

ESTTA Tracking number: **ESTTA508742**

Filing date: **12/03/2012**

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	Hanna-Barbera Productions, Inc.
Granted to Date of previous extension	12/02/2012
Address	4000 Warner Boulevard Burbank, CA 91522 UNITED STATES
Attorney information	Michael A. Grow Arent Fox LLP 1717 K Street, NW Washington, DC 20036 UNITED STATES grow.michael@arentfox.com, henrye@arentfox.com, tmdocket@arentfox.com Phone:202 8576389

Applicant Information

Application No	85210267	Publication date	06/05/2012
Opposition Filing Date	12/03/2012	Opposition Period Ends	12/02/2012
Applicant	Quickdraw Holdings, L.P. c/o Loeb & Loeb LLP 10100 Santa Monica Boulevard Los Angeles, CA 90067 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Production and distribution of motion pictures

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
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. Registration No.	2071935	Application Date	08/12/1996
Registration Date	06/17/1997	Foreign Priority Date	NONE

Word Mark	QUICK DRAW MCGRAW
Design Mark	
Description of Mark	NONE
Goods/Services	Class 041. First use: First Use: 1959/00/00 First Use In Commerce: 1959/00/00 education and entertainment services, namely, an animated cartoon program series provided by means of television, cable, on-line computer and radio

Attachments	Quick Draw opp.pdf (5 pages)(183253 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	/Michael A. Grow/
Name	Michael A. Grow
Date	12/03/2012

4. The foregoing registration of Opposer's Mark was issued on on June 17, 1997.and it is now incontestable. Thus, the registration provides conclusive evidence of Opposer's ownership of the Mark and of its exclusive right to use the Mark in commerce.

5. Since long prior to any date of first use Applicant may allege, Opposer's Mark has been the subject of extensive publicity and advertising, and Opposer has used and licensed others to use said Mark in interstate commerce in connection with a variety of goods and services.

6. Because of the extensive advertising, publicity and use, Opposer's Mark has become strong and famous, and it is entitled to a broad scope of protection.

7. Opposer's Mark has been used since at least as early as 1959 and it was derived initially from a series of animated television programs, disseminated under the mark THE QUICK DRAW MCGRAW mark.

8. Since the first use of Opposer's Mark, the fame of the Mark has been considerably enhanced through use and advertising in connection with a wide variety of products and services.

9. Notwithstanding Opposer's prior established rights in its Mark, Applicant seeks to register the identical or nearly identical mark QUICK DRAW PRODUCTIONS for production and distribution of motion pictures.

10. Upon information and belief, Applicant made no use of its alleged mark in connection with the sale of any products or services prior to the filing of its application.

11. Upon information and belief, Applicant was aware of Opposer's Mark when Applicant applied to register an identical mark.

LIKELIHOOD OF CONFUSION - §2(d)

12. The mark that Applicant seeks to register is identical to or so resembles Opposer's Mark that the use and registration thereof is likely to cause confusion, mistake and deception as to the source or origin of Applicant's goods or services, and will injure and damage Opposer and the goodwill and reputation symbolized by Opposer's Mark.

13. The goods or services of Applicant are so closely related to the goods and services of Opposer that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's goods or services are those of Opposer, or that Applicant has been licensed to use its alleged mark by Opposer, or that Applicant is in some way connected with, sponsored by, or affiliated with Opposer.

14. Likelihood of confusion is enhanced in this case by the fame of Opposer's Mark and by the fact that consumers associate Opposer's Mark with goods and services sold, approved or endorsed by Opposer.

15. Likelihood of confusion may be presumed in this case in light of the fact that Applicant obviously adopted an imitation of Opposer's Mark with prior knowledge of Opposer's Mark and with an intent to cause confusion and to capitalize on the popularity of Opposer's Mark.

DECEPTION/FALSE SUGGESTION OF CONNECTION - §2(a)

16. Applicant's alleged mark so closely resembles Opposer's Mark that it is likely to cause deception in violation of Section 2(a) of the Trademark Act, in that the mark misdescribes the nature or origin of the goods and services, purchasers are likely to believe that the misdescription actually describes the nature or origin of the goods or services, and this is likely to materially alter purchasers' decisions to acquire Applicant's goods or services.

17. Applicant's alleged mark so closely resembles Opposer's Mark that it falsely suggests a connection with Opposer in violation of Section 2(a) of the Trademark Act, because Applicant' alleged mark points uniquely to Opposer, and purchasers will assume that goods and services sold under Applicant' alleged mark are connected with Opposer.

18. When Applicant's alleged mark is used on goods or services of the type described in its application, Applicant's alleged mark will cause purchasers to mistakenly assume that Opposer is endorsing, attempting to promote, or encouraging the sale of Applicant's goods or services by permitting the alleged mark to be used on such goods or services.

19. Applicant's alleged mark is deceptive in that it falsely suggests a connection with, or approval by, Opposer.

20. Use and registration of the mark QUICK DRAW PRODUCTIONS by Applicant will deprive Opposer of the ability to protect its reputation, persona and goodwill.

21. Likelihood of damage to Opposer's goodwill is enhanced by the fact that prospective customers who encounter defects in the quality of Applicant's goods or services will attribute those defects to Opposer and this will injure Opposer's reputation and goodwill.

22. By reason of the foregoing, Opposer will be damaged by the registration of Applicant' alleged mark and registration should be refused.

WHEREFORE, Opposer prays that this opposition be sustained and that registration be denied.

HANNA-BARBERA PRODUCTIONS, INC.

By /s/ Michael A. Grow

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing is being served on Applicant's attorney of record David W. Grace of Loeb & Loeb LLP, Suite 2200, 10100 Santa Monica Boulevard, Los Angeles, California 90067 by first class mail, postage prepaid, on December 3, 2012.

 /s/ Michael A. Grow