

ESTTA Tracking number: **ESTTA98186**

Filing date: **09/07/2006**

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	The Shreveport Louisiana Hayride Company, L.L.C.		
Entity	Limited Liability Company	Citizenship	Louisiana
Address	509 Market Street, Suite 608 Shreveport, LA 71101 UNITED STATES		

Attorney information	William A. Lanigan, III Lanigan Law Firm 509 Market Street, Suite 608 Shreveport, LA 71101 UNITED STATES wlanigan@gmail.com Phone:(318) 227-9110		
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Applicant Information

Application No	76076994	Publication date	09/05/2006
Opposition Filing Date	09/07/2006	Opposition Period Ends	10/05/2006
Applicant	Kent, Joseph D. 2001 Pepper Ridge Drive Shreveport, LA 71115 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 1977/04/09 First Use In Commerce: 1977/04/09 All goods and services in the class are opposed, namely: Computer services, namely providing computer databases, indexes of information, web sites and interactive interfaces services which provide audio, visual and audiovisual entertainment via the global computer networks and other electronic computer network

Attachments	Opposition Document V4.txt (3 pages)(7435 bytes)
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Signature	/William A. Lanigan, III/
Name	William A. Lanigan, III
Date	09/07/2006

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

IN THE MATTER OF TRADEMARK) SERIAL NO. 76076994.
APPLICATION FOR THE MARK)
"LOUISIANA HAYRIDE" PUBLISHED)
IN THE OFFICIAL GAZETTE ON)
SEPTEMBER 5, 2006.)

SHREVEPORT LOUISIANA HAYRIDE)
COMPANY, L.L.C., OPPOSER) OPPOSITION NO. _

VS.)

JOSEPH DAVID KENT)
APPLICANT)

NOTICE OF OPPOSITION

In the matter of Trademark Application Serial No. 76076994, for the mark "Louisiana Hayride," filed on June 26, 2000 and published for opposition in the Official Gazette of September 05, 2006:

Opposer, The Shreveport Louisiana Hayride Company, L.L.C., a legal entity licensed and doing business in the State of Louisiana, whose principal business address in 509 Market Street, Shreveport, Louisiana, 71101 believes that it will be damaged if the application herein identified in International Class 041 is granted registration, and it hereby opposes the registration of said trademark in connection with such goods and services. The grounds for opposition are as follows:

1. Applicant seeks to register "Louisiana Hayride" as a service mark in connection with "computer services, namely providing computer databases, indexes or information, web sites and interactive interfaces services which provide audio visual entertainment via the global computer networks and other electronic computer network " as evidenced by the publication of said trademark in the Official Gazette of September 5, 2006.

2. Opposer has been, and is, engaged in offering various entertainment products and services under the "Louisiana Hayride" trademark long prior to the filing date of Applicant's application herein opposed, and has built a large and profitable business in connection therewith.

3. Opposer has been, and is now, using the mark "Louisiana Hayride" in connection with audio and video recordings, various goods and services, including without limitation live concerts, and various printed goods, as well as maintaining a web site and providing internet services. Opposer owns the following trademark registrations and, as noted, has an application pending.

Mark	Reg. No.	Date Filed
Class Shreveport Louisiana Hayride	1897126	06/12/1993
		041

Shreveport Louisiana Hayride	2627178	01/09/2000	025
Cradle of the Stars		2655362 01/09/2000	
041			
Louisiana Hayride		2655339 10/28/1999	
041			
Louisiana Hayride Band	2757823	11/12/1999	041
Louisiana Hayride Homecoming	2896505	11/12/1999	041
Mark		Serial No.	Date Filed
Class			
Louisiana Hayride Records	78329937		11/19/2003
009			

The aforementioned registrations are valid and subsisting. Opposer's use of said mark has been valid and continuous since said date of first use and has not been abandoned.

4. Said mark of Opposer is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

5. Applicant's application to register "Louisiana Hayride" is a use application.

6. On information and belief, Applicant has not used the mark "Louisiana Hayride" in commerce in the area of computer services as claimed by the application, opposed herein, and as evidenced by the publication of said trademark in the Official Gazette of September 5, 2006. 7. The marks "Louisiana Hayride." on the one hand, and "Louisiana Hayride" on the other hand, are exactly alike, and are confusing when used in connection with identical and related musical entertainment services and products.

8 The marks "Louisiana Hayride" and "Louisiana Hayride" convey similar commercial impressions. Registration of Applicant's mark would allow Applicant to appropriate Opposer's "Louisiana Hayride" mark in its entirety.

8. On information and belief, Applicant's goods and services, identified in International Class 041 of its application, and Opposer's goods and services, are closely related and are such as would travel through the same or overlapping channels of trade. Applicant's marks, when used in connection with the goods and services identified in its application, herein opposed, is likely to cause confusion as to the source or sponsorship of the services or as to Applicant's affiliation with Opposer.

10. Members of the relevant trade, the public, and others familiar with Opposer's series of "Louisiana Hayride" products and services upon seeing or hearing of the applicant's mark, would be likely to believe that such services originated from Opposer or were produced or offered in association or affiliation with or under license from Opposer.

11. If Applicant is permitted to register its mark for the goods and services set forth in the application, herein opposed, confusion resulting in damage or injury to Opposer is likely to be caused or would result by reason of the similarity between the marks and the related nature of the goods and services of the parties. Any persons familiar with the goods or services of Opposer would be likely to

believe that Applicant's services or goods either originated from or were licensed or sponsored by Opposer, or were an extension of Opposer's "Louisiana Hayride" series of products and services. Furthermore, any defect, objection to, or fault found with Applicant's goods or services under its mark would necessarily reflect upon and injure the reputation of Opposer for its "Louisiana Hayride" products and entertainment services.

12. If Applicant is granted a registration for the mark, herein opposed, Applicant would obtain at least a prima facie exclusive right to use such mark, which registration would be a source of damage and injury to Opposer.

13. Applicant's application, opposed herein, is defective on its face, because it does not include an example of Applicant's use of the "mark in commerce" in the area of computer services, as evidenced by the publication of said trademark in the Official Gazette of September 5, 2006.

14. Applicant claims a first use date of April 9, 1977, but no example of use for the date April 9, 1977 has been submitted by applicant. Furthermore, all examples of use submitted with the application, herein opposed, were submitted in other classifications. Those other classifications (and these examples of use) were either voluntarily withdrawn by applicant or were rejected by the trademark examining attorney and they bear no relationship to the claimed area of use as evidenced by the publication of said trademark in the Official Gazette of September 5, 2006.

WHEREFORE, The Shreveport Louisiana Hayride Company, L.L.C., owner of the mark "Louisiana Hayride," prays that said application for "Louisiana Hayride," Serial Number 76076994, be rejected, that no registration be issued thereon to applicant, and that this opposition be sustained in favor of Opposer.

A duplicate copy of this Notice of Opposition is enclosed herewith.

The official filing fee of \$300.00 has been electronically tendered.

Respectfully submitted.,
By: /William A. Lanigan, III/
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