

ESTTA Tracking number: **ESTTA454281**

Filing date: **02/01/2012**

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	Playtech Limited
Granted to Date of previous extension	02/01/2012
Address	Trident Chambers, PO Box 146 Road Town, Tortola, VIRGIN ISLANDS, BRITISH

Name	Playtech Software Limited
Granted to Date of previous extension	02/01/2012
Address	Trident Chambers, PO Box 146 Road Town, Tortola, VIRGIN ISLANDS, BRITISH

Attorney information	HOWARD S MICHAEL BRINKS HOFER GILSON & LIONE PO BOX 10395 CHICAGO, IL 60610 UNITED STATES officeactions@brinkshofer.com, rrios@brinkshofer.com, hmichael@brinkshofer.com
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Applicant Information

Application No	85320355	Publication date	10/04/2011
Opposition Filing Date	02/01/2012	Opposition Period Ends	02/01/2012
Applicant	Playtika Ltd. 16 Gershon St. Tel Aviv, 37017 ISRAEL		

Goods/Services Affected by Opposition

<p>Class 009. All goods and services in the class are opposed, namely: Computer game software; video game programs; and computer software platforms for social networking; interactive video game programs; downloadable game programs and computer software platforms for social networking that may be accessed via the internet, computers and wireless devices; computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing media or information in the fields of virtual communities, gaming, entertainment, and general interest via the internet or other communications networks with third parties; downloadable game software for cellular</p>

telephones; downloadable game software for wireless devices; and downloadable game software for use with social networking applications and on social networking websites

Applicant Information

Application No	85320264	Publication date	10/04/2011
Opposition Filing Date	02/01/2012	Opposition Period Ends	
Applicant	Playtika Ltd. 16 Gershon St. Tel Aviv, 37017 ISRAEL		

Goods/Services Affected by Opposition

Class 041. First Use: 2010/12/16 First Use In Commerce: 2010/12/16

All goods and services in the class are opposed, namely: Entertainment services, namely, providing on-line computer games and game applications, enhancements within online computer games, and game applications within online computer games; providing online reviews of computer games, and providing of information relating to computer games; providing an internet website portal in the field of computer games and gaming; entertainment services, namely, providing virtual environments in which users can interact through social games for recreational, leisure or entertainment purposes

Grounds for Opposition

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

U.S. Registration No.	3625113	Application Date	11/07/2006
Registration Date	05/26/2009	Foreign Priority Date	NONE
Word Mark	PLAYTECH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: COMPUTER SOFTWARE PLATFORM FOR INCORPORATING SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; ELECTRONIC COMPONENTS FOR SLOT MACHINES; ELECTRONIC COMPONENTS FOR GAMBLING MACHINES;		

	<p>ELECTRONIC COMPONENTS FOR JUKE BOXES; ELECTRIC APPARATUS AND INSTRUMENTS, NAMELY, SLOT MACHINES, JUKEBOXES, AND CASINO MACHINES, NAMELY, GAMBLING MACHINES; AUTOMATIC VENDING MACHINES AND MECHANISMS FOR COIN-OPERATED APPARATUS IN THE GAMBLING FIELD</p> <p>Class 042. First use: COMPUTER SOFTWARE RESEARCH, DEVELOPMENT AND DESIGN IN CONNECTION WITH COMPUTER UNIFIED SOFTWARE PLATFORM INCORPORATING * A * SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE [,] * FOR * THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD</p>
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U.S. Registration No.	3625114	Application Date	11/07/2006
Registration Date	05/26/2009	Foreign Priority Date	NONE

Word Mark	PLAYTECH
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Description of Mark	The mark consists of a logo comprised of a BLUE TRIANGLE with two BLUE circles WITH WHITE SHADING and the stylized word "PLAYTECH" in BLUE.
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Goods/Services	<p>Class 009. First use: COMPUTER SOFTWARE PLATFORM FOR INCORPORATING SINGLE OR MULTIPLE APPLICATIONS FEATURING FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; ELECTRONIC COMPONENTS FOR SLOT MACHINES; ELECTRONIC COMPONENTS FOR GAMBLING MACHINES; ELECTRONIC COMPONENTS FOR JUKE BOXES; ELECTRIC APPARATUS AND INSTRUMENTS, NAMELY, SLOT MACHINES, JUKEBOXES, AND CASINO MACHINES, NAMELY, GAMBLING MACHINES; AUTOMATIC VENDING MACHINES AND MECHANISMS FOR COIN-OPERATED APPARATUS IN THE GAMBLING FIELD</p> <p>Class 042. First use: COMPUTER SOFTWARE RESEARCH, DEVELOPMENT AND DESIGN IN CONNECTION WITH COMPUTER UNIFIED SOFTWARE PLATFORM INCORPORATING A SINGLE OR MULTIPLE APPLICATIONS FEATURING</p>
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	FUNCTIONAL AND GRAPHICAL ELEMENTS IN THE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER SOFTWARE FOR THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; APPLICATION SERVICE PROVIDER FEATURING COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER SOFTWARE * FOR * THE PROVISION OF MANAGEMENT, USE AND ACCESS OF PARTICIPANTS TO ON-LINE MULTIMEDIA ACTIVITIES IN THE ON-LINE GAMBLING FIELD; PROVIDING TEMPORARY USE OF NON-DOWNLOADABLE COMPUTER APPLICATION SOFTWARE FOR MOBILE PHONES IN THE ON-LINE GAMBLING FIELD
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Attachments	77038136#TMSN.jpeg (1 page)(bytes) 77038137#TMSN.jpeg (1 page)(bytes) Notice of Opposition 2-1-12.pdf (6 pages)(103718 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	/HSM/
Name	HOWARD S MICHAEL
Date	02/01/2012

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

PLAYTECH LIMITED and PLAYTECH
SOFTWARE LIMITED,

Opposers,

v.

PLAYTIKA LTD.

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposers Playtech Limited and Playtech Software Limited (“Playtech” or “Opposers”), corporations duly organized and existing under the laws of the British Virgin Islands, with a principal place of business in the Isle of Man, believe that they will be damaged by registration of the marks that are the subject of United States Application Serial Nos. 85/320,355 and 85/320,264 (the “Opposed Marks”), in the name of Playtika Ltd., a limited company organized and existing under the laws of Israel (“Playtika” or “Applicant”), and therefore hereby oppose such applications pursuant to 15 U.S.C. § 1063. In support of the oppositions, Opposers state as follows:

1. Applicant Playtika Ltd. is the owner of intent-to-use U.S. Trademark Application Serial No. 85/320,355 for the mark PLAYTIKA filed on May 13, 2011 and covering the following identification of goods:

“Computer game software; video game programs; and computer software platforms for social networking; interactive video game programs; downloadable game programs and computer software platforms for social networking that may be accessed via the internet, computers and wireless devices; computer software to enable uploading, posting, showing, displaying, tagging, blogging, sharing or otherwise providing media or information in the fields of virtual communities, gaming, entertainment, and general interest via the internet or other communications networks with third parties; downloadable game software for cellular telephones;

downloadable game software for wireless devices; and downloadable game software for use with social networking applications and on social networking websites” in International Class 9.

2. Applicant Playtika Ltd. is the owner of U.S. Trademark Application Serial No. 85/320,264 for the mark PLAYTIKA, filed on May 13, 2011 and covering the following recitation of services:

“Entertainment services, namely, providing on-line computer games and game applications, enhancements within online computer games, and game applications within online computer games; providing online reviews of computer games, and providing of information relating to computer games; providing an internet website portal in the field of computer games and gaming; entertainment services, namely, providing virtual environments in which users can interact through social games for recreational, leisure or entertainment purposes” in International Class 41.

Applicant claims a first use date for the services listed in Application Serial No. 85/320,264 of December 16, 2010, and a first use date in commerce of December 16, 2010.

3. Playtech Ltd. is the largest publicly held trading online gambling company in the world.

4. Opposer Playtech Software Limited is the wholly-owned subsidiary of Playtech Limited.

5. Opposer Playtech Limited is the owner of all right, title and interest to U.S. Reg. No. 3,625,113 for the Mark PLAYTECH, registered on May 26, 2009, pursuant to Section 44(e) of the Lanham Act, 15 U.S.C. § 1126(e), and covering the following goods and services:

“Computer software platform for incorporating single or multiple applications featuring functional and graphical elements in the gambling field; computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; computer application software for mobile phones in the on-line gambling field; electronic components for slot machines; electronic components for gambling machines; electronic components for juke boxes; electric apparatus and instruments, namely, slot machines, jukeboxes, and casino

machines, namely, gambling machines; automatic vending machines and mechanisms for coin-operated apparatus in the gambling field” in International Class 9.

“Computer software research, development and design in connection with computer unified software platform incorporating * a * single or multiple applications featuring functional and graphical elements in the gambling field; application service provider featuring computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; application service provider featuring computer application software for mobile phones in the on-line gambling field; providing temporary use of non-downloadable computer software [,] * for * the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; providing temporary use of non-downloadable computer application software for mobile phones in the on-line gambling field” in International Class 42.

6. Opposer Playtech Limited is the owner of all right, title and interest to U.S.

Reg. No. 3,625,114 for the Mark PLAYTECH & Design, registered on May 26, 2009,

pursuant to Section 44(e) of the Lanham Act, 15 U.S.C. § 1126(e), and covering the

following goods and services::

“Computer software platform for incorporating single or multiple applications featuring functional and graphical elements in the gambling field; computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; computer application software for mobile phones in the on-line gambling field; electronic components for slot machines; electronic components for gambling machines; electronic components for juke boxes; electric apparatus and instruments, namely, slot machines, jukeboxes, and casino machines, namely, gambling machines; automatic vending machines and mechanisms for coin-operated apparatus in the gambling field” in International Class 9.

“Computer software research, development and design in connection with computer unified software platform incorporating a single or multiple applications featuring functional and graphical elements in the gambling field; application service provider featuring computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; application service provider featuring computer application software for mobile phones in the on-line gambling field; providing temporary use of non-downloadable computer software for the provision of management, use and access of participants to on-line multimedia activities in the on-line gambling field; providing temporary use of non-downloadable computer application software for mobile phones in the on-line gambling field” in International Class 42.

7. Opposers' rights in their PLAYTECH Mark are prior to Applicant's priority date in the United States for the Opposed Marks. The registration certificates for Opposers' Reg. Nos. 3,625,113 and 3,625,114 issued prior to the filing dates of Applicant's Serial Nos. 85/320,355 and 85/320,264, and prior to the claimed first use date of December 16, 2010, provided in Application Serial No. 85/320,264.

8. Notwithstanding Opposers' prior rights in and to the PLAYTECH Mark, Applicant filed, on May 13, 2011, applications to register the PLAYTIKA mark (Application Serial Nos. 85/320,355 and 85/320,264). Upon information and belief, Applicant was aware of Opposers' PLAYTECH Mark before Applicant filed Application Serial Nos. 85/320,355 and 85/320,264.

9. The PLAYTIKA mark is confusingly similar to Opposers' PLAYTECH Mark, and the registration and use of the Opposed Marks by Playtika Ltd. in association with the claimed goods and services is likely to cause confusion as to the source or origin of Playtika Ltd.'s goods and services, and is likely to mislead consumers, all to Playtech's damage. The PLAYTIKA Marks are strikingly similar to the PLAYTECH Mark in appearance, sound, meaning, and commercial impression.

10. The services covered by Opposers' registrations and those contained in the identification of goods and recitation of services in the applications of the Opposed Marks are closely related and are offered to the same or overlapping classes of purchasers.

11. The Opposed Marks, as used or to be used in connection with the claimed goods and services, is likely to cause confusion in the minds of the public, and is likely to deceive purchasers. The public, upon seeing the Opposed Marks in connection with Applicant's goods and services, would believe that such services originate with, are

sponsored by, or have some connection with Opposers. Accordingly, registration of the Opposed Marks would seriously damage Opposers, and registration therefore should be refused pursuant to Section 2(d) of the Trademark Act.

WHEREFORE, Opposers believe that they will be damaged by registration of the marks which are the subject of United States Trademark Application Serial Nos. 85/320,355 and 85/320,264, and therefore respectfully requests that such registrations be refused.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to Deposit Account No. 23-1925.

Respectfully submitted,

Date: February 1, 2012

By: /s/ Howard S. Michael
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Attorneys For Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Opposition was served on counsel for the Applicant by U.S. first class mail, postage prepaid, and email, addressed as follows:

Arik Sandler
Playtika LTD
16 Gershon ST
Tel Aviv, 37017
Israel

Dated: February 1, 2012

/s/ Howard S. Michael