

ESTTA Tracking number: **ESTTA209689**

Filing date: **05/07/2008**

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	Hollywood Chamber of Commerce
Granted to Date of previous extension	05/07/2008
Address	7018 Hollywood Blvd. Hollywood, CA 90028 UNITED STATES

Correspondence information	Jeffrey C. Briggs Briggs Law 6381 Hollywood Boulevard Suite 530 Hollywood, CA 90028 UNITED STATES jbriggs@jbriggslaw.com Phone:323-461-5400
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Applicant Information

Application No	78597638	Publication date	01/08/2008
Opposition Filing Date	05/07/2008	Opposition Period Ends	05/07/2008
Applicant	Hollywood Mobile, Inc. c/o Corpamerica, Inc 2711 Centerville Road, Suite 400 Wilmington, DE 19808 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Software for computers and wireless devices such as cell phones and personal digital assistants to be used for the delivery and billing of video footage, photographs, images, drawings and text describing entertainment events such as movie premiers, fashion shows, music events, awards shows, television programs, and radio programs</p>
<p>Class 038. First Use: 2005/03/29 First Use In Commerce: 2005/03/29 All goods and services in the class are opposed, namely: Mobile media and entertainment services in the nature of electronic transmission of entertainment media content, namely, video footage, photographs, images, drawings and text describing entertainment events such as movie premiers, fashion shows, music events, awards shows, television programs and radio programs, to be shown on televisions, computers, cell phones and personal digital assistants</p>

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

The mark is primarily geographically descriptive	Trademark Act section 2(e)(2)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Application No.	76626156	Application Date	12/28/2004
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: Facial makeup, concealers, blushers, facial powders, foundation makeup, eye makeup, eye pencils, eyebrow pencils, mascara, false eyelashes, cosmetic pencils, lipstick, lip gloss, lip pencils, makeup removers, facial cleansers, toners, facial exfoliants, facial creams, facial lotions, non-medicated facial treatments in the nature of facial masks, nail care preparations, nail polishes, nail polish removers, nail creams, hand creams, bath beads, bath crystals, bath foam, bath gels, bath oils, bath salts, skin cleansers, body scrubs, body fragrances, talcum powders, aftershaves, perfumes, colognes, body lotions, body conditioners, body gels, body powders, body exfoliants, body creams, shaving creams, sunscreen preparations, suntanning preparations and after-sun lotions; self-tanning preparations, namely, self tanning milk and cream, accelerated tanning cream, self-tanning lotions, gels and sprays; perfumes, colognes, toothpaste and deodorant; hair care products, namely, shampoos, conditioners, mousse, gels, hair removing creams and hair care cream preparations; cosmetics</p>		

U.S. Registration No.	2118638	Application Date	06/23/1994
Registration Date	12/09/1997	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use: First Use: 1987/10/07 First Use In Commerce: 1987/10/07 clothing, namely T-shirts, sweatshirts, sweatpants, shirts, pants, jackets, jerseys, sweaters, footwear, scarves, headwear, neckwear, swimwear, hosiery, bathrobes, jeans, lingerie, shorts, sleepwear, tuxedos, and visors</p>		

U.S. Registration No.	2138098	Application Date	06/23/1994
Registration Date	02/24/1998	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1986/04/06 First Use In Commerce: 1986/04/06 paper articles, namely, paper bags, posters, postcards, calendars, greeting cards, trading cards, art prints, art prints on postcards, photographic prints,</p>		

	lithographic prints, book covers, and stationery		
U.S. Registration No.	1558058	Application Date	08/29/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1986/04/22 First Use In Commerce: 1986/04/22 CERAMIC MUGS		
U.S. Registration No.	1565809	Application Date	12/18/1986
Registration Date	11/14/1989	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1985/11/01 First Use In Commerce: 1985/11/01 CLOCKS		
U.S. Registration No.	3031702	Application Date	07/07/2004
Registration Date	12/20/2005	Foreign Priority Date	NONE
Word Mark	HOLLYWOOD		
Design Mark			
Description of Mark	The mark consists of The word "Hollywood" in a staggered, all capital letter form.		
Goods/Services	Class 014. First use: First Use: 1985/11/01 First Use In Commerce: 1985/11/01 Jewelry, namely imitation jewelry, jewelry of precious metal and stones, cuff links, tie pins, brooches, jewelry chains, pendants, jewelry pins for use on hats and jackets and shirts		
Attachments	76626156#TMSN.jpeg (1 page)(bytes) 74541468#TMSN.gif (1 page)(bytes) 74541467#TMSN.gif (1 page)(bytes) 73748760#TMSN.gif (1 page)(bytes) 73635917#TMSN.gif (1 page)(bytes) 78446970#TMSN.jpeg (1 page)(bytes) Statement of Claim re Hollywood Mobile Application.pdf (1 page)(11542 bytes)		

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jeffrey C. Briggs/
Name	Jeffrey C. Briggs
Date	05/07/2008

STATEMENT OF OPPOSER'S CLAIM

1. Opposer is the Hollywood Chamber of Commerce, owner of the marks indicated in the accompanying filing, each of which consists of the word "Hollywood" in the distinct, iconic, all-caps staggered letter format (the "HOLLYWOOD Mark").
2. The HOLLYWOOD Mark has become a famous mark and is specifically associated with products and services licensed by Opposer.
3. Among other licensees is "Hollywood Video" for retail store services and the rental and sale of video programs, equipment, and the like.
4. Applicant's mark consists of the exact same style depicting the word "Hollywood."
5. Applicant's mark will cause confusion among consumers, a false association between Opposer and Applicant, is geographically mis-descriptive, and will dilute the distinctiveness of Opposer's famous mark.