINDERS, AND BOOK COVERS. FIRST USE: 20021130. FIRST USE IN COMMERCE 20040419
- IC 021. US 002 013 023 029 030 033 040 050. G & S: LUNCH BOXES. FIRST USE: 20021130. FIRST USE IN COMMERCE 20040419
- C 025. US 022 039. G & S: **CLOTHING**, NAMELY ATHLETIC PANTS, SHIRTS, FOOTWEAR, SWEATSHIRTS, SWEATPANTS, SWEAT SHORTS, SWEAT SUITS, SWEATERS, HATS, GLOVES, JACKETS, SLEEPWEAR, UNDERWEAR, SWIMSUITS, SWIM CAPS, TIES, SWEATBANDS, WRISTBANDS, AND HEADBANDS. FIRST USE: 20021130. FIRST USE IN COMMERCE 20040419
- IC 026. US 022 023 038 050 G & S: GAMES AND PLAYTHINGS, NAMELY BOARD GAMES, ATHLETIC EQUIPMENT, NAMELY, BASEBALL BATS, SOFTBALL BATS, FIELD HOCKEY STICKS, ICE HOCKEY STICKS, LACROSSE STICKS, SPORTS BALLS, NAMELY, BASEBALLS, SOFTBALLS, TENNIS BALLS, GOLF BALLS, FOOTBALLS, BASKETBALLS, SOFTBALLS, LACROSSE BALLS, VOLLEY BALLS, AND SPORTS PLASTIC BALLS, BASEBALL BATTING GLOVES, GOLF GLOVES. FIRST USE: 20021130. FIRST USE IN COMMERCE: 20040419

Mark Drawing (1) TYPED DRAWING

**Code**

**Serial Number** 78976223

**Filing Date** December 10, 2002

**Current Filing Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** March 23, 2004

**Registration Number** 2388305

**Registration Date** August 23, 2005

**Owner** (REGISTRANT) HALAS, WALTER P. INDIVIDUAL UNITED STATES 211 BEVERLY ROAD WHITE PLAINS NEW YORK 10605

**Attorney of Record** W DREW KASTNER

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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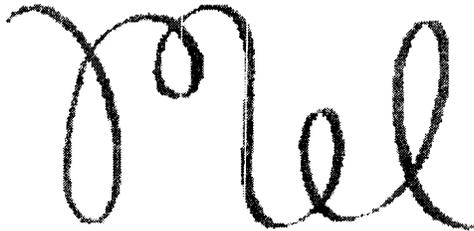
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Word Mark	MEL
Goods and Services	IC 009. US 021 023 026 036 036. G & S. eyewear, namely sunglasses. FIRST USE: 20050503. FIRST USE IN COMMERCE: 20050503  IC 018. US 001 002 003 022 041. G & S: Luggage, namely, clutches, purses, and handbags. FIRST USE: 20050503. FIRST USE IN COMMERCE: 20050503  IC 014. US 002 027 028 050. G & S: Jewelry, namely, earrings. FIRST USE: 20050503. FIRST USE IN COMMERCE: 20050503  IC 025. US 022 039. G & S. Clothing, namely, tops, t-shirts. FIRST USE: 20050503. FIRST USE IN COMMERCE: 20050503
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	78165649
Filing Date	September 10, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 17, 2004
Registration	2978310

**Number**

**Registration Date** July 26, 2005

**Owner** (REGISTRANT) Joseph, Melinda Beth INDIVIDUAL UNITED STATES 321 Nellie Court  
Glenview ILLINOIS 60025

**Attorney of Record** Steven R Trybus

**Description of Mark** The mark consists of a stylized version of the word "MEL" in which the appearance of the mark is the same when viewed upside down.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Other Data** The name shown in the mark identifies MELINDA BETH JOSEPH whose consent is of record

**Live/Dead Indicator** LIVE

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Word Mark TOTM  
 Goods and Services IC 014. US 002 027 028 050. G & S: **jewelry**; leather bracelets. FIRST USE: 20020712. FIRST USE IN COMMERCE: 20020712  
 IC 025. US 022 039. G & S: **Clothing**, namely, t-shirts, shorts, jackets, sweatshirts, tank-tops, footwear, belts and headgear, namely, caps, hats, beanies. FIRST USE: 20020712. FIRST USE IN COMMERCE: 20020712  
 Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS  
 Design Search Code 020130 070925 270101  
 Serial Number 78299970  
 Filing Date September 12, 2003  
 Current Filing Basis 1A  
 Original Filing Basis 1A  
 Published for Opposition September 28, 2004  
 Registration Number 2973748  
 Registration Date July 19, 2005  
 Owner (REGISTRANT) Tears of the Moon CORPORATION CALIFORNIA 10419 Millis Ave. Montclair

CALIFORNIA 91763  
Type of Mark TRADEMARK  
Register PRINCIPAL  
Live/Dead Indicator LIVE

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## EXHIBIT B



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**Goods and Services** IC 041. US 107. G & S: **casino** services. FIRST USE: 19890802. FIRST USE IN COMMERCE: 19890802  
 IC 042. US 101 107. G & S: hotel, cabaret, and restaurant services, showroom and retail store services in the field of **jewelry**, gifts and novelty items. FIRST USE: 19890802. FIRST USE IN COMMERCE: 19890802

**Mark Drawing Code** (2) DESIGN ONLY  
**Design Search Code** 050103 050125  
**Serial Number** 74197402  
**Filing Date** August 23, 1991  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** August 25, 1992  
**Registration Number** 1763360  
**Registration Date** April 6, 1993  
**Owner** (REGISTRANT) Mirage Resorts, Incorporated CORPORATION NEVADA P.O. B. 7777 3400 Las Vegas Blvd., South Las Vegas NEVADA 89109

Assignment Recorded      ASS GNMENT RECORDED

Attorney of Record      JOSEPH D. GARON

Description of Mark      The drawing is lined for the colors purple, yellow, orange, pink, and green.

Type of Mark              SERVICE MARK

Register                  PRINCIPAL

Affidavit Text            SECT 15 SECT 8 (6-YR) SECTION 8(10-YR) 20030603.

Renewal                  1ST RENEWAL 20030603

Live/Dead Indicator      LIVE

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Typed Drawing

Word Mark DI

Goods and Services IC 042. US 100 101. G & S: hotel, restaurant and bar services and retail store services featuring clothing, jewelry, gift items, playing cards, stationery products, tobacco products, and sundry items. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19780000

IC 025. US 039. G & S: bathrobes, jackets, caps, shirts, T-shirts, dresses, nightshirts and warm-up suits. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19780000

IC 041. US 107. G & S: providing facilities for golf, tennis and casino gambling; country club services; entertainment services; namely, providing stage show entertainments. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19780000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74392352

Filing Date May 19, 1993

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition November 30, 1993

Registration Number 1822896

Registration Date February 22, 1994

Owner (REGISTRANT) Stars' Desert Inn and Country Club, Inc. CORPORATION NEVADA 3146 Las Vegas Boulevard South Las Vegas NEVADA 89109

(LAST LISTED OWNER) SHERATON DESERT INNN CORPORATION CORPORATION BY

ASSIGNMENT NEVADA 3145 LAS VEGAS BLVD SOUTH LAS VEGAS NEVADA 89109

Assignment Recorded ASSIGNMENT RECORDED  
Attorney of Record PETER A ABRUZZESE ESQ  
Prior Registrations 1789475  
Type of Mark TRADEMARK, SERVICE MARK  
Register PRINCIPAL  
Affidavit Text SECT 15, SECT 8 (6-YR)  
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**Typed Drawing**

<p>Word Mark</p> <p>Goods and Services</p>	<p>PARK PLACE</p> <p>IC 014. US 028. G &amp; S: <b>JEWELRY</b>, NAMELY, CHARMS MADE OF GOLD AND SILVER. FIRST USE: 19791214. FIRST USE IN COMMERCE: 19791214</p> <p>IC 016. US 022 037. G &amp; S: PAPER GOODS, NAMELY, PLAYING CARDS AND LETTER OPENERS. FIRST USE: 19791214. FIRST USE IN COMMERCE: 19791214</p> <p>IC 018. US 003. G &amp; S: LEATHER GOODS, NAMELY, BILLFOLDS AND TOTE BAGS. FIRST USE: 19791214. FIRST USE IN COMMERCE: 19791214</p> <p>IC 021. US 002 033. G &amp; S: GLASSWARE, NAMELY, COFFEE MUGS, BEER TANKARDS, GLASS TUMBLERS, AND SHORT GLASSES. FIRST USE: 19791214. FIRST USE IN COMMERCE: 19791214</p> <p>IC 039. US 105. G &amp; S: TRANSPORTATION SERVICES, NAMELY, ARRANGING AND PROVIDING TRANSPORTATION TO RESORTS. FIRST USE: 19800102. FIRST USE IN COMMERCE: 19800102</p> <p>IC 041. US 107. G &amp; S: ENTERTAINMENT SERVICES, NAMELY, MUSICAL AND COMEDY NIGHTCLUB PERFORMANCES, AND <b>CASINO</b> SERVICES. FIRST USE: 19791214. FIRST USE IN COMMERCE: 19791214</p> <p>IC 042. US 100. G &amp; S: HOTEL AND RESTAURANT SERVICES. FIRST USE: 19791214. FIRST USE IN COMMERCE: 19791214</p>
<p>Mark Drawing Code</p> <p>Serial Number</p> <p>Filing Date</p> <p>Current Filing Basis</p>	<p>(1) TYPED DRAWING</p> <p>73255431</p> <p>March 25, 1980</p> <p>1A</p>

Original Filing Basis 1A  
 Published for Opposition June 4, 1985  
 Registration Number 1352936  
 Registration Date August 13, 1985  
 Owner (REGISTRANT) BALLY'S PARK PLACE, INC. CORPORATION NEW JERSEY PARK PLACE AND THE BOARDWALK ATLANTIC CITY NEW JERSEY 08401  
 (LAST LISTED OWNER) HARRAH'S OPERATING COMPANY, INC. CORPORATION DELAWARE ONE HARRAH'S COURT LAS VEGAS NEVADA 89119  
 Assignment Recorded ASSIGNMENT RECORDED  
 Attorney of Record DAVID EHRLICH  
 Prior Registrations 1173549-1173550  
 Type of Mark TRADEMARK, SERVICE MARK  
 Register PRINCIPAL  
 Affidavit Text SECT 15, SECT 9 (6-YR).  
 Live/Dead Indicator LIVE

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