

ESTTA Tracking number: **ESTTA341256**

Filing date: **04/07/2010**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Wild Goose Holding Co., Inc. / Wawa, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	1105 N. Market Street Suite 1300 Wilmington, DE 19899 UNITED STATES		

Name	Wawa, Inc.		
Entity	Corporation	Citizenship	New Jersey
Address	Red Roof Baltimore Pike Wawa, PA 19063 UNITED STATES		

Attorney information	Manny Pokotilow Caesar Rivise Bernstein Cohen & Pokotilow, Ltd. 1635 Market Street 7 Penn Center - 11th Floor Philadelphia, PA 19103-2212 UNITED STATES trademarks@crbcp.com, crbcpltd@gmail.com, mlozada@crbcp.com Phone:215-567-2010		
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Applicant Information

Application No	77856804	Publication date	03/30/2010
Opposition Filing Date	04/07/2010	Opposition Period Ends	04/29/2010
Applicant	tiny HAMPTONS LLC tiny HAMPTONS LLC 9006 E Morrison Island Rd Syracuse, IL 46567 UNITED STATES		

Goods/Services Affected by Opposition

Class 035. All goods and services in the class are opposed, namely: Providing advertising service to distribute advertisements for display on Internet, namely, in websites, social conversations over the Internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards

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.	890189	Application Date	02/26/1969
Registration Date	04/28/1970	Foreign Priority Date	NONE
Word Mark	WAWA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U046 (International Class 029, 030). First use: First Use: 1905/00/00 First Use In Commerce: 1905/00/00 DAIRY PRODUCTS-NAMELY, FLUID MILK, BUTTERMILK, SKIM MILK, FORTIFIED SKIM MILK, HEAVY CREAM, LIGHT CREAM, CHOCOLATE MILK, NON-ALCOHOLIC EGG NOG, ICE CREAM, FRESH EGGS AND BUTTER; BAKERY PRODUCTS-NAMELY, BREAD AND ROLLS		

U.S. Registration No.	1299708	Application Date	05/31/1983
Registration Date	10/09/1984	Foreign Priority Date	NONE
Word Mark	WAWA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1905/00/00 First Use In Commerce: 1905/00/00 Dairy Products-Namely, Butter, Light Cream, Heavy Cream, Egg Nog, Whipped Cream, Half & Half, Sour Cream, Cottage Cheese, Milk, Chocolate Milk, and Eggs Class 030. First use: First Use: 1905/00/00 First Use In Commerce: 1905/00/00 Iced Tea and Ice Cream Class 032. First use: First Use: 1905/00/00 First Use In Commerce: 1905/00/00 Carbonated and Non-Carbonated Non-Alcoholic Beverages-Namely, Soft Drinks, Tonic and Club Soda, Orange Juice, and Fruit Juice Drinks Containing Water Class 033. First use: First Use: 1905/00/00 First Use In Commerce: 1905/00/00 Non-Alcoholic Apple Cider Class 042. First use: First Use: 1905/00/00 First Use In Commerce: 1905/00/00 Retail Food Store Services		

U.S. Registration No.	1761847	Application Date	03/18/1992
Registration Date	03/30/1993	Foreign Priority Date	NONE
Word Mark	WAWA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1990/12/03 First Use In Commerce: 1990/12/03 retail convenience store services		

U.S. Registration No.	2343033	Application Date	02/22/1999
Registration Date	04/18/2000	Foreign Priority Date	NONE
Word Mark	WAWA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 037. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00 MOTOR VEHICLE SERVICE STATION SERVICES		

U.S. Registration No.	2319303	Application Date	02/22/1999
Registration Date	02/15/2000	Foreign Priority Date	NONE
Word Mark	WAWA GASOLINE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 004. First use: First Use: 1996/12/00 First Use In Commerce: 1996/12/00 GASOLINE		

U.S. Registration No.	2651851	Application Date	01/03/2002
Registration Date	11/19/2002	Foreign Priority Date	NONE
Word Mark	WAWA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2001/10/00 First Use In Commerce: 2001/10/00 RETAIL CONVENIENCE SERVICES		

U.S. Registration No.	2819429	Application Date	04/22/2003
Registration Date	03/02/2004	Foreign Priority Date	NONE
Word Mark	WAWA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 043. First use: First Use: 1969/00/00 First Use In Commerce: 1969/00/00 FAST FOOD RESTAURANT SERVICES		

U.S. Registration No.	3209740	Application Date	08/22/2005
Registration Date	02/13/2007	Foreign Priority Date	NONE
Word Mark	WAWA		

Design Mark	WAWA		
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2005/11/16 First Use In Commerce: 2005/11/16 Credit card services		

U.S. Registration No.	3706518	Application Date	07/29/2008
Registration Date	11/03/2009	Foreign Priority Date	NONE
Word Mark	WAWA COFFEETOPIA		
Design Mark	WAWA COFFEETOPIA		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2008/09/08 First Use In Commerce: 2008/09/08 Retail store services featuring coffee		

U.S. Registration No.	3722383	Application Date	07/20/2009
Registration Date	12/08/2009	Foreign Priority Date	NONE
Word Mark	WAWA		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2004/09/30 First Use In Commerce: 2004/09/30 Bottled water		

U.S. Registration No.	3723298	Application Date	07/29/2008
Registration Date	12/08/2009	Foreign Priority Date	NONE
Word Mark	WAWA COFFEETOPIA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2008/09/08 First Use In Commerce: 2008/09/08 Coffee		

Attachments	<p>74256692#TMSN.gif (1 page)(bytes) 75644569#TMSN.gif (1 page)(bytes) 75644570#TMSN.gif (1 page)(bytes) 76354757#TMSN.gif (1 page)(bytes) 76508701#TMSN.gif (1 page)(bytes) 78697149#TMSN.jpeg (1 page)(bytes) 77533419#TMSN.jpeg (1 page)(bytes) 77784479#TMSN.jpeg (1 page)(bytes) 77533433#TMSN.jpeg (1 page)(bytes) #466749, v1 _CRBCP_ - W100740092 Notice Opposition Exhibits A-K.pdf (44 pages)(1343070 bytes) #466747, v1 _CRBCP_ - W100740092 Notice of Opposition.pdf (9 pages)(47175 bytes)</p>
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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	/mdp/
Name	Manny Pokotilow
Date	04/07/2010

EXHIBIT A

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:20:15 ET

Serial Number: 72320166 Assignment Information Trademark Document Retrieval

Registration Number: 890189

Mark (words only): WAWA

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2000-11-17

Filing Date: 1969-02-26

Transformed into a National Application: No

Registration Date: 1970-04-28

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-11-24

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 NORTH MARKET STREET, SUITE 1300 POST OFFICE BOX 8985
WILMINGTON, DE 19899

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

U.S. Class: 046 (International Class 029, 030)

Class Status: Active

DAIRY PRODUCTS-NAMELY, FLUID MILK, BUTTERMILK, SKIM MILK, FORTIFIED SKIM MILK, HEAVY CREAM, LIGHT CREAM, CHOCOLATE MILK, NON-ALCOHOLIC EGG NOG, ICE CREAM, FRESH EGGS AND BUTTER; BAKERY PRODUCTS-NAMELY, BREAD AND ROLLS

Basis: 1(a)

First Use Date: 1905-00-00

First Use in Commerce Date: 1905-00-00

ADDITIONAL INFORMATION

Translation: "WAWA" IS AN AMERICAN INDIAN WORD MEANING "WILD GOOSE."

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-16 - Notice Of Suit

2008-11-24 - Case File In TICRS

2008-08-08 - Notice Of Suit

2000-11-17 - Second renewal 10 year

2000-11-17 - Section 8 (10-year) accepted/ Section 9 granted

2000-03-15 - Combined Section 8 (10-year)/Section 9 filed

1990-05-21 - First renewal 10 year

1990-03-26 - Section 9 filed/check record for Section 8

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MANNY D. POKOTILOW

Correspondent

MANNY D. POKOLILOW

C/O CAESAR RIVISE BERNSTEIN ET AL.

12TH FL SEVEN PENN CENTER
1635 MARKET ST
PHILADELPHIA PA 19103-2212

EXHIBIT B

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:20:32 ET

Serial Number: 73428263 Assignment Information Trademark Document Retrieval

Registration Number: 1299708

Mark (words only): WAWA

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-11-23

Filing Date: 1983-05-31

Transformed into a National Application: No

Registration Date: 1984-10-09

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-05-16

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 NORTH MARKET STREET SUITE 936
WILMINGTON, DE 19801
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 029**Class Status:** Active

Dairy Products-Namely, Butter, Light Cream, Heavy Cream, Egg Nog, Whipped Cream, Half & Half, Sour Cream, Cottage Cheese, Milk, Chocolate Milk, and Eggs

Basis: 1(a)**First Use Date:** 1905-00-00**First Use in Commerce Date:** 1905-00-00**International Class:** 030**Class Status:** Active

Iced Tea and Ice Cream

Basis: 1(a)**First Use Date:** 1905-00-00**First Use in Commerce Date:** 1905-00-00**International Class:** 032**Class Status:** Active

Carbonated and Non-Carbonated Non-Alcoholic Beverages-Namely, Soft Drinks, Tonic and Club Soda, Orange Juice, and Fruit Juice Drinks Containing Water

Basis: 1(a)**First Use Date:** 1905-00-00**First Use in Commerce Date:** 1905-00-00**International Class:** 033**Class Status:** Section 8 - Cancelled

Non-Alcoholic Apple Cider

Basis: 1(a)**First Use Date:** 1905-00-00**First Use in Commerce Date:** 1905-00-00**International Class:** 042**Class Status:** Active

Retail Food Store Services

Basis: 1(a)**First Use Date:** 1905-00-00**First Use in Commerce Date:** 1905-00-00

ADDITIONAL INFORMATION

Translation: The word "Wawa" may be translated as "Wild Goose".**Prior Registration Number(s):**

890189

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-08-08 - Notice Of Suit

2008-05-16 - Case File In TICRS

2004-11-23 - First renewal 10 year

2004-11-23 - Section 8 (10-year) accepted/ Section 9 granted

2004-10-18 - Combined Section 8 (10-year)/Section 9 filed

2004-10-18 - PAPER RECEIVED

1990-07-24 - Partial Section 8 (6-year) accepted & Section 15 acknowledged

1990-04-30 - Section 8 (6-year) and Section 15 Filed

1984-10-09 - Registered - Principal Register

1984-07-31 - Published for opposition

1984-05-29 - Notice of publication

1984-04-12 - Approved for Pub - Principal Register (Initial exam)

1984-04-11 - Examiner's amendment mailed

1984-03-19 - Communication received from applicant

1984-02-23 - Non-final action mailed

1984-01-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MANNY D. POKOTILOW

Correspondent

MANNY D. POKOTILOW

CAESAR RIVISE BERNSTEIN COHEN, ET. AL.

1635 MARKET STREET

11TH FLOOR SEVEN PENN CENTER

PHILADELPHIA, PA 19103-2212

EXHIBIT C

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:20:41 ET

Serial Number: 74256692 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 1761847

Mark



(words only): WAWA

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2003-02-13

Filing Date: 1992-03-18

Transformed into a National Application: No

Registration Date: 1993-03-30

Register: Principal

Law Office Assigned: LAW OFFICE 6

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-08-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 NORTH MARKET STREET, SUITE 1300 P.O. BOX 8985
WILMINGTON, DE 19899
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 042
Class Status: Active
retail convenience store services
Basis: 1(a)
First Use Date: 1990-12-03
First Use in Commerce Date: 1990-12-03

ADDITIONAL INFORMATION

Lining and Stippling: The stippling shown in the drawing is a feature of the mark and not intended to indicate color.

Translation: "WAWA" means "wild goose" in English.

Design Search Code(s):

03.15.06 - Ducks; Geese; Swans
03.15.19 - Birds or bats in flight or with outspread wings
03.15.24 - Stylized birds and bats
26.11.20 - Rectangles inside one another
26.11.21 - Rectangles that are completely or partially shaded
26.11.25 - Rectangles with one or more curved sides

Prior Registration Number(s):

890189
1299708
1300805

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-10-07 - Notice Of Design Search Code Mailed

2008-08-01 - Case File In TICRS
2003-02-13 - First renewal 10 year
2003-02-13 - Section 8 (10-year) accepted/ Section 9 granted
2002-10-28 - Combined Section 8 (10-year)/Section 9 filed
2002-10-28 - PAPER RECEIVED
1998-09-11 - Section 8 (6-year) accepted & Section 15 acknowledged
1998-06-17 - Section 8 (6-year) and Section 15 Filed
1993-03-30 - Registered - Principal Register
1993-01-05 - Published for opposition
1992-12-04 - Notice of publication
1992-10-29 - Approved for Pub - Principal Register (Initial exam)
1992-09-23 - Communication received from applicant
1992-06-10 - Non-final action mailed
1992-05-18 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

MANNY D. POKOTILOW

Correspondent

MANNY D. POKOTILOW
CAESAR RIVISE BERNSTEIN ET AL
12TH FLOOR SEVEN PENN
1635 MARKET ST FL 12
PHILADELPHIA PA 19103-2212

EXHIBIT D

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:20:48 ET

Serial Number: 75644569 Assignment Information Trademark Document Retrieval

Registration Number: 2343033

Mark (words only): WAWA

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-06-08

Filing Date: 1999-02-22

Transformed into a National Application: No

Registration Date: 2000-04-18

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-06-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 North Market Street, Suite 1300 Post Office Box 8985
Wilmington, DE 19899
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 037
Class Status: Active
MOTOR VEHICLE SERVICE STATION SERVICES
Basis: 1(a)
First Use Date: 1996-12-00
First Use in Commerce Date: 1996-12-00

ADDITIONAL INFORMATION

Translation: The English translation of "WAWA" is wild goose.

Prior Registration Number(s):

890189
1299708
1761847

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-06-08 - First renewal 10 year
2009-06-08 - Section 8 (10-year) accepted/ Section 9 granted
2009-05-29 - Assigned To Paralegal
2009-05-26 - TEAS Section 8 & 9 Received
2006-06-22 - Section 8 (6-year) accepted & Section 15 acknowledged
2006-06-21 - Assigned To Paralegal
2006-04-06 - Section 8 (6-year) and Section 15 Filed
2006-04-21 - Case File In TICRS
2006-04-06 - TEAS Section 8 & 15 Received
2000-04-18 - Registered - Principal Register
2000-01-25 - Published for opposition
1999-12-23 - Notice of publication

1999-11-22 - Approved for Pub - Principal Register (Initial exam)

1999-11-08 - Communication received from applicant

1999-11-18 - Assigned To Examiner

1999-08-06 - Non-final action mailed

1999-08-04 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Manny D. Pokotilow

Correspondent

Manny D. Pokotilow

CAESAR, RIVISE, BERNSTEIN, COHEN & POKOT

11th Floor

1635 Market Street - 7 Penn Center

PHILADELPHIA PA 19103-2212

Phone Number: 215-567-2010

Fax Number: 215-751-1142

EXHIBIT E

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:20:58 ET

Serial Number: 75644570 Assignment Information Trademark Document Retrieval

Registration Number: 2319303

Mark (words only): WAWA GASOLINE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2009-10-13

Filing Date: 1999-02-22

Transformed into a National Application: No

Registration Date: 2000-02-15

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: (NOT AVAILABLE)

Date In Location: 2009-10-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 North Market Street, Suite 1300 Post Office Box 8985
Wilmington, DE 19899
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 004
Class Status: Active
GASOLINE
Basis: 1(a)
First Use Date: 1996-12-00
First Use in Commerce Date: 1996-12-00

ADDITIONAL INFORMATION

Disclaimer: "GASOLINE"

Translation: The English translation of "WAWA" is "WILD GOOSE."

Prior Registration Number(s):
890189
1299708
1761847

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-10-13 - First renewal 10 year
2009-10-13 - Section 8 (10-year) accepted/ Section 9 granted
2009-10-08 - TEAS Section 8 & 9 Received
2006-05-08 - Case File In TICRS
2006-03-30 - Section 8 (6-year) accepted & Section 15 acknowledged
2006-03-29 - Assigned To Paralegal
2006-01-30 - Section 8 (6-year) and Section 15 Filed
2006-01-30 - TEAS Section 8 & 15 Received
2000-02-15 - Registered - Principal Register
1999-11-23 - Published for opposition
1999-10-22 - Notice of publication

1999-08-13 - Approved for Pub - Principal Register (Initial exam)

1999-08-13 - Assigned To Examiner

1999-08-05 - Examiner's amendment mailed

1999-07-23 - Assigned To Examiner

1999-07-22 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Manny D. Pokotilow

Correspondent

Manny D. Pokotilow

CAESAR RIVISE BERNSTEIN COHEN & POKOTILO

11th Floor

1635 Market Street - 7 Penn Center

PHILADELPHIA PA 19103-2212

Phone Number: 215-567-2010

Fax Number: 215-751-1142

EXHIBIT F

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:21:07 ET

Serial Number: 76354757 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2651851

Mark



(words only): WAWA

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2008-06-13

Filing Date: 2002-01-03

Transformed into a National Application: No

Registration Date: 2002-11-19

Register: Principal

Law Office Assigned: LAW OFFICE 109

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 40S -Scanning On Demand

Date In Location: 2008-06-27

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 North Market Street; Suite 1300 Post Office Box 8985
Wilmington, DE 19899
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 035
Class Status: Active
RETAIL CONVENIENCE SERVICES
Basis: 1(a)
First Use Date: 2001-10-00
First Use in Commerce Date: 2001-10-00

ADDITIONAL INFORMATION

Translation: The English translation of "WAWA" is "WILD GOOSE".

Design Search Code(s):
03.15.06 - Ducks; Geese; Swans
03.15.19 - Birds or bats in flight or with outspread wings
03.15.24 - Stylized birds and bats

Prior Registration Number(s):
1761847
1921210
1939584

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2008-06-27 - Case File In TICRS
2008-06-13 - Section 8 (6-year) accepted & Section 15 acknowledged
2008-06-04 - Assigned To Paralegal
2008-05-22 - TEAS Section 8 & 15 Received

2002-11-19 - Registered - Principal Register
2002-08-27 - Published for opposition
2002-08-07 - Notice of publication
2002-06-03 - Approved for Pub - Principal Register (Initial exam)
2002-05-23 - Examiner's amendment mailed
2002-04-19 - Communication received from applicant
2002-04-08 - Non-final action mailed
2002-04-03 - Assigned To Examiner
2002-04-03 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Manny D. Pokotilow

Correspondent

Manny D. Pokotilow
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOT
11th Floor
1635 Market Street - 7 Penn Center
PHILADELPHIA PA 19103-2212
Phone Number: 215-567-2010
Fax Number: 215-751-1142

EXHIBIT G

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:21:15 ET

Serial Number: 76508701 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: 2819429

Mark (words only): WAWA

Standard Character claim: No

Current Status: Section 8 and 15 affidavits have been accepted and acknowledged.

Date of Status: 2009-06-22

Filing Date: 2003-04-22

Transformed into a National Application: No

Registration Date: 2004-03-02

Register: Principal

Law Office Assigned: LAW OFFICE 108

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 830 -Post Registration

Date In Location: 2009-06-22

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
1105 North Market Street; Suite 1300 Post Office Box 8985
Wilmington, DE 19899
United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 043
Class Status: Active
FAST FOOD RESTAURANT SERVICES
Basis: 1(a)
First Use Date: 1969-00-00
First Use in Commerce Date: 1969-00-00

ADDITIONAL INFORMATION

Translation: The English translation of "WAWA" is "WILD GOOSE".

Prior Registration Number(s):

1761847
2344843
2651851

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-06-22 - Section 8 (6-year) accepted & Section 15 acknowledged

2009-06-13 - Assigned To Paralegal

2009-06-09 - TEAS Section 8 & 15 Received

2004-03-02 - Registered - Principal Register

2003-12-09 - Published for opposition

2003-11-19 - Notice of publication

2003-09-30 - Approved for Pub - Principal Register (Initial exam)

2003-09-30 - Examiner's amendment mailed

2003-09-24 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Manny D. Pokotilow

Correspondent

Manny D. Pokotilow

CAESAR, RIVISE, BERNSTEIN, COHEN & POKOT

11th Floor

1635 Market Street - 7 Penn Center

PHILADELPHIA PA 19103-2212

Phone Number: 215-567-2010

Fax Number: 215-751-1142

EXHIBIT H

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:21:26 ET

Serial Number: 78697149 Assignment Information Trademark Document Retrieval

Registration Number: 3209740

Mark

WAWA

(words only): WAWA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2007-02-13

Filing Date: 2005-08-22

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2007-02-13

Register: Principal

Law Office Assigned: LAW OFFICE 103

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-01-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. WILD GOOSE HOLDING CO., INC.

Address:

WILD GOOSE HOLDING CO., INC.
Suite 936 1105 North Market Street
Wilmington, DE 19801
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 036**Class Status:** Active

Credit card services

Basis: 1(a)**First Use Date:** 2005-11-16**First Use in Commerce Date:** 2005-11-16

ADDITIONAL INFORMATION

Prior Registration Number(s):

890189

1761847

2343033

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-02-13 - Registered - Principal Register

2007-01-04 - Law Office Registration Review Completed

2007-01-04 - Assigned To LIE

2006-12-13 - Allowed for Registration - Principal Register (SOU accepted)

2006-10-26 - Statement of use processing complete

2006-09-28 - Amendment to Use filed

2006-09-28 - TEAS Statement of Use Received
2006-07-25 - Noa Mailed - SOU Required From Applicant
2006-05-02 - Published for opposition
2006-04-12 - Notice of publication
2006-03-14 - Law Office Publication Review Completed
2006-03-10 - Assigned To LIE
2006-03-09 - Approved for Pub - Principal Register (Initial exam)
2006-03-09 - Examiner's Amendment Entered
2006-03-09 - Examiners amendment e-mailed
2006-03-09 - Examiners Amendment -Written
2006-03-09 - Assigned To Examiner
2005-08-30 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Manny D. Pokotilow

Correspondent

MANNY D. POKOTILOW
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PHILADELPHIA, PA 19103-2212
Phone Number: 215-567-2010
Fax Number: 215-751-1142

EXHIBIT I

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:21:36 ET

Serial Number: 77533419 Assignment Information Trademark Document Retrieval

Registration Number: 3706518

Mark

WAWA COFFEETOPIA

(words only): WAWA COFFEETOPIA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-11-03

Filing Date: 2008-07-29

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2009-11-03

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-10-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Wild Goose Holding Co., Inc.

Address:

Wild Goose Holding Co., Inc.
Suite 936 1105 North Market Street
Wilmington, DE 19801
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 035**Class Status:** Active

Retail store services featuring coffee

Basis: 1(a)**First Use Date:** 2008-09-08**First Use in Commerce Date:** 2008-09-08

ADDITIONAL INFORMATION

Prior Registration Number(s):

890189

1299708

1761847

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-11-03 - Registered - Principal Register

2009-10-01 - Law Office Registration Review Completed

2009-09-30 - Allowed for Registration - Principal Register (SOU accepted)

2009-09-23 - Statement of use processing complete

2009-09-10 - Amendment to Use filed

2009-09-23 - Case Assigned To Intent To Use Paralegal

2009-09-10 - TEAS Statement of Use Received
2009-03-10 - Noa Mailed - SOU Required From Applicant
2008-12-16 - Published for opposition
2008-11-26 - Notice of publication
2008-11-13 - Law Office Publication Review Completed
2008-11-13 - Assigned To LIE
2008-11-07 - Approved for Pub - Principal Register (Initial exam)
2008-11-06 - Assigned To Examiner
2008-08-02 - Notice Of Pseudo Mark Mailed
2008-08-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Fax Number: 215-751-1142

EXHIBIT J

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:21:55 ET

Serial Number: 77784479 Assignment Information Trademark Document Retrieval

Registration Number: 3722383

Mark

WAWA

(words only): WAWA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-12-08

Filing Date: 2009-07-20

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2009-12-08

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-12-08

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Wild Goose Holding Co.

Address:

Wild Goose Holding Co.
Suite 936 1105 North Market Street
Wilmington, DE 19801
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 032**Class Status:** Active

Bottled water

Basis: 1(a)**First Use Date:** 2004-09-30**First Use in Commerce Date:** 2004-09-30

ADDITIONAL INFORMATION

Prior Registration Number(s):

890189

1299708

1761847

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-08 - Registered - Principal Register

2009-09-22 - Published for opposition

2009-09-02 - Notice of publication

2009-08-18 - Law Office Publication Review Completed

2009-08-18 - Assigned To LIE

2009-08-11 - Approved for Pub - Principal Register (Initial exam)

2009-08-08 - Assigned To Examiner

2009-07-23 - New Application Office Supplied Data Entered In Tram

2009-07-23 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Fax Number: 215-751-1142

EXHIBIT K

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-04-07 09:22:06 ET

Serial Number: 77533433 Assignment Information Trademark Document Retrieval

Registration Number: 3723298

Mark

WAWA COFFEETOPIA

(words only): WAWA COFFEETOPIA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2009-12-08

Filing Date: 2008-07-29

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: 2009-12-08

Register: Principal

Law Office Assigned: LAW OFFICE 112

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2009-11-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Wild Goose Holding Co., Inc.

Address:

Wild Goose Holding Co., Inc.
Suite 936 1105 North Market Street
Wilmington, DE 19801
United States

Legal Entity Type: Corporation**State or Country of Incorporation:** Delaware

GOODS AND/OR SERVICES

International Class: 030**Class Status:** Active

Coffee

Basis: 1(a)**First Use Date:** 2008-09-08**First Use in Commerce Date:** 2008-09-08

ADDITIONAL INFORMATION

Prior Registration Number(s):

890189

1299708

1761847

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-12-08 - Registered - Principal Register

2009-11-02 - Law Office Registration Review Completed

2009-10-30 - Allowed for Registration - Principal Register (SOU accepted)

2009-10-13 - Teas/Email Correspondence Entered

2009-10-12 - Communication received from applicant

2009-10-12 - TEAS Response to Office Action Received

2009-09-30 - Notification Of Non-Final Action E-Mailed
2009-09-30 - Non-final action e-mailed
2009-09-30 - SU - Non-Final Action - Written
2009-09-23 - Statement of use processing complete
2009-09-10 - Amendment to Use filed
2009-09-23 - Case Assigned To Intent To Use Paralegal
2009-09-10 - TEAS Statement of Use Received
2009-03-10 - Noa Mailed - SOU Required From Applicant
2008-12-16 - Published for opposition
2008-11-26 - Notice of publication
2008-11-13 - Law Office Publication Review Completed
2008-11-13 - Assigned To LIE
2008-11-07 - Approved for Pub - Principal Register (Initial exam)
2008-11-06 - Assigned To Examiner
2008-08-02 - Notice Of Pseudo Mark Mailed
2008-08-01 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

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Phone Number: 215-567-2010
Fax Number: 215-751-1142

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

WAWA, INC. and	:	
WILD GOOSE HOLDING CO., INC.	:	
	:	
Opposers,	:	
	:	OPPOSITION NO. _____
vs.	:	
	:	APPLICATION SERIAL
TINY HAMPTONS, LLC	:	NO. 77/856,804
	:	
Applicant.	:	

NOTICE OF OPPOSITION

In the matter of the application for registration of the mark WAWASCENE for providing advertising service to distribute advertisements for display on internet, namely, in websites, social conversations over the internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards, in International Class 35, Serial No. 77/856,804, filed on October 25, 2009 by Tiny Hamptons, LLC and published for opposition in the Official Gazette of the United States Patent and Trademark Office for March 30, 2010, Opposers Wawa, Inc. and Wild Goose Holding Co., Inc. believe that they would be damaged by such registration, and hereby oppose the registration of Applicant's mark.

In the matter of the application for registration of the mark mark WAWASCENE for providing advertising service to distribute advertisements for display on internet, namely, in websites, social conversations over the internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards, in International Class 35, Serial No. 77/856,804, filed on October 25, 2009 by Tiny Hamptons, LLC, Opposers Wawa, Inc. and Wild Goose Holding Co., Inc. believe

that they would be damaged by such registration, and hereby oppose the registration of Applicant's mark.

The grounds for the opposition are as follows:

1. Opposer Wawa, Inc. ("Wawa") is a New Jersey corporation having its principal place of business at Red Roof, Baltimore Pike, Wawa, PA 19063.

2. Opposer Wild Goose Holding Co., Inc. ("Wild Goose") is a corporation organized and existing under the laws of Delaware, located and doing business at 1105 North Market Street, Suite 1300, Wilmington, DE 19899.

3. Since at least as early as 1905, long prior to the acts complained of herein, Wawa, through its predecessor in interest, has used the mark WAWA in connection with dairy products and non-alcoholic beverages and in the advertising, marketing and sale of the same in interstate commerce.

4. Since at least as early as 1964, long prior to the acts complained of herein, Wawa, through its predecessor in interest, has used the mark WAWA, alone and/or in combination with a design element, in connection with retail food store services and in the advertising, marketing and sale of the same in interstate commerce.

5. Since at least as early as 1996, long prior to the acts complained of herein, Wawa has used the mark WAWA in connection with motor vehicle service station services and gasoline and in the advertising, marketing and sale of the same in interstate commerce.

6. On information and belief, Wawa is one of the leading convenience store retailers in the United States, has been recognized as one of the "Top 100" retailers in the United States, and is well known among the general public and in the convenience and food store industry.

7. Wawa's goods and services sold under the mark WAWA, which are recognized in the United States to be of the highest quality, are offered for sale and sold in interstate commerce.

8. From 1905 to the present, Wawa's advertising and sales of goods and services under the mark WAWA have been and are significant.

9. As a result of such substantial advertising and sales under the mark WAWA and the maintenance of premium quality standards relating thereto, and the substantially exclusive use of said mark by Wawa, the mark WAWA has become widely and favorably recognized by the general public as a distinctive indication of the origin of the goods and services of Wawa. The mark WAWA has become unique and is identified by the general public solely with Wawa and its goods and services. The mark WAWA has become an extremely valuable symbol of Wawa, its reputation and goodwill.

10. As a result of the foregoing efforts and investment, the mark WAWA has become famous and distinctive.

11. Wawa duly registered the mark WAWA for "dairy products – namely, fluid milk, buttermilk, skim milk, fortified skim milk, heavy cream, light cream, chocolate milk, non-alcoholic egg nog, ice cream, fresh eggs and butter; bakery products – namely, bread and rolls" in the United States Patent and Trademark Office ("USPTO") under Registration No. 890,189, which issued April 28, 1970.

12. Wawa duly registered the mark WAWA for "iced tea and ice cream," "carbonated and non-carbonated non-alcoholic beverages – namely, soft drinks, tonic and club soda, orange juice, and fruit juice drinks containing water," "non-alcoholic apple cider" and "retail food store services" in the USPTO under Registration No. 1,299,708, which issued October 9, 1984.

13. Wawa duly registered the mark WAWA (plus design) for “retail convenience store services” in the USPTO under Registration No. 1,761,847, which issued on March 30, 1993.

14. Wawa has assigned all of its rights, title and interest in the mark WAWA, the goodwill symbolized by the mark, and Registration Nos. 890,189, 1,299,708 and 1,761,847 to Wild Goose, and the deeds of assignment have been duly recorded in the USPTO. Wild Goose accordingly is the record owner of Registration Nos. 890,189, 1,299,708 and 1,761,847 of the mark WAWA.

15. Wild Goose duly registered the mark WAWA for “motor vehicle service station services” in the USPTO under Registration No. 2,343,033, which issued on April 18, 2000.

16. Wild Goose duly registered the mark WAWA GASOLINE for “gasoline” in the USPTO under Registration No. 2,319,303, which issued on November February 15, 2000.

17. Wild Goose duly registered the mark WAWA for “fast food restaurant services” in the USPTO under Registration No. 2,819,429, which issued on November March 2, 2004.

18. Wild Goose duly registered the mark WAWA (plus design) for “retail convenience store services” in the USPTO under Registration No. 2,651,851, which issued on November 19, 2002.

19. Wild Goose duly registered the mark WAWA for “credit card services” in the USPTO under Registration No. 3,209,740, which issued on February 13, 2007.

20. Wild Goose duly registered the mark WAWA COFFEETOPIA for “retail store services featuring coffee” in the USPTO under Registration No. 3,706,618, which issued on November 3, 2009.

21. Wild Goose duly registered the mark WAWA COFFEETOPIA for “coffee” in the USPTO under Registration No. 3,723,398, which issued on December 8, 2009.

22. Wild Goose duly registered the mark WAWA for “bottled water” in the USPTO under Registration No. 3,722,383, which issued on December 8, 2009.

23. Wild Goose and Wawa have entered into license agreements under which Wild Goose has granted Wawa an exclusive license to use various marks owned by Wild Goose including, but not limited to, the mark WAWA. By virtue of such licenses, Wild Goose and Wawa are related companies within the meaning of § 5 of the Lanham Act, 15 U.S.C. § 1065. Consequently, all use of the mark WAWA by Wawa inures to the benefit of Wild Goose as a matter of law.

24. Registration Nos. 890,189, 1,299,708, 1,761,847, 2,343,033, 2,319,303, 2,651,851, 2,819,429, 3,209,740, 3,706,518, 3,722,383 and 3,723,298 are each prima facie evidence of the validity the marks shown therein and Wild Goose’s ownership thereof, and are constructive notice of ownership of the mark WAWA by Wild Goose, all as provided by §§ 7(b) and 22 of the Lanham Act, 15 U.S.C. §§ 1057(b) and 1072. As Registration Nos. 890,189, 1,299,708, 1,761,847, 2,343,033, 2,319,303 and 2,651,851 have each achieved incontestable status under § 15 of the Lanham Act, 15 U.S.C. § 1065, said registrations are conclusive evidence of Lanham Act’s exclusive right to use the mark WAWA in commerce. True and correct copies of current printouts from the USPTO’s Trademark Application and Registration Retrieval system database showing the current status and title of Registration Nos. 890,189, 1,299,708, 1,761,847, 2,343,033, 2,319,303, 2,651,851, 2,819,429, 3,209,740, 3,706,518, 3,722,383 and 3,723,298 are annexed hereto as Exhibits A, B, C, D, E, F, G, H, I, J and K respectively, and made a part hereof.

25. Notwithstanding Opposers' well-known and prior exclusive rights in the mark WAWA, and long after the mark WAWA had become distinctive and famous, Applicant filed trademark application, Serial No. 77856804, to register the mark WAWASCENE providing advertising service to distribute advertisements for display on internet, namely, in websites, social conversations over the internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards, in International Class 35 on October 25, 2009.

26. Notwithstanding Opposers' well-known and prior exclusive rights in the mark WAWA, and long after the mark WAWA had become distinctive and famous, Applicant filed trademark application, Serial No. 77856804, to register the mark WAWASCENE providing advertising service to distribute advertisements for display on internet, namely, in websites, social conversations over the internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards, in International Class 35 on October 25, 2009.

27. On information and belief, prior to and at the time Applicant filed the involved application, Applicant knew of the mark WAWA and/or Wawa's goods and services.

28. On information and belief, prior to and at the time Applicant filed the involved application, Applicant knew of the renown of the mark WAWA and/or Wawa's goods and services.

29. On further information and belief, Applicant has sought to take advantage of the substantial commercial magnetism of Opposers' mark WAWA by adopting and applying for a confusingly similar mark in connection with providing advertising service to distribute advertisements for display on internet, namely, in websites, social conversations over the

internet, emails, microblogs, blogs, electronic messages, instant messages, text messages, multimedia messages, social networks, status updates, forums, electronic bulletin boards.

30. There is no issue as to priority. The filing date of Applicant's applications are subsequent to the issuance date of Opposers' above-referenced registrations.

31. The mark proposed for registration by Applicant, WAWASCENE, is likely to cause confusion, mistake or to deceive as to the source of origin of Applicant's services contrary to 15 U.S.C. § 1052(d), by causing the consuming public to believe, contrary to fact, that Applicant's services bearing the mark WAWASCENE are sponsored, licensed and/or otherwise approved by, or are in some way connected or affiliated with Opposers.

32. Applicant's mark WAWASCENE contains and incorporates Opposers' entire mark WAWA.

33. Applicant's mark WAWASCENE is dominated by the term WAWA, which is identical to the Opposers' mark WAWA.

34. Applicant's commercial use of the mark WAWASCENE in connection with said services is likely to cause dilution of the distinctive quality of the mark WAWA as a unique source identifier for Opposers in the minds of consumers, all to the injury to and damage of Opposers.

35. If Applicant is permitted to use and register the mark WAWASCENE, confusion in trade resulting in damage and injury to Opposers would be caused and would result by reason of the similarity between the Applicant's mark and Opposers' mark WAWA. In addition, any defect, objection or fault found with Applicant's services marketed under the mark WAWASCENE would necessarily reflect upon and seriously injure the reputation which Opposers have established for the goods and services marketed under the mark WAWA.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on April 7, 2010, the within NOTICE OF OPPOSITION regarding Application Serial No. 77856804 is being filed electronically with the Trademark Trial and Appeal Board, via the Electronic System for Trademark Trials and Appeals (ESTTA).

/mdp/
Manny D. Pokotilow

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the within NOTICE OF OPPOSITION re Application Serial No. 77856804 is being served upon Applicant, via First Class Mail postage prepaid, addressed to:

Christopher Campbell
Tiny Hamptons LLC
9006 E. Morrison Island Road
Syracuse, IL 46567

on this day, April 7, 2010.

/mdp/
Manny D. Pokotilow