

ESTTA Tracking number: **ESTTA448492**

Filing date: **12/28/2011**

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	Travian Publishing GmbH		
Entity	Corporation	Citizenship	Germany
Address	Wilhelm-Wagenfeld-Str. 22 Munich, 80807 GERMANY		

Correspondence information	Travian Publishing GmbH Wilhelm-Wagenfeld-Str. 22 Munich, 80807 GERMANY trademarks@traviangames.com		
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**Applicant Information**

Application No	85391746	Publication date	11/29/2011
Opposition Filing Date	12/28/2011	Opposition Period Ends	12/29/2011
Applicant	TENCENT HOLDINGS LIMITED P.O. BOX 2681 GT, CENTURY YARD CRICKET SQUARE, HUTCHINS DRIVE GEORGE TOWN, GC, CAYMAN ISLANDS		

**Goods/Services Affected by Opposition**

Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, providing an on-line computer game; entertainment and education services, namely, providing online games in the nature of computer contests; entertainment services, namely, conducting alternate reality games via the Internet
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**Grounds for Opposition**

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

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

U.S. Application No.	79097773	Application Date	02/02/2011
Registration Date	NONE	Foreign Priority Date	01/13/2011
Word Mark	BATTLEMONS		

Design Mark	<b>Battlemons</b>
Description of Mark	NONE
Goods/Services	<p>Class 009. First use:  Computer games programs, in particular computer game programs, video game programs, and computer game programs featuring online playing capability, all for mobile phones and wireless communications devices; computer programs and computer software, namely, for computer, video and electronic games; computer software platforms for social networks accessible via the Internet, computers, mobile phones and wireless communications devices</p> <p>Class 028. First use:  Games, namely, hand-held units for playing video games, other than those adapted for use with external display screens</p> <p>Class 041. First use:  Online gaming services, namely, providing online computer, video, and electronic games and providing online games for mobile phones and wireless communications devices on the Internet or global networks; online gaming services, namely, providing online interactive games and online computer, video and electronic games on the Internet or global networks; information about computer and video games, in particular via the Internet or a global network and in electronic or computerized form</p>

Attachments	79097773#TMSN.jpeg ( 1 page )( bytes ) Notice of Opposition Battlezen.pdf ( 2 pages )(110623 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	/Florian MÃ¼ller/
Name	Travian Publishing GmbH
Date	12/28/2011

Travian Publishing GmbH · Wilhelm-Wagenfeld-Str. 22 · 80807 München

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1451 Alexandria, VA 22313-1451  
United States of America

Munich, 28 December 2011

## Notice of Opposition

Dear Sir / Madam,

We oppose the registration of the trademark "Battlezen" for class 41.

Travian Publishing GmbH, situated in Munich (Germany) hosts and markets online computer games (also known as massively multiplayer online-games: MMOGs).

On 2 February 2011, we filed an application for the trademark "Battlemons" (serial number 79097773, international registration number 1078443) for classes / goods and services by the USPTO: Computer games programs, in particular computer game programs, video game programs, and computer game programs featuring online playing capability, all for mobile phones and wireless communications devices; computer programs and computer software, namely, for computer, video and electronic games; computer software platforms for social networks accessible via the Internet, computers, mobile phones and wireless communications devices (class 9); Games, namely, hand-held units for playing video games, other than those adapted for use with external display screens (class 28); Online gaming services, namely, providing online computer, video, and electronic games and providing online games for mobile phones and wireless communications devices on the Internet or global networks; online gaming services, namely, providing online interactive games and online computer, video and electronic games on the Internet or global networks; information about computer and video games, in particular via the Internet or a global

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**Anschrift**

Travian Publishing GmbH  
Wilhelm-Wagenfeld-Str. 22  
80807 München

**Kontakt**

Fon: +49-89-324915-0  
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**Geschäftsführung Eintragung**

Florian Müller  
Amtsgericht München  
HRB 170336  
Ust-Id Nr.: DE 256679134

network and in electronic or computerized form (class 41). The trademark was published for opposition on 18 October 2011.

On 8 August 2011, the applicant filed an application for the trademark “Battlezen” – class 41: Entertainment services, namely, providing an on-line computer game; entertainment and education services, namely, providing online games in the nature of computer contests; entertainment services, namely, conducting alternate reality games via the Internet. The trademark was published for opposition on 29 November 2011.

The trademark the applicant seeks trademark protection for is very similar to the trademark registered by us. That endangers the distinctiveness of our trademarks. Likewise, the applicant seeks protection for classes and goods and services that are almost identical to those we have already registered. That leads to a similarity between our registered trademarks and the filed trademark too great to be acceptable.

In detail: Both aforementioned trademarks are titles of computer games. Both of these computer games are categorized as MMOGs (to be played online with at least thousands of other real players simultaneously). Both computer games are free-to-play while allowing players to purchase premium features / items. In conclusion, the products identified as “Battlemons” or “Battlezen” are almost identical.

Additionally, a registration of the trademark Battlezen will confuse customers and business partners whether the game Battlezen is a new creation of our company or whether the applicant and our company are affiliated in any way.

We therefore apply to refuse the registration of the trademark “Battlezen”.

Kind regards,



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(Stefan Gesthüsen)  
- Legal Counsel -

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