

99-04-08

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

CHILDREN'S MIRACLE NETWORK,

Opposer,

v.

MEREDITH CORPORATION,

Applicant.

NOTICE OF OPPOSITION

Opposition No.
Serial No. 77/054,535
Published March 4, 2008

Children's Miracle Network, a non-profit corporation with its principal place of business at 4525 South 2300 East, Suite 202, Salt Lake City, UT 84117 ("Opposer"), believes that it will be damaged by the registration of Trademark Application Serial No. 77/054,535 for the mark CHILDREN'S CHAMPION AWARDS for "[p]roviding recognition by way of an award to individuals who have made significant contributions to children's causes; conducting events in the nature of an awards ceremony providing recognition to individuals who have made significant contributions to children's causes" filed by Meredith Corporation ("Applicant").

The grounds for this opposition are as follows:

1. Opposer is a charitable organization that raises money for children's hospitals throughout the United States and Canada, creates awareness concerning children's health care issues, and educates the public about the need for children's health care, the shortage of available resources, and good health care practices to prevent accidents and disease.

2. Since at least as early as 1983, and well prior to the application filing date or claimed first use date of Application No. 77/054,535, Opposer and its predecessors and affiliates have used CHILDREN'S MIRACLE NETWORK and many related marks to identify its children's healthcare related services.



09-08-2008

3. Opposer owns the following U.S. Trademark Registrations for "CHILDREN"

formative marks:

Registration No. and Registration Date	Mark	Services
2,209,255 December 8, 1998	CHILDREN'S MIRACLE NETWORK	Providing health care information in International Class 42.
2,264,436 July 27, 1999	CHILDREN'S MIRACLE NETWORK	Radio and television programming and production of radio and television programs in the field of children and children's issues in International Class 41.
2,954,516 May 24, 2005	CHILDREN'S MIRACLE NETWORK and design	Radio and television programming and production of radio and television programs in the field of children and children's issues in International Class 41.
2,954,517 May 24, 2005	CHILDREN'S MIRACLE NETWORK and design	Radio and television broadcasting in the field of children and children's issues in International Class 38.
2,954,518 May 24, 2005	CHILDREN'S MIRACLE NETWORK and design	Charitable fund raising and eleemosynary services in the field of monetary donations in International Class 36.
2,951,236 May 17, 2005	CHILDREN'S MIRACLE NETWORK and design	Providing health care information in International Class 44.
1,343,289 June 18, 1985	CHILDREN'S MIRACLE NETWORK TELETHON	Charitable fundraising services in International Class 36.
1,916,839 September 5, 1995	CHILDREN'S MIRACLE NETWORK	Radio and television broadcasting in the field of children and children's issues in International Class 38.
1,553,246 August 22, 1989	CHILDREN'S MIRACLE NETWORK	Charitable fund raising services in International Class 36.

4. These registrations are valid and subsisting and constitute prima facie evidence of the validity of the mark and registrations and of Opposer's ownership of and exclusive right to use the CHILDREN'S MIRACLE NETWORK mark in connection with the services set forth in the registrations.

5. In addition, several of these registrations are incontestable and constitute conclusive proof of the validity of the mark and registrations.

6. Since well prior to the filing date and claimed first use date of Application No. 77/054,535 Opposer has used numerous "CHAMPION" formative marks in connection with charitable fundraising and related services including CHAMPIONS ACROSS AMERICA, CHILDREN'S MIRACLE CHAMPIONS, CHAMPION IMAGES FOR KIDS, CMN CHAMPIONS CHILDREN'S MIRACLE NETWORK, CMN CHILDREN'S CHAMPIONS and CMN CHAMPIONS.

7. Opposer has also used the CHILDREN'S MIRACLE AWARDS mark since well prior to the filing date of Application Serial No. 77/054,535.

8. In view of the confusingly similar nature of the parties' marks and the similar nature of the parties' services offered under their respective marks, Applicant's CHILDREN'S CHAMPION AWARDS mark is likely to cause consumer confusion, mistake or deception as to the affiliation, connection, sponsorship and/or relationship of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's services.

9. Opposer directs the Commissioner of Trademarks to pay the filing of \$300.00, or another amount as is required, using Deposit Account Number 082623.

9. By reason of the foregoing, Opposer will be damaged by the registration of the Applicant's mark, and the registration of the mark should be refused.

WHEREFORE, Opposer respectfully requests that the CHILDREN'S CHAMPION AWARDS mark shown in Application Serial No. 77/054,535 be refused registration, and that this Opposition be sustained.

All communications regarding this opposition should be directed to:

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DATED this 2nd day of September, 2008.

HOLLAND & HART, LLP



Andrea Anderson
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Children's Miracle Network

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 2, 2008, the attached Notice of Opposition was mailed to the Commissioner of Trademarks via Express Mail together with the filing fee of \$300.00, which Opposer paid with its deposit account.

Mark Lerner
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