

ESTTA Tracking number: **ESTTA162258**

Filing date: **09/12/2007**

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	SOP Services, Inc.
Granted to Date of previous extension	09/12/2007
Address	2325-B Renaissance Drive, Suite 10 Las Vegas, NV 89119 UNITED STATES

Attorney information	Charles J. Meyer Woodard, Emhardt, Moriarty, McNett & Henry, LLP 111 Monument Circle, Suite 3700 Indianapolis, IN 46204 UNITED STATES cjmeyer@uspatent.com, dsneed@uspatent.com, docketdept@uspatent.com Phone:(317) 634-3456
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Applicant Information

Application No	77002249	Publication date	05/15/2007
Opposition Filing Date	09/12/2007	Opposition Period Ends	09/12/2007
Applicant	Caviner Limited Nerine Chambers 5 Columbus Centre Road Town Tortola, VIRGIN ISLANDS, BRITISH		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer software and downloadable computer software for the operation of interactive computer games of skill, contests, sweepstakes, lotteries and wagering; instruction manuals for the aforesaid sold as a unit
Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, providing online interactive computer games of skill, conducting contests, sweepstakes services, lotteries services and wagering services; providing an online computer database featuring gaming information; providing gaming information via the Internet
Class 042. All goods and services in the class are opposed, namely: Providing online non-downloadable computer software for the operation of interactive computer games of skill, contests, sweepstakes, lotteries and wagering; computer software design for others and computer software development; creating and maintaining web sites for others; hosting the web sites of others

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	283766	Application Date	01/25/1930
Registration Date	06/09/1931	Foreign Priority Date	NONE
Word Mark	PING-PONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1902/02/01 First Use In Commerce: 1902/02/01 BATS AND RACKETS OF THE TENNIS TYPE FOR GAMES		

U.S. Registration No.	283767	Application Date	01/25/1930
Registration Date	06/09/1931	Foreign Priority Date	NONE
Word Mark	PING-PONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1902/02/01 First Use In Commerce: 1902/02/01 HOLLOW COMPOSITION AND LIKE BALLS FOR INDOOR BAT OR RACKET GAMES, TABLE GAMES, TENNIS TYPE GAMES, AND THE LIKE		

U.S. Registration No.	294408	Application Date	01/25/1930
Registration Date	05/24/1932	Foreign Priority Date	NONE
Word Mark	PING PONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1902/07/00 First Use In Commerce: 1902/07/00 TABLE AND PARTS THEREOF ESPECIALLY CONSTRUCTED FOR A GAME		

U.S. Registration No.	520270	Application Date	04/15/1948
Registration Date	01/24/1950	Foreign Priority Date	NONE
Word Mark	PING-PONG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1900/08/01 First Use		

	In Commerce: 1900/08/01 GAME PLAYED WITH RACKETS AND BALLS
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Attachments	71295231#TMSN.gif (1 page)(bytes) 71295230#TMSN.gif (1 page)(bytes) 71295229#TMSN.gif (1 page)(bytes) 71564016#TMSN.gif (1 page)(bytes) Easy Ping Pong Opposition.pdf (5 pages)(52374 bytes)
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Signature	/Charles J. Meyer/
Name	Charles J. Meyer
Date	09/12/2007

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

In the matter of trademark application Serial No. 77/002,249
For the mark EASY PING PONG
Published in the Official Gazette on May 15, 2007

SOP Services, Inc.

Opposition No. _____

v.

Caviner Limited

NOTICE OF OPPOSITION

SOP Services, Inc. (hereafter “Opposer”) hereby files a Notice Of Opposition against Caviner Limited (hereafter “Applicant”) regarding Applicant’s pending Application for trademark registration of the trademark EASY PING PONG for “*computer software and downloadable computer software for the operation of interactive computer games of skill, contests, sweepstakes, lotteries and wagering; instruction manuals for the aforesaid sold as a unit,*” in International Class 9, “*entertainment services, namely, providing online interactive computer games of skill, conducting contests, sweepstakes services, lotteries services and wagering services; providing an online computer database featuring gaming information; providing gaming information via the Internet,*” in International Class 41 and “*providing online non-downloadable computer software for the operation of interactive computer games of skill, contests, sweepstakes, lotteries and wagering; computer software design for others and computer software development; creating and maintaining web sites for others; hosting the web sites of others,*” in International Class 42 with Serial No. 77/002,249 filed in the United States Patent and Trademark Office on September 19, 2006 (the “Application”). The Application was

published in the Official Gazette on May 15, 2007. The time period within which this Notice of Opposition may be filed by the undersigned Opposer has been extended to and including September 12, 2007, by order of the U.S. Trademark Trial and Appeal Board.

The grounds for the Opposition are as follows:

SOP Services, Inc.'s PING-PONG TRADEMARK

1. Opposer, a Nevada corporation with a principal place of business at 2325-B Renaissance Drive, Suite 10, Las Vegas, Nevada 89119, believes it will be damaged by the registration of the mark of such Application and hereby opposes its federal registration.
2. From a date prior to Applicant's alleged first use date and the filing date of the Application by Applicant for the EASY PING PONG mark, Opposer's exclusive licensee Indian Industries, Inc. d/b/a Escalade Sports has been engaged in the business of manufacturing and selling products including, among other things, table tennis tables under the mark PING-PONG®.
3. Opposer and its predecessors have used the PING-PONG® mark for more than 100 years. Opposer and its predecessors' use of said mark to identify these products has been continuous and uninterrupted.
4. Opposer owns trademark rights in the PING-PONG® trademark.
5. Opposer owns U.S. Trademark Registration Nos. 283,766; 283,767; 294,408 and 520,270 which are incontestable.
6. Opposer has expended substantial sums of money as well as considerable time and effort in promoting and popularizing its PING-PONG® mark, and Opposer continues to do so.
7. Opposer's PING-PONG® trademark is entitled to protection.
8. Opposer's PING-PONG® trademark is famous.

APPLICANT'S EASY PING PONG APPLICATION – Likelihood of Confusion

9. The EASY PING PONG mark for which Applicant seeks registration is confusingly similar to Opposer's PING-PONG® mark.

10. The EASY PING PONG trademark in Applicant's Application is identical to the PING-PONG® mark with the addition of "easy."

11. Applicant's games are related to Opposer's table tennis gaming products, particularly if Applicant's games involve a computerized version of table tennis.

12. The registration and use of the EASY PING PONG trademark sought to be registered by Applicant is likely to cause confusion, mistake, and deception in the minds of the public and to lead the public to believe that Applicant's products and/or services have their source in Opposer or that in some way Opposer is endorsing or sponsoring such products and/or services, or that Opposer is in some way associated with Applicant in manufacturing and selling the products or providing the services so identified.

13. The registration and use of the EASY PING PONG trademark sought to be registered by Applicant is likely to dilute Opposer's famous trademark.

14. The registration sought by Applicant should be denied. If Applicant succeeds in registering its mark, there will be statutory rights created thereby in violation of the earlier established rights of Opposer, all to the harm of Opposer's goodwill and with the resultant diminution of Opposer's rights in its mark, all to the damage and injury of Opposer and of the public.

15. Upon information and belief, Caviner Limited is a corporation of the Br. Virgin Islands, with an address of Nerine Chambers 5 Columbus Centre Road Town Tortola, Br. Virgin Islands.

16. Upon information and belief, Caviner Limited is represented by Lara Holzman, Alston & Bird LLP, One Atlantic Center, 1202 West Peachtree Street, Atlanta, Georgia 30309-3424.

WHEREFORE, Opposer files this Notice of Opposition and prays that the Application herein opposed be denied; that registration of the mark therein disclosed be refused, and for such other and further relief in the premises as may be deemed to be just and proper.

The filing fee of \$900.00 is presented herewith.

Please recognize as Opposer's attorneys the following: Applicant hereby appoints **Charles J. Meyer, No. 41,996**; C. David Emhardt 18,483; Joseph A. Naughton 19,814; John V. Moriarty 26,207; John C. McNett 25,533; Thomas Q. Henry 28,309; James M. Durlacher 28,840; Charles R. Reeves 28,750; Vincent O. Wagner 29,596; Steve Zlatos 30,123; Spiro Bereveskos 30,821; R. Randall Frisk 32,221; Daniel J. Lueders 32,581; Kenneth A. Gandy 33,386; Timothy N. Thomas 35,714; Kurt N. Jones 37,996; Holiday W. Banta 40,311; Troy J. Cole 35,102; Lisa A. Hiday 40,036; Christopher A. Brown 41,642; John M. Bradshaw 46,573; Quentin G. Cantrell 47,469; Charles P. Schmal 45,082; Edward E. Sowers 36,015; Michael S. Wherry 53,764; Elizabeth A. Shuster 52,672; Timothy B. Paul 51,203; Teresa E. Knight 56,132; Marta L. Puckett 57,256; Douglas G. Gallagher 57,783, Kristopher T. Lynch 51,291, Darrin W. Harris 40,636; William A. McKenna, and James R. Blaufuss all of the same address and who are members of the Bar of the State of Indiana, constituting the firm of Woodard, Emhardt, Moriarty, McNett & Henry LLP, 111 Monument Circle, Suite 3700, Indianapolis, Indiana 46204-5137, its attorneys herein, with full power of substitution and revocation, to transact all business in the Patent and Trademark Office and in the courts in connection herewith.

Please direct all correspondence to:

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Respectfully submitted,
SOP Services, Inc.

By: /Charles J. Meyer/
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Attorney for Opposer
SOP Services, Inc.