

ESTTA Tracking number: **ESTTA389433**

Filing date: **01/21/2011**

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	Arrow International, Inc.
Granted to Date of previous extension	01/22/2011
Address	9900 Clinton Road Brooklyn, OH 44144 UNITED STATES

Attorney information	Jay F. Moldovanyi; Sandra M. Koenig Fay Sharpe LLP 1228 Euclid Avenue, 5th Floor Cleveland, OH 44115 UNITED STATES jmoldovanyi@faysharpe.com, skoenig@faysharpe.com, chutter@faysharpe.com
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**Applicant Information**

Application No	85072105	Publication date	11/23/2010
Opposition Filing Date	01/21/2011	Opposition Period Ends	01/22/2011
Applicant	GameTech International, Inc. 8850 Double Diamond Parkway Reno, NV 89521 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. All goods and services in the class are opposed, namely: Computer hardware and software for use in back-office management, database management, and data tracking for bingo games and bingo halls
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Prior common law use of EDGE

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	EDGE		
Goods/Services	electronic gaming machines and operating software for use therewith, particularly electronic bingo consoles		

Attachments	ARWZ700391_Opposition.pdf ( 5 pages )(22890 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	/sandramkoenig/
Name	Sandra M. Koenig
Date	01/21/2011

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

In the matter of Application Serial No. 85/072,105  
For the mark GAMETECH EDGE BINGO SYSTEM  
Published in the *Official Gazette* on November 23, 2010

Arrow International, Inc.,	)	
	)	
Opposer,	)	
	)	Opposition No. _____
v.	)	
	)	
GameTech International, Inc.,	)	
	)	
Applicant.	)	
_____	)	

**NOTICE OF OPPOSITION**

Attention: TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Arrow International, Inc., a corporation organized and existing under the laws of the State of Ohio, with a principal place of business at 9900 Clinton Road, Brooklyn, Ohio 44144 (hereinafter referred to as "Arrow"), believes that it will be damaged by the registration of the mark GAMETECH EDGE BINGO SYSTEM shown in Serial No. 85/072,105 filed by GameTech International, Inc., a corporation organized and existing under the laws of Delaware with its business address located at 8850 Double Diamond Parkway, Reno, Nevada 89521 (hereinafter referred to as "GameTech") on June 25, 2010 pursuant to Section 1(b) of the Lanham Act, and hereby opposes the same.

The grounds for opposition are as follows:

1. GameTech seeks to register GAMETECH EDGE BINGO SYSTEM as a trademark for “computer hardware and software for use in back-office management, database management, and data tracking for bingo games and bingo halls” in International Class 9, as evidenced by the publication of said mark in the Official Gazette on November 23, 2010.

2. Arrow is a well-known manufacturer of charitable and social gaming solutions including gaming options for the bingo market.

3. Arrow has since at least as early as February 2007 used the mark EDGE in commerce in association with electronic gaming machines and operating software for use therewith, particularly electronic bingo consoles, which are used in connection with bingo games at bingo halls.

4. There is no issue as to priority. Arrow’s use of EDGE predates GameTech’s use, constructive or otherwise, of GAMETECH EDGE BINGO SYSTEM.

5. Arrow has sold and continues to sell its EDGE product in commerce. By virtue of its efforts in promoting its EDGE product, the expenditure of considerable sums for promotional activities, and the quality of its products, Arrow has developed substantial goodwill in the EDGE mark.

6. GameTech’s mark, GAMETECH EDGE BINGO SYSTEM, incorporates the entirety of Arrow’s EDGE mark for identical or closely related goods. When the GAMETECH EDGE BINGO SYSTEM mark is applied to goods travelling in the same channels of trade as those sold by Arrow, it so nearly resembles Arrow’s mark as to be likely to be confused therewith and mistaken therefor, and will lead to deception or

mistake as to the origin of GameTech's goods bearing the GAMETECH EDGE BINGO SYSTEM mark.

7. Arrow is a recognized leader in the bingo gaming market. Arrow's EDGE marked electronic bingo consoles are sold in the bingo and gaming market to the same customers as would be GameTech's GAMETECH EDGE BINGO SYSTEM products. If GameTech is permitted to use and register GAMETECH EDGE BINGO SYSTEM for its stated goods, confusion in trade resulting in damage and injury to Arrow is inevitable because GameTech's mark is confusingly similar to Arrow's EDGE mark. Arrow's EDGE mark is fully incorporated in GameTech's mark, with the only distinguishing features being the trade name of Applicant GAMETECH, and the disclaimed descriptor, BINGO SYSTEM. Customers familiar with Arrow's EDGE products would be likely to buy GameTech's GAMETECH EDGE BINGO SYSTEM products under the impression that such goods were authorized or sponsored by Arrow. Any such confusion in trade inevitably would result in damage to Arrow and its reputation.

8. Furthermore, any defect, objection or fault found with GameTech's products marketed under the GAMETECH EDGE BINGO SYSTEM mark would necessarily reflect upon and seriously injure the reputation which Arrow has established for its EDGE products.

9. If GameTech is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to use of its mark. Such registration would be a source of damage and injury to Arrow.

WHEREFORE, Arrow requests that registration of GameTech's mark GAMETECH EDGE BINGO SYSTEM, Application Serial No. 85/072,105, be denied and that this opposition be sustained in favor of Arrow

Dated: January 21, 2011

Respectfully submitted,

FAY SHARPE LLP

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Attorneys for Opposer

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GameTech International, Inc.,	)	
	)	
Applicant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on the following Attorney of Record and Correspondent for GameTech International, Inc., as listed on the TARR website of the United States Patent and Trademark Office, by mailing said copy on **January 21, 2011**, via First Class Mail, postage prepaid, to:

LARA PEARSON  
RIMON LAW GROUP  
774 MAYS BLVD STE 10 PMB 405  
INCLINE VILLAGE, NV 89451-9613

/Sandra M. Koenig/  
Sandra M. Koenig  
Attorney for Opposer