

ESTTA Tracking number: **ESTTA481226**

Filing date: **07/02/2012**

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 party opposes registration of the indicated application.

**Opposer Information**

Name	Dow Jones, L.P.
Granted to Date of previous extension	07/04/2012
Address	84 Second Avenue Chicopee, MA 01020 UNITED STATES

Attorney information	Susan Progoff Dorsey & Whitney LLP 51 West 52nd Street New York, NY 10019-6119 UNITED STATES ny.trademark@dorsey.com Phone:212.415.9200
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**Applicant Information**

Application No	85405718	Publication date	03/06/2012
Opposition Filing Date	07/02/2012	Opposition Period Ends	07/04/2012
Applicant	Allen, Patricia PO Box 809 Highlands, NC 28741 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 016. All goods and services in the class are opposed, namely: Newsletters in the field of dogs
Class 045. All goods and services in the class are opposed, namely: On-line social networking services

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

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

U.S. Registration No.	408379	Application Date	02/11/1944
Registration Date	08/08/1944	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL.		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U038 (International Class 016). First use: First Use: 1889/07/08 First Use In Commerce: 1889/07/08 Daily Newspaper

U.S. Registration No.	1220347	Application Date	10/13/1981
Registration Date	12/14/1982	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL REPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1980/11/17 First Use In Commerce: 1980/11/17 Providing Radio News Programming Featuring Business Reports		

U.S. Registration No.	1368347	Application Date	04/03/1985
Registration Date	10/29/1985	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 1981/10/31 First Use In Commerce: 1981/10/31 PROVIDING ACCESS TO AN ELECTRONIC DATABASE WHICH CONTAINS CONTENTS OF A DAILY NEWSPAPER AND SUMMARIES THEREOF		

U.S. Registration No.	1498049	Application Date	11/16/1987
Registration Date	07/26/1988	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1982/10/01 First Use In Commerce: 1982/10/01 TELEVISION BROADCASTING SERVICES		

U.S. Registration No.	1960159	Application Date	03/16/1995
Registration Date	03/05/1996	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1889/07/08 First Use In Commerce: 1889/07/08		

	newspapers for general circulation		
U.S. Registration No.	2466488	Application Date	07/28/1999
Registration Date	07/03/2001	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL SUNDAY.		
Design Mark	<p style="text-align: center;"><b>THE WALL STREET JOURNAL SUNDAY.</b></p>		
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1999/09/12 First Use In Commerce: 1999/09/12 newspaper for general circulation		
U.S. Registration No.	3320625	Application Date	11/09/2005
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL OFFICE NETWORK		
Design Mark	<p style="text-align: center;"><b>THE WALL STREET JOURNAL OFFICE NETWORK</b></p>		
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 2006/06/26 First Use In Commerce: 2006/06/26 Video broadcasting; transmission of information through video communication systems; transmission of sound, video, and information; streaming of video material on the Internet; transmission of news via video streaming</p> <p>Class 041. First use: First Use: 2006/06/26 First Use In Commerce: 2006/06/26 Entertainment, namely, a continuing news, current events, and business broadcast over video media; entertainment services in the nature of ongoing programs in the fields of general news, current events and business provided via an on-line global computer system or the Internet; providing news in the nature of current event reporting on-line, over video media</p>		
U.S. Registration No.	4104191	Application Date	01/04/2011
Registration Date	02/28/2012	Foreign Priority Date	NONE
Word Mark	THE WALL STREET JOURNAL		

Design Mark	<p style="text-align: center;"><b>THE WALL STREET JOURNAL</b></p>
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2005/02/15 First Use In Commerce: 2005/02/15 Downloadable software in the nature of an application for obtaining news, information, commentary, and textual, audio, and visual content of the type found in general interest publications on mobile and stationary electronic devices

Attachments	75762699#TMSN.gif ( 1 page )( bytes ) 78750139#TMSN.jpeg ( 1 page )( bytes ) 85210240#TMSN.jpeg ( 1 page )( bytes ) Notice Opposition.pdf ( 5 pages )(492254 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	/Susan Progoff/
Name	Susan Progoff
Date	07/02/2012

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

Serial No. : 85/405,718  
Filed : August 24, 2011  
Published : March 6, 2012  
Applicant : Patricia Allen  
Mark : THE DOGS STREET JOURNAL  
Goods : Newsletters in the field of dogs, and on-line  
social networking services  
International Classes : 16 and 45

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DOW JONES, L.P., :  
Opposer, : Opposition No.  
v. :  
PATRICIA ALLEN, :  
Applicant. :

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NOTICE OF OPPOSITION

COUNT I

1. Opposer, Dow Jones, L.P. (“Dow Jones”), is a Delaware limited partnership having its principal place of business at 84 Second Avenue, Chicopee, Massachusetts 01020.

2. Upon information and belief, applicant, Patricia Allen, is an individual having an address at PO Box 809, Highlands, North Carolina 28741.

3. For over sixty years, opposer, through its affiliates and licensees, has used the trademark and service mark THE WALL STREET JOURNAL, alone and in combination with other words and designs, in connection with printed newspapers and magazines, including printed newspapers and magazines in the fields of general news, current events and business; television, video and radio broadcasting services, including television, video and radio broadcasting services in the fields of general news, current events and business; and news programs, including news programs featuring general news, current events and business. In addition, for many years opposer has used its mark THE WALL STREET JOURNAL for electronic newspapers and magazines; news delivered to mobile devices; e-mail news alerts; electronic publishing; providing news and financial, business and general interest information via the Internet and online; blogs; podcasts; streaming services in the fields of general news, current events, business and financial news and information and general information; and apps through which news, information and commentary on a wide range of topics, including general news, current events and business, can be accessed on mobile or stationary electronic devices.

4. Because of the widespread and extensive use of opposer's mark THE WALL STREET JOURNAL, the trademark and service mark THE WALL STREET JOURNAL has become well-known among the public as a means by which opposer's products and services are known and by which their source and origin are identified.

5. Opposer is the owner of the following registrations of THE WALL STREET JOURNAL in the United States Patent and Trademark Office:

<u>Mark</u>	<u>Registration No.</u>	<u>Issued</u>
THE WALL STREET JOURNAL.	408,379	August 8, 1944
THE WALL STREET JOURNAL REPORT	1,220,347	December 14, 1982

THE WALL STREET JOURNAL	1,368,347	October 29, 1985
THE WALL STREET JOURNAL	1,498,049	July 26, 1988
THE WALL STREET JOURNAL	1,960,159	March 5, 1996
THE WALL STREET JOURNAL SUNDAY.	2,466,488	July 3, 2001
THE WALL STREET JOURNAL OFFICE NETWORK	3,320,625	October 23, 2007
THE WALL STREET JOURNAL	4,104,191	February 28, 2012

These registrations are presently outstanding and validly subsisting, and Registration Nos. 408,379, 1,220,347, 1,368,347, 1,498,049, 1,960,159 and 2,466,488 have become incontestable.

6. Upon information and belief, applicant made no bona fide use in the ordinary course of trade of the designation THE DOGS STREET JOURNAL in connection with the goods and services covered by application Serial No. 85/405,718 prior to August 24, 2011, the filing date of that application.

7. The designation applicant seeks to register, namely, THE DOGS STREET JOURNAL, so resembles opposer's trademark and service mark THE WALL STREET JOURNAL as to be likely, when applied to applicant's goods and services, to cause confusion or mistake or to deceive persons by creating the erroneous impression that applicant's goods and services originate with or come from opposer or from the same source as opposer's goods and services, or that applicant or its goods or services are authorized by opposer or are endorsed by opposer or are sponsored by opposer or are connected in some way with opposer or its goods or services.

8. Applicant's adoption and use of the designation THE DOGS STREET JOURNAL is without opposer's license, authorization or permission.

9. The granting of a trademark registration of THE DOGS STREET JOURNAL to applicant would be contrary to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and would violate or diminish the prior and superior rights of opposer in its trademark and service mark THE WALL STREET JOURNAL.

10. Opposer will be damaged if application Serial No. 85/405,718 should be granted because applicant will obtain statutory rights in the designation THE DOGS STREET JOURNAL in violation and derogation of the established prior rights of opposer.

#### COUNT II

11. Opposer repeats and reavers Paragraphs 1-10 of the Notice of Opposition.

12. As a result of the long and extensive advertising, promotion and sale of THE WALL STREET JOURNAL products and services, the trademark and service mark THE WALL STREET JOURNAL became, prior to August 24, 2011, and now is, famous.

13. Applicant's use of the designation THE DOGS STREET JOURNAL is likely to dilute the distinctive quality of and tarnish opposer's famous trademark and service mark THE WALL STREET JOURNAL.

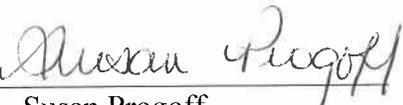
14. The granting of a trademark registration of THE DOGS STREET JOURNAL to applicant would be contrary to Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and would violate or diminish the prior rights of opposer in its famous trademark and service mark THE WALL STREET JOURNAL.

WHEREFORE, opposer prays that its opposition be sustained, that application Serial No. 85/405,718 be rejected, and that registration of THE DOGS STREET JOURNAL as a trademark and service mark of applicant be refused and denied.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: July 2, 2012

By   
Susan Progoff  
Jeffrey R. Cadwell

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