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**Stetina Brunda Garred & Brucker**  
A PROFESSIONAL CORPORATION  
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES

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ALISO VIEJO, CALIFORNIA 92656

**TTAB**

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May 30, 2006

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

RE: Color Me Mine Enterprises, Inc. v. AYW Management Company  
Serial No.: 78/594,206  
Mark: AS YOU WISH  
Our Reference: FASHT-029M

Dear Sir/Madam:

Enclosed for filing are the following:

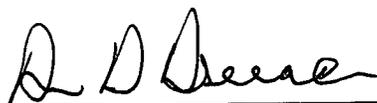
1. Certificate of Mailing;
2. Transmittal (in triplicate);
3. Notice of Opposition with Exhibits 1-2 (in triplicate);
4. Check for \$300 for Filing Fees; and
5. Return Postcard.

Please charge any additional cost to our Deposit Account Number 19-4330. This letter is enclosed herewith in triplicate.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

By:



Bruce B. Brunda, Reg. No. 28,497  
Counsel for Opposer

Customer No.: 007663



06-02-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

Case: COLOR-029M  
Trademark Application

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**  
**IN RE SERIAL NO. 78/594,206**

Color Me Mine Enterprises, Inc.	)	Opposition No.:
	)	
Opposer,	)	
	)	
vs.	)	
	)	
AYW Management Company	)	
	)	
Applicant.	)	
<hr/>		

**NOTICE OF OPPOSITION**

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

Dear Sir or Madam:

In the matter of the application of AYW Management Company of Phoenix, Arizona (hereinafter "Applicant") for registration of the trademark AS YOU WISH Applicant Serial No. 78/594,206, published in the Official Gazette of January 31, 2006, at TM 788, Color Me Mine Enterprises, Inc. a California corporation, with offices at 5140 Lankershim Boulevard, Van Nuys, California 91601 (hereinafter "Opposer"), believes

06/08/2006 GTHORAS2 00000045 78594206

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that it will be damaged by registration of the mark shown in Serial No. 78/594,206, and hereby opposes the same.

The grounds for opposition are as follows:

1. Opposer is and has been for many years engaged in the extensive development, advertising, and marketing of retail store services, provided in connection with the operation of a do-it-yourself ceramic arts studio, featuring unfinished ceramic bisquewear. In connection therewith, Opposer has used the mark AS YOU WISH for the aforementioned services since long prior to Applicant's date of first use of the mark AS YOU WISH, Application Serial No. 78/594,206.

2. Since long prior to Applicant's date of first use, Opposer has made use of its AS YOU WISH mark in interstate commerce. Since adoption of its AS YOU WISH mark, Opposer has continuously used the mark in interstate commerce.

3. Opposer has expended considerable sums in exerting every effort to maintain the highest standard of quality for its products, and has created valuable goodwill among the purchasing public under its AS YOU WISH mark.

4. As a result of the continuous and extensive use of the AS YOU WISH mark by Opposer, this mark has become and continues to function as a valuable business and marketing asset of Opposer, and serve to indicate to the trade and consuming public the products originating from Opposer and its authorized representatives.

5. Notwithstanding Opposer's rights in and to said AS YOU WISH mark, Applicant filed an application for registration of AS YOU WISH in International Class 035 for retail store services, provided in connection with the operation of do-it-yourself art studios for unfinished pottery and giftware, featuring unfinished and custom-painted

pottery and giftware on March 24, 2005. Said application was published for opposition in the Official Gazette of January 31, 2006, at TM 788.

6. Pursuant to Trademark Rules of Practice 2.102, Opposer filed a Request to Extend Time for Filing this Notice of Opposition on February 13, 2006. A copy of said Request to Extend Time is attached hereto as **Exhibit 1**.

7. pursuant to Trademark Rules of Practice 2.102, Opposer filed a second Request to Extend Time for Filing this Notice of Opposition on April 3, 2006. A copy of said Request to Extend Time is attached hereto as **Exhibit 2**.

8. Applicant's AS YOU WISH mark is confusingly similar to Opposer's AS YOU WISH mark and its registration and use by Applicant on the goods claimed in the subject application is likely to cause confusion, deception and mistake.

9. Applicant's use of the mark AS YOU WISH mark interferes with Opposer's use of its AS YOU WISH mark and use of, or registration of, the mark AS YOU WISH by Applicant will seriously damage Opposer.

WHEREFORE, Opposer believes that it will be damaged by said registration and prays that registration of the mark AS YOU WISH to Applicant be denied.

The filing fee for this Opposition in the amount of \$300 (one international class) is enclosed and this Opposition is enclosed herewith in triplicate. Opposer's

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Representative authorizes the charging of any additional fees to its Deposit Account No.  
19-4330.

Respectfully submitted,

STETINA BRUNDA GARRED & BRUCKER

Dated: May 30, 2006

By:   
Bruce B. Brunda, Reg. No. 28,497  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656  
(949) 855-1246  
Counsel for Opposer

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# Exhibit 1

ATTORNEY DOCKET NO: COLOR-000  
MARK: AS YOU WISH

**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 of Trademarks  
PO Box 1451  
Alexandria, VA 22313-1451

on February 13, 2006

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

Stacy Wilson  
(Typed name of person signing certificate)

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Return Postcard;
2. Transmittal (in triplicate); and
3. FIRST REQUEST TO EXTEND TIME FOR FILING NOTICE OF OPPOSITION (in triplicate);
4. Certificate of Mailing.

LAW OFFICES  
**Stetina Brunda Garred & Brucker**  
A PROFESSIONAL CORPORATION  
PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION CAUSES  
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bbrunda@stetinalaw.com

February 13, 2006

Commissioner for Trademarks  
PO Box 1451  
Alexandria, VA 22313-1451

Re: Serial No. 78/594,206  
Mark: AS YOU WISH  
Our Reference: COLOR-000



02-15-2006

U.S. Patent & TMO/™ Mail Rpt Dt. #11

Dear Sir/Madam:

Enclosed herewith for filing in the above-identified matter are the following:

1. Return Postcard;
2. Certificate of Mailing;
3. Transmittal (in triplicate); and
4. First Request for Extension of Time to Oppose (in triplicate).

Please charge any additional fees to Deposit Account No. 19-4330. This Transmittal Letter is enclosed herewith in triplicate.

Respectfully submitted,

By:

Customer No. 007663

Attorney Bruce B. Brunda, Reg. No. 28,497  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656  
(949) 855-1246

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Exhibit 1 Page 2 of 4

Case: COLOR-000

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

In Re: AYW Management Company )  
Serial No.: 78/594,206 )  
Filed: March 24, 2005 )  
For the Mark: AS YOU WISH )



02-15-2006

U.S. Patent & TMO/CTM Mail Recd. Dt. #11

FIRST REQUEST UNDER RULE 2.102 TO EXTEND TIME  
FOR FILING NOTICE OF OPPOSITION

Commissioner for Trademarks  
PO Box 1451  
Alexandria, VA 22313-1451

Dear Sir/Madam:

In the matter of the above-identified application, which was published in the Official Gazette on January 31, 2006, at TM 788, Color Me Mine, through its attorneys, requests that the time for filing a Notice of Opposition to the subject application be extended for a period of thirty (30) days until April 1, 2006.

This is the first request for an extension of time. This extension is necessary to enable counsel to confer with potential Opposer to determine whether an opposition might be required.

The subject Extension of Time is not entered into for purposes of delay, and it is therefore respectfully requested that the Board grant the requested Extension of Time.

Please charge any fees which may be due in relation to this matter to Deposit Account

Number 19-4330.

Respectfully submitted,

Date: February 13, 2006  
Customer No. 007663

By:



Bruce B. Brunda  
Registration No. 28,497  
STETINA BRUNDA GARRED & BRUCKER  
75 Enterprise, Suite 250  
Aliso Viejo, CA 92656  
(949) 855-1246

BBB/saw

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# Exhibit 2

ESTTA Tracking number: **ESTTA74218**

Filing date: **04/03/2006**

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

Applicant: **AYW Management Co.**  
Application Serial Number: **78594206**  
Application Filing Date: **03/24/2005**  
Mark: **AS YOU WISH**  
Date of Publication: **01/31/2006**

**60 Day Request for Extension of Time to Oppose for Good Cause**

Pursuant to 37 C.F.R. Section 2.102, Color Me Mine, 5140 Lankershim Blvd., Van Nuys, CA 91601, UNITED STATES respectfully requests that he/she/it be granted an additional 60-day extension of time to file a notice of opposition against the above-identified mark for cause shown .

Potential opposer believes that good causes are established for this request by:

- The potential opposer needs additional time to investigate the claim
- The potential opposer needs additional time to confer with counsel

The time within which to file a notice of opposition is set to expire on 04/01/2006. Color Me Mine respectfully requests that the time period within which to file an opposition be extended until 05/31/2006.

Respectfully submitted,

/bbb/

04/03/2006

**Bruce B. Brunda**

**Stetina Brunda Garred & Brucker**

**75 Enterprise, Suite 250**

**Aliso Viejo, CA 92656**

**UNITED STATES**

**opposition@stetinalaw.com**

**949-855-1246**

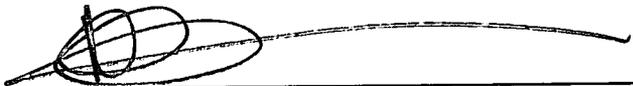
ATTORNEY DOCKET NO: COLOR-029M  
MARK: AS YOU WISH

**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:

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

on May 30, 2006



(Signature)

Kimberly Carlsen

(Typed name of person signing certificate)

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

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3. Notice of Opposition with Exhibits 1-2 (in triplicate);
4. Check in the Amount of \$300 (for filing fee); and
5. Return Postcard.