

ESTTA Tracking number: **ESTTA49244**

Filing date: **10/18/2005**

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	Mattel, Inc.
Granted to Date of previous extension	10/19/2005
Address	333 Continental Blvd. El Segundo, CA 902455012 UNITED STATES

Attorney information	Thomas A. Hallin/Geoffrey D. Aurini Harness, Dickey & Pierce, P.L.C. P.O. Box 828 Bloomfield Hills, MI 48303 UNITED STATES docketingtm@hdp.com,tahallin@hdp.com,gdaurini@hdp.com Phone:(248) 641-1600
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Applicant Information

Application No	76604061	Publication date	06/21/2005
Opposition Filing Date	10/18/2005	Opposition Period Ends	10/19/2005
Applicant	Connoisseur Encounters 42 Sherwood Terrace Ste. 10		

Lake Bluff, IL 60044 UNITED STATES

Goods/Services Affected by Opposition

Class 016. First Use: 19960415 First Use In Commerce: 19960415 All goods and services in the class are opposed, namely: Newsletter in the field of wine and spirits
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Attachments	BALDER DASH Notice of Opposition.pdf (4 pages)
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Signature	/gda/
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Name	Thomas A. Hallin/Geoffrey D. Aurini
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Date	10/18/2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 76/604,061
For the Mark: **BALDER DASH**
Published in the Official Gazette on June 21, 2005

.....)	
MATTEL, INC.)	
Opposer,)	
)	
v.)	Opposition No.
)	
CONNOISSEUR ENCOUNTERS)	
DBA SHERMER SPECIALTIES)	
)	
Applicant.)	
.....)	

Commissioner for Trademarks
ATTN: Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, Virginia 22313-1451

NOTICE OF OPPOSITION

Mattel, Inc., a Delaware corporation, having its principal place of business at 333 Continental Boulevard, El Segundo, California 90245-5012 (hereinafter "Opposer") believes that it will be harmed by the registration of the mark BALDER DASH, as shown in U.S. Application Serial No. 76/604,061 (the "Application"), and hereby opposes its registration on the following grounds:

1. Applicant seeks to register BALDER DASH as a standard character mark for a "Newsletter in the field of wine and spirits", in Class 16 as evidenced by the publication of said mark in the June 21, 2005 Official Gazette.

2. Opposer and/or Opposer's predecessors-in-interest, for many years prior to the date of first use upon which Applicant relies, has adopted and continuously used the mark BALDERDASH in connection with equipment sold as a unit for playing word and board games.

3. Opposer is the owner of U.S. Registration No. 1,348,283 for the mark BALDERDASH for equipment sold as a unit for playing word and board games. This mark was registered on July 9, 1985 and is valid, subsisting and incontestable.

4. Opposer is the owner of pending U.S. Serial No. 78/471,683 for BALDERDASH for entertainment services, namely, providing a web site featuring games, product trivia, activities, and entertainment information intended for consumers of all ages; production of motion picture films and television programs.

5. In addition to the marks specified above, Opposer continues to have common law rights in the mark BALDERDASH for games and related entertainment services.

6. There is no issue as to priority. Applicant's Application alleges 1996 dates of first use. Opposer's rights originate at least as early as 1984.

7. Opposer has sold and advertised its goods under the BALDERDASH mark throughout the United States. Opposer has developed exceedingly valuable goodwill in respect thereto.

8. By virtue of its efforts, and the expenditure of considerable sums for promotional activities, and by virtue of the excellence of its products, Opposer has gained for its BALDERDASH mark a most valuable reputation in the eyes of the public.

9. In view of the extensive favorable public recognition of Opposer's BALDERDASH trademark, Opposer's natural extension of its registered rights to various other promotional goods and services, including newsletters, must be protected.

10. Opposer's BALDERDASH mark is famous and distinctive within the meaning of the Federal Dilution Act. Applicant adopted and began using the alleged BALDER DASH mark after Opposer's BALDERDASH mark became famous.

11. Notwithstanding Opposer's prior rights in and to its aforementioned mark, on July 26, 2004, Applicant filed an application for registration of the mark BALDER DASH for a Newsletter in the field of wine and spirits.

12. The mark proposed for registration by Applicant, namely BALDER DASH, so nearly resembles Opposer's mark as to be likely confused therewith and mistakenly affiliated therewith. Applicant's mark is deceptively similar to Opposer's mark so as to cause confusion, mistake or deception as to the origin of Applicant's goods bearing Applicant's mark.

13. If Applicant is permitted to use and register its alleged mark for its goods as specified in the Application herein opposed, confusion in trade and dilution of Opposer's trademark resulting in damage and injury to Opposer is likely to be caused by reason of the similarity between Applicant's mark and Opposer's mark.

WHEREFORE, Opposer prays that the Application Serial No. 76/604,061 be rejected, and that registration of the mark therein sought for the goods herein specified be denied.

Opposer hereby appoints THOMAS A. HALLIN, Michigan Bar No. 29740, GEOFFREY D. AURINI, Michigan Bar No. 62187, and each principal, attorney of

counsel, associate and employee of Harness, Dickey & Pierce, P.L.C. who is an attorney, its attorney with full power of substitution and revocation, to prosecute this Opposition proceeding and to transact all business in and before the United States Patent and Trademark Office in connection herewith. Please address all correspondence to:

Thomas A. Hallin
Harness, Dickey & Pierce, P.L.C.
P.O. Box 828,
Bloomfield Hills, Michigan 48303
(248) 641-1600.

The amount of \$300.00 in payment of the requisite Opposition fee specified in 37 C.F.R. § 2.6(a)(17) has been authorized with the electronic filing of this Opposition. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayments to Deposit Account 08-0750.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, P.L.C.
Attorneys for Opposer

Date: October 18, 2005

By: 

Thomas A. Hallin
Geoffrey D. Aurini
5445 Corporate Drive
Troy, Michigan 48098

(248) 641-1600 (telephone)
(248) 641-0270 (facsimile)