

ESTTA Tracking number: **ESTTA427947**

Filing date: **08/31/2011**

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	Bluberi Jeux et Technologies Inc.
Granted to Date of previous extension	08/31/2011
Address	2120 Letendre Street Drummondville, Qc J2E 1T3 CANADA

Attorney information	Randee Sibul-Gelbert Meitus Gelbert Rose LLP 47 S. Meridian, Suite 400 Indianapolis, IN 46204 UNITED STATES rgelbert@mgrfirm.com Phone:317-464-5366
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Applicant Information

Application No	85221570	Publication date	05/03/2011
Opposition Filing Date	08/31/2011	Opposition Period Ends	08/31/2011
Applicant	Bally Gaming, Inc. Attn: Pamela Bowsher, Law Dept. 6601 South Bermuda Road Las Vegas, NV 89119 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Computer gaming software, gaming software that generates or displays wager outcomes of gaming machines, downloadable computer game software for gaming, gaming machines, namely, devices that accept a wager; slot machines
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	Likelihood of confusion, mistake and/or deception under the Trademark Act section 43(a)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85285071	Application Date	04/04/2011
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	HOT SPINS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2010/04/00 First Use In Commerce: 2010/04/00 Software for gaming machines; gaming machines with video output; gaming machines featuring mechanical reels

Attachments	85285071#TMSN.jpeg (1 page)(bytes) Beno_HotSpin_OppoComplt_31Aug11.pdf (3 pages)(27848 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	/Ranee Sibul-Gelbert/
Name	Ranee Sibul-Gelbert
Date	08/31/2011

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

In the Matter of:

Application Serial No. 85/221,570, HOT SPIN

Filed on January 19, 2011

Published in the *Official Gazette* on May 3, 2011

Bluberi Jeux et Technologies Inc.)	
AKA Bluberi Gaming Technologies Inc.,)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Bally Gaming, Inc.)	
DBA Bally Technologies,)	
Applicant)	

NOTICE OF OPPOSITION

Bluberi Jeux et Technologies Inc. AKA Bluberi Gaming Technologies Inc. ("Opposer"), a Canadian corporation with a business address of 2120 Letendre Street, Drummondville, Quebec J2C 7E9, Canada, believes it will be damaged if a registration is granted for the above-captioned trademark application of Bally Gaming, Inc. DBA Bally Technologies ("Applicant"), a Nevada corporation with an address of record at 6601 South Bermuda Road, Las Vegas, NV 89119, USA. Opposer, having been granted an extension of time to oppose until August 31, 2011, hereby opposes registration of said application. As grounds for its opposition, Opposer alleges as follows:

1. Opposer is the owner of Application Serial No. 85/285,071, filed on April 4, 2011, for the mark HOT SPINS, for the following goods: software for gaming machines; gaming machines with video output; and gaming machines featuring mechanical reels, in International Class 9.
2. Opposer will also rely on its common law trademark rights resulting from the use in commerce of its HOT SPINS mark on the goods.
3. On January 19, 2011, Applicant filed U.S. Application No. 85/221,570, for the mark HOT SPIN, on an Intent-to-Use basis under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b), for the following goods: computer gaming software; gaming software that generates or displays wager outcomes of gaming machines; downloadable computer game software for gaming; gaming machines, namely, devices that accept a wager; and slot machines, in International Class 9 (the "Opposed Mark").

4. The application for the Opposed Mark was published for opposition in the *Official Gazette* on May 3, 2011.
5. Upon information and belief, Opposer has made and sold its goods to purchasers in the United States commencing prior to the filing date of the Opposed Mark; as a result thereof, Opposer has established purchaser recognition and goodwill in its mark.
6. Upon information and belief, Opposer has used its mark in commerce, and has established prior rights in its mark, in connection with, at the least, the goods set forth within its aforementioned application prior to any date on which Applicant can rely for use of the Opposed Mark.
7. Applicant's use and registration of the Opposed Mark will create a likelihood of confusion, mistake and/or deception among consumers, within the meaning of Trademark Act §2(d), 15 U.S.C. § 1052(d), to the detriment of Opposer.
8. Applicant's use and registration of the Opposed Mark will create a likelihood of confusion, mistake and/or deception among consumers, within the meaning of Trademark Act §43(a), 15 U.S.C. § 1125(a) to the detriment of Opposer.
9. If Applicant is granted a registration in the Opposed Mark, Applicant would obtain a *prima facie* exclusive right to the use of the Opposed Mark, to the detriment of Opposer.
10. In view of the foregoing, Opposer believes that it will be damaged by Applicant's use and registration of the Opposed Mark as set forth in U.S. Application Serial No. 85/221,570.

WHEREFORE, Opposer prays that this Opposition be sustained and that registration of U.S. Application Serial No. 85/221,570 be denied and refused.

Dated: August 31, 2011

Respectfully submitted,

MEITUS GELBERT ROSE LLP

By: /Randee Sibul-Gelbert/

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Counsel for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition was served on August 31, 2011, via first-class mail, postage prepaid, addressed to Applicant at:

Pamela Bowsher, Law Dept.
Bally Gaming, Inc.
6601 South Bermuda Road
Las Vegas, NV 89119
pbowsher@ballytech.com

By: /Ranee Sibul-Gelbert/
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CERTIFICATE OF TRANSMISSION

I hereby certify that this Notice of Opposition is being filed electronically via ESTTA with the United States Patent and Trademark Office today, August 31, 2011.

By: /Ranee Sibul-Gelbert/
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