

ESTTA Tracking number: **ESTTA341119**

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 party opposes registration of the indicated application.

**Opposer Information**

Name	IGT
Granted to Date of previous extension	04/07/2010
Address	9295 Prototype Drive Reno, NV 89521-8986 UNITED STATES
Attorney information	Sana Hakim K&L Gates LLP P.O. Box 1135 Chicago, IL 60690-1135 UNITED STATES chicago.trademarks@klgates.com, sana.hakim@klgates.com

**Applicant Information**

Application No	77789806	Publication date	12/08/2009
Opposition Filing Date	04/07/2010	Opposition Period Ends	04/07/2010
Applicant	Ainsworth Game Technology Limited 10 Holker St Newington, 2127 AUSTRALIA		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Registration No.	3124353	Application Date	02/05/2004
Registration Date	08/01/2006	Foreign Priority Date	NONE
Word Mark	PHOENIX GOLD		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2006/01/04 First Use In Commerce: 2006/01/26 Gaming machines, namely, slot machines with or without video output, video lottery terminals, gaming machines for play of an interactive, electronic bingo game

Attachments	78363137#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition.pdf ( 12 pages )(412463 bytes )
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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	/sh/
Name	Sana Hakim
Date	04/07/2010



evidenced by publication of the mark in the *Official Gazette* on December 8, 2009. See Exhibit B.

3. There is no issue as to priority. Applicant filed its intent-to-use application to register the GOLDEN PHOENIX mark on July 27, 2009. Its filing date, therefore, is subsequent to Opposer's first use and filing dates for its PHOENIX GOLD mark.

4. As a result of Opposer's efforts and advertising, as well as the high quality of its goods, Opposer enjoys considerable goodwill in its PHOENIX GOLD mark. The public has come to associate the high quality goods offered under the PHOENIX GOLD mark with Opposer.

5. Applicant's use and registration of the highly similar mark GOLDEN PHOENIX for computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals is likely to confuse and/or deceive the public as to the source and origin of Applicant's gaming products and as to the existence of any association, connection, sponsorship or relationship between Opposer and Applicant.

6. Registration of the mark GOLDEN PHOENIX on the Principal Register will interfere with Opposer's enjoyment of its rights in its PHOENIX GOLD mark, and will result in substantial detriment to Opposer.

7. By reason of Opposer's priority from a date prior to Applicant's filing date of its GOLDEN PHOENIX application, Opposer has rights in its PHOENIX GOLD mark superior to Applicant's rights.

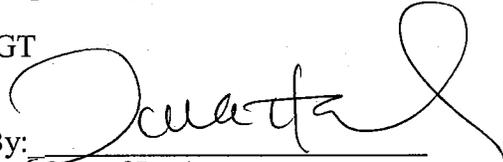
WHEREFORE, Opposer believes that it would be damaged by said registration and prays that it be denied.

DATED this 7th day of April, 2010.

Respectfully submitted,

IGT

By:

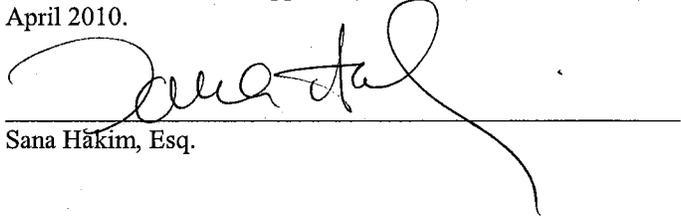


One of Its Attorneys

Sana Hakim, Esq.  
Kathryn Starshak, Esq.  
K&L Gates LLP  
P.O. Box 1135  
Chicago, Illinois 60690-1135  
(312) 372-1121

Certificate

I, Sana Hakim, hereby certify that the foregoing Notice of Opposition is being filed through the Electronic System for Trademark Trials and Appeals ("ESTTA") on this 7th day of April 2010.



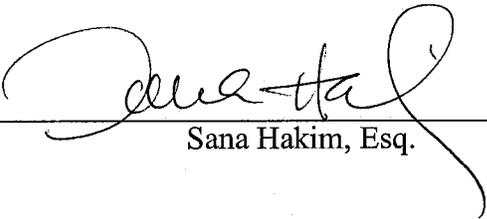
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Sana Hakim, Esq.

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that a copy of the foregoing Notice of Opposition is being deposited with the United States Postal Service with sufficient postage as first-class mail this 7th day of April 2010 in an envelope addressed to Applicant at:

Ainsworth Game Technology Limited  
Attn: Mr. Tom Davidson  
10 Holker Street  
Newington 2127  
Australia

  
\_\_\_\_\_  
Sana Hakim, Esq.

**EXHIBIT A**

**IGT V. AINSWORTH GAME TECHNOLOGY LIMITED**  
**Opposition No. \_\_\_\_\_**  
**On behalf of IGT**

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

**This page was generated by the TARR system on 2010-04-02 15:37:21 ET**

**Serial Number:** 78363137 Assignment Information      Trademark Document Retrieval

**Registration Number:** 3124353

**Mark**



**(words only):** PHOENIX GOLD

**Standard Character claim:** Yes

**Current Status:** Registered.

**Date of Status:** 2006-08-01

**Filing Date:** 2004-02-05

**Transformed into a National Application:** No

**Registration Date:** 2006-08-01

**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](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2006-06-21

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

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1. IGT

**Address:**

IGT  
9295 Prototype Drive

Reno, NV 895218986

United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Nevada

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### GOODS AND/OR SERVICES

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**International Class:** 009

**Class Status:** Active

Gaming machines, namely, slot machines with or without video output, video lottery terminals, gaming machines for play of an interactive, electronic bingo game

**Basis:** 1(a)

**First Use Date:** 2006-01-04

**First Use in Commerce Date:** 2006-01-26

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### ADDITIONAL INFORMATION

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**Prior Registration Number(s):**

1307277

1775776

2259842

2533253

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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

2009-04-09 - TEAS Change Of Correspondence Received

2009-04-09 - TEAS Change Of Correspondence Received

2006-08-01 - Registered - Principal Register

2006-06-14 - Law Office Registration Review Completed

2006-06-13 - Assigned To LIE

2006-05-26 - Allowed for Registration - Principal Register (SOU accepted)

2006-05-11 - Statement of use processing complete

2006-05-01 - Amendment to Use filed

2006-05-01 - TEAS Statement of Use Received  
2005-11-02 - Extension 2 granted  
2005-11-02 - Extension 2 filed  
2005-11-02 - TEAS Extension Received  
2005-04-28 - Extension 1 granted  
2005-04-28 - Extension 1 filed  
2005-04-28 - TEAS Extension Received  
2004-11-02 - Noa Mailed - SOU Required From Applicant  
2004-08-10 - Published for opposition  
2004-07-21 - Notice of publication  
2004-06-04 - Approved for Pub - Principal Register (Initial exam)  
2004-06-04 - Examiners amendment e-mailed  
2004-06-04 - Assigned To Examiner  
2004-02-13 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Attorney of Record**

Sana Hakim

**Correspondent**

Sana Hakim,  
K&L Gates LLP  
P.O.Box 1135  
Chicato IL 60690-1135

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**EXHIBIT B**

**IGT V. AINSWORTH GAME TECHNOLOGY LIMITED**  
**Opposition No. \_\_\_\_\_**  
**On behalf of IGT**

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

**This page was generated by the TARR system on 2010-04-02 15:37:00 ET**

**Serial Number:** 77789806 Assignment Information      Trademark Document Retrieval

**Registration Number:** (NOT AVAILABLE)

**Mark**

# Golden Phoenix

**(words only):** GOLDEN PHOENIX

**Standard Character claim:** Yes

**Current Status:** A request for an extension of time to file an opposition has been filed at the Trademark Trial and Appeal Board.

**Date of Status:** 2010-01-04

**Filing Date:** 2009-07-27

**Filed as TEAS Plus Application:** Yes

**Currently TEAS Plus Application:** Yes

**Transformed into a National Application:** No

**Registration Date:** (DATE NOT AVAILABLE)

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 113

**Attorney Assigned:**  
VASQUEZ JENNIFER J

**Current Location:** 650 -Publication And Issue Section

**Date In Location:** 2009-11-05

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

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## 1. Ainsworth Game Technology Limited

**Address:**

Ainsworth Game Technology Limited  
10 Holker St  
Newington 2127  
Australia

**Legal Entity Type:** Limited Liability Company**State or Country Where Organized:** Australia**Phone Number:** +61 2 9739 8000

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**GOODS AND/OR SERVICES**

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**International Class:** 009**Class Status:** Active

Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals

**Basis:** 1(b)**First Use Date:** (DATE NOT AVAILABLE)**First Use in Commerce Date:** (DATE NOT AVAILABLE)

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**ADDITIONAL INFORMATION**

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(NOT AVAILABLE)

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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

2010-01-04 - Extension Of Time To Oppose Received

2009-12-08 - Notice Of Publication E-Mailed

2009-12-08 - Published for opposition

2009-11-05 - Law Office Publication Review Completed

2009-11-05 - Assigned To LIE

2009-10-21 - Approved for Pub - Principal Register (Initial exam)

2009-10-21 - Assigned To Examiner

2009-07-30 - New Application Office Supplied Data Entered In Tram

2009-07-30 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

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**Correspondent**

AINSWORTH GAME TECH; AINSWORTH GAME TECH

10 HOLKER ST

NEWINGTON

2127

AUSTRALIA

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