

ESTTA Tracking number: **ESTTA587097**

Filing date: **02/12/2014**

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	CSN-IP, LLC
Granted to Date of previous extension	02/12/2014
Address	8550 W. Charleston Blvd.Ste. 102-319 Las Vegas, NV 89117 UNITED STATES
Correspondence information	Robert Ryan Morishita Morishita Law Firm, LLC 8960 W. Tropicana Ave. Las Vegas, NV 89147 UNITED STATES firm@morishitalawfirm.net Phone:7022222113

Applicant Information

Application No	85689262	Publication date	10/15/2013
Opposition Filing Date	02/12/2014	Opposition Period Ends	02/12/2014
International Registration No.	NONE	International Registration Date	NONE
Applicant	Rovio Entertainment Ltd P.O. Box 65 02151 Espoo, FIX FIX		

Goods/Services Affected by Opposition

<p>Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Photographic apparatus and instruments, namely, cameras and flashes for cameras, cases for cameras and photographic equipment, namely, photographic apparatus; optical apparatus and instruments, namely, blank optical discs, optical discs featuring video game programs, and optical discs featuring animated cartoons optical lamps for safety purposes; signaling apparatus and instruments, namely, flashing safety lights, signal bells, signaling whistles; teaching apparatus and instruments, namely, audiovisual receivers; apparatus for recording, transmission or reproduction of sound or images; blank magnetic data carriers; prerecorded magnetic data carriers featuring music, motion picture films in the field of animated cartoons, drama and comedy, film for television featuring children's entertainment, and computer games; pre-recorded exercise DVDs; blank recording discs; pre-recorded audio discs music; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; video game programs for mobile phones, interactive video game programs for mobile phones, laptops, consoles, tablets; electronic game programs; downloadable electronic game programs; electronic game software; computer software to enable the transmission of</p>

photographs tomobile telephones; computer game programs; downloadable computer game programs;interactive game software; interactive game programs; computer operating programs, recorded; computer game programs downloadable via internet, electronic game software for mobile phones downloadable via internet; computer game software; computer application software for mobile phones, namely, software allowing users to watch pre-recorded films in the field of animated cartoons, drama and comedy, and animated cartoons; computers; printers for use with computers; computer gameprograms for handheld game devices; video game programs for handheld game devices; cinematographic apparatus; blank DVDdiscs; pre-recorded DVDs featuring music and motion picture films in the field of animated cartoons, drama and comedy; blank compact discs; blank CDROM discs; CD-ROM discs featuring music; mouse pads; sunglasses; spectacles; eyeglass chains; spectacle cases; contact lenses; containers for contact lenses; wireless phones; mobile telephones; batteries for mobile telephones; headsets for mobile telephones; mobile telephone cases for mobile telephones for mobile telephones; carriers specially adapted for holding or carrying mobile telephones; and carriers in the nature of carrying cases for personal computers; headphones; earphones; earphones and microphones/speaker phones for use with mobile telephones; mobile phone straps and cases; stands for portable telephone; antenna caps for portable phone; batteries; battery boxes; battery chargers; digital music downloadable from the internet; downloadable music files; abacuses; binoculars; calculators; cameras, cinematographic cameras, and partsand fittings therefor; lenses for cameras; motion picture films featuring animated cartoons; cassette players; electricdoor bells; electronic pocket translators; fire alarms; frames for photographictransparencies; heat regulating apparatus, namely, thermostats; juke boxes; optical lenses; letter scales; life belts; life jackets; life-saving rafts; electric locks; magnetic encoded cards, namely,magnetic coded gift cards; magnetic encoders; magnets; magnifying glasses; microphones; microscopes; neon signs; notebook computers; electronic pens; phonograph records featuring music; photocopiers;pocket calculators; projection apparatus, namely, movie projectors, multimedia projectors, picture projectors; radios; record players; remote control apparatusfor radios, televisions and stereos; scales; smoke detectors; electric sockets and plugs; sound reproduction apparatus;telephone apparatus; television receivers, transmitters, and wires; telescopes;temperature indicators; electric theft prevention installations, namely, burglar alarms, theft alarms; thermometers; thermostats; pre-recorded video cassettes featuring music, motion picture films inthe field of animated cartoons, drama and comedy and animated cartoons; video game cartridges; videotapes featuring music, motion picture films in the field ofanimated cartoons, drama and comedy andanimated cartoons; video screens; videorecorders; word processors; audio and visual apparatus, namely, karaoke playerswith sing along devices, in the nature of microphones and music headphones; pager cases or casings; call indicators, namely, mobile telephones and pagers for telephones, mobile telephones, and pagers; protection masks worn over eyes to shield of lights; electronic agendas; electric alarm bells; electronic door alarms;bar code readers; barometers; buzzers, namely, electric buzzers; computer central processing units; integrated circuits; chronographs for use as specialized time recording apparatus; computer keyboards; computer memories; computer peripheral devices; acoustic couplers; blank optical data carriers; blank optical discs;blank magnetic disks; divers' masks; diving suits; electronic notice boards; eyeglass cords; protective eyepieces; eyeshades; facsimile machines; photographic filters; blank floppy disks; head cleaning tapes for video recorder; hygrometers; computer interface boards; invoicing machines, namely, adding machines; lens hoods; magnetic tape units for computers;blank magnetic computer tapes; measuring spoons; metronomes; microprocessors; modems; money counting and sorting machines; computer monitors; computer mouse; optical fibers; optical glass; optical goods, namely, optical lenses; parking meters; protractors; radiotelegraphy sets; radiotelephony sets; scanners; semi-conductors; photographic slides; demagnetizing apparatus for magnetic tapes; telegraph wires; telegraphs; teleprinters; teleprompters; teletypewriters; telecommunication transmitters; vacuum gauges; videotelephones; signal alarms in the natureof burglar alarms, fire alarms and personal security alarms; ear plugs for divers; egg timers; goggles for sports; navigation apparatus for vehicles in the nature of on-board computers; downloadable electronic publications in the form of books and magazines in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, math, music, art and general trivia; personal stereos; satellites for scientific purposes; wrist rests for use with computers; electronic circuits and pre-recorded CD-ROMs which enablethe recording of electronic musical instruments; computer application software for controlling consumer's video game devices; memory cards for consumer videogame apparatus; bags specially adapted forlaptops and mobile phones

Class 028. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Apparatus for games adapted for use with television receivers
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Grounds for Opposition

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Lack of bona fide intent to use, defective application

Related Proceedings	91209327 91209333
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Attachments	14-01 notice of opposition.pdf(22989 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	/Robert Ryan Morishita/
Name	Robert Ryan Morishita
Date	02/12/2014

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

In the Matter of Trademark Application Serial No. 85/689,262
For the mark ANGRY
Published in the Official Gazette on October 15, 2013

CSN-IP, LLC,)	
)	
Opposer,)	Opposition No.
)	
v.)	<u>Notice of Opposition</u>
)	
Rovio Entertainment Ltd.,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

CSN-IP, LLC (“CSN-IP”), a limited liability company organized under the laws of the state of Nevada, believes that it will be damaged by registration of the mark shown in the above-identified application and hereby opposes the same.

As grounds for opposition, CSN-IP alleges the following:

1. On July 27, 2012, Rovio Entertainment Ltd. (“Rovio”) filed a federal trademark application for ANGRY in international class 009 for:

Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission

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or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; video games for mobile phones, laptops, consoles, tablets; electronic game programs; downloadable electronic game programs; electronic game software; computer game programs; downloadable computer game programs; interactive game software; interactive game programs; computer operating programs, recorded; computer programs; computer software (recorded); computers; printers for use with computers; programs for handheld game devices; apparatus for games adapted for use with television receivers; cinematographic apparatus; DVD discs; compact discs; CD-ROM discs; mouse pads; sunglasses; spectacles; eyeglass chains; spectacle cases; contact lenses; containers for contact lenses; wireless phones; mobile telephones and parts and fittings therefor; carriers and holders for mobile telephones and personal computers; headphones; earphones; earphones and microphones/speaker phones for use with mobile telephones; mobile phone straps, cases; stands for portable telephone; antenna caps for portable phone; batteries; battery boxes; battery chargers; digital music downloadable from the internet; downloadable music files; abacuses; audiovisual teaching apparatus; binoculars; calculators; cameras, cinematographic cameras, and parts and fittings therefor; lenses for cameras; capacity measures; motion picture films; animated cartoons; cassette players; electric door bells; electronic pocket translators; fire alarms; flashlights; frames for photographic transparencies; heat regulating apparatus; juke boxes; optical lenses; letter

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scales; life belts; life jackets; life-saving rafts; locks, electric; magnetic encoded cards; magnetic encoders; magnets; magnifying glasses; microphones; microscopes; neon signs; notebook computers; electronic pens; phonograph records; photocopiers; pocket calculators; projection apparatus; radios; record players; remote control apparatus; rulers (measuring instruments); scales; smart cards; smoke detectors; sockets, plugs and other contacts; telephones apparatus, receivers, transmitters, wires; telescopes; television apparatus; temperature indicators; theft prevention installations, electric; thermometers; thermostats; video cassettes, video game cartridges; videotapes; video screens; video recorders; word processors; audio and visual apparatus with sing along devices; pagers, and parts and fittings therefor; pager cases or casings; call indicators for telephones, mobile telephones and pagers; electronic agendas; electric alarm bells; alarms; bar code readers; barometers; buzzers; electric buzzers; central processing units (processors); chips (integrated circuits); chronographs (time recording apparatus); computer keyboards; computer memories; computer peripheral devices; acoustic couplers; couplers (data processing equipment); optical data media; optical discs; disks (magnetic); divers' apparatus; divers' masks; diving suits; electronic notice boards; electronic pens (visual display units); eyeglass cords; eyepieces; eyeshades; facsimile machines; filters (photography); floppy disks; head cleaning tapes (recording); hygrometers; integrated circuits; intercommunication apparatus; interfaces (for computers); invoicing machines; lens hoods; magnetic tape units (for computers); magnetic tapes; measuring spoons; metronomes; microprocessors; modems; money counting and sorting machines; monitors

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(computer hardware); monitors (computer programs); mouse (data processing equipment); optical fibers (light conducting filaments); optical glass; optical goods; parking meters; protractors (measuring instruments); radiotelegraphy sets; radiotelephony sets; scanners (data processing equipment); semi-conductors; slides (photography); sound recording strips; demagnetizing apparatus for magnetic tapes; telegraph wires; telegraphs (apparatus); teleprinters; teleprompters; teletypewriters; ticket dispensers; transmitters (telecommunication); transmitters (telecommunication); transmitting sets (telecommunication); vacuum gauges; video screens; video telephones; video recorders; whistle alarms; ear plugs for divers; egg timers; goggles for sports; protective helmets for sports; navigation apparatus for vehicles (on board computers); electronic publications (downloadable); personal stereos; satellites for scientific purposes; wrist rests for use with computers; electronic circuits and CD-Roms which enable the recording of automatic playing program for the use of electronic musical instruments; data storage media where programs for consumer's video game devices are saved; memory cards for consumer videogame apparatus; cases, containers, bags, coverings designed for protecting, maintaining and carrying phones and laptops.

2. The ANGRY application was filed by Rovio under section 1(b) of alleging a bona fide intent to use the mark.

3. Rovio has not, as of the filing of this Notice of Opposition, filed a Statement of Use or Amendment to Allege Use of the ANGRY mark.

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4. CSN-IP applied to register the mark ANGRY VOTERS in international classes 009 and 041 directed to “[d]ownloadable computer game programs; Interactive video game programs” and “[e]ntertainment services, namely, providing a website featuring games and puzzles; Entertainment services, namely, providing an on-line computer game,” respectively.

5. Rovio has opposed CSN-IP’s applications to register ANGRY VOTERS asserting, inter alia, the present application for ANGRY.

6. Should Rovio’s trademark application for ANGRY register, CSN-IP will be damaged to the extent that CSN-IP will be materially disadvantaged in the opposition proceedings initiated by Rovio against CSN-IP’s marks.

7. Additionally, should Rovio’s trademark application for ANGRY register, CSN-IP and the general public will be damaged to the extent that Rovio will have sole and exclusive right to use the word “angry” for the registered goods including, inter alia, “optical apparatus and instruments, namely, blank optical discs, optical discs featuring video game programs, and optical discs featuring animated cartoons optical lamps for safety purposes; ... prerecorded magnetic data carriers featuring music, motion picture films in the field of animated cartoons, drama and comedy, film for television featuring children’s entertainment, and computer games; pre-recorded exercise DVDs; blank recording discs; pre-recorded audio discs music; ... video game programs for mobile phones, interactive video game programs for mobile phones, laptops, consoles, tablets; electronic game programs; downloadable electronic game programs; electronic game software; computer software to enable the transmission of photographs to mobile telephones; computer game programs; downloadable computer game programs; interactive game

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software; interactive game programs; computer operating programs, recorded; computer game programs downloadable via internet, electronic game software for mobile phones downloadable via internet; computer game software; computer application software for mobile phones, namely, software allowing users to watch pre-recorded films in the field of animated cartoons, drama and comedy, and animated cartoons; computers; printers for use with computers; computer game programs for handheld game devices. video game programs for handheld game devices; cinematographic apparatus; blank DVD discs; pre-recorded DVDs featuring music and motion picture films in the field of animated cartoons, drama and comedy; blank compact discs; blank CDROM discs; CD-ROM discs featuring music; ... digital music downloadable from the internet; downloadable music files; ... pre-recorded video cassettes featuring music, motion picture films in the field of animated cartoons, drama and comedy and animated cartoons; video game cartridges; videotapes featuring music, motion picture films in the field of animated cartoons, drama and comedy and animated cartoons; video screens; video recorders; word processors; audio and visual apparatus, namely, karaoke players with sing along devices, in the nature of microphones and music headphones; ... call indicators, namely, mobile telephones and pagers for telephones, mobile telephones, and pagers; ... computer peripheral devices; ... blank optical data carriers; blank optical discs; blank magnetic disks; ... blank floppy disks; ... magnetic tape units for computers; blank magnetic computer tapes; ... downloadable electronic publications in the form of books and magazines in the field of computer literacy, spelling, reading, math, social studies, science, geography, language arts, foreign languages, writing, geology, phonics, math, music, art and general trivia; personal stereos; ... electronic circuits and

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pre-recorded CD-ROMs which enable the recording of electronic musical instruments; computer application software for controlling consumer's video game devices; [and] memory cards for consumer videogame apparatus; bags specially adapted for laptops and mobile phones.”

8. In this regard, Rovio has already asserted the present application in twenty-six TTAB proceedings in which the applicants have applied to register a mark including the word “angry” for their goods and/or services. A true and correct copy of TTABVUE search results in which the present application has been asserted is attached hereto as Exhibit A.

9. Among the applications opposed by Rovio are applications which include phrases which have an understood meaning, independent of Rovio's computer games, such as ANGRY GRRLFRIENDS, ANGRY VOTERS, and ANGRY BEAST.

10. Therefore, should Rovio's trademark application for ANGRY register, Opposer and the general public will be damaged to the extent that the word “angry” will become the sole property of Rovio for the goods listed in the present application, thereby depriving the common lexicon of the word “angry” for those goods and services.

11. In the oppositions filed by Rovio against CSN-IP's applications for ANGRY VOTERS, Rovio refused to produce specimens showing Rovio's use of ANGRY.

12. On information and belief, Rovio has not used ANGRY by itself for any good or service.

13. On information and belief, Rovio's basis for filing the present ANGRY trademark application is Rovio's use of the word “angry” in combination with the word “birds” in the unitary mark ANGRY BIRDS.

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14. Therefore, should Rovio's trademark application for ANGRY register, Opposer and the general public will be damaged to the extent that the word "angry" will become the sole property of Rovio *even though Rovio does not use the ANGRY mark.*

FIRST GROUND FOR OPPOSITION: NON-USE OF MARK

15. On information and belief, Rovio has not, at any time, used the ANGRY mark in interstate commerce as "use" is defined in 15 U.S.C. section 1127 as required for registration under 15 U.S.C. section 1051(a).

16. On information and belief, Rovio has not, at any time, had a bona fide intent to use the ANGRY mark in interstate commerce as "bona fide intent to use" is defined in 15 U.S.C. section 1101 as required for registration under 15 U.S.C. section 1051(b).

17. Rovio is not entitled to a trademark registration under 15 U.S.C. section 1051(a) because Rovio has not used the ANGRY mark in interstate commerce.

SECOND GROUND FOR OPPOSITION: DEFECTIVE DECLARATION IN APPLICATION

18. Rovio's ANGRY trademark application was filed under 15 U.S.C. section 1051(b) and alleged a bona fide intent to use the mark as defined in 15 U.S.C. section 1101.

19. On information and belief, Rovio's purpose in applying to register ANGRY is to monopolize the word "angry" for the goods and services listed in Rovio's application.

20. On information and belief, Rovio has no bona fide intent to use ANGRY except when accompanied by another word, such as "birds" to form a unitary mark ANGRY BIRDS.

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21. Rovio is not entitled to a trademark registration because Rovio executed and filed a defective declaration in the trademark application.

THIRD GROUND FOR OPPOSITION: FRAUD IN APPLICATION

22. Rovio's ANGRY trademark application was filed under 15 U.S.C. section 1051(b) asserting a bona fide intent to use the mark as defined in 15 U.S.C. section 1101.

23. On information and belief, Rovio knowingly executed and filed a defective declaration asserting a bona fide intent to use ANGRY despite Rovio's intention to only use the word "angry" in combination with the word "birds" in the unitary mark ANGRY BIRDS.

24. On information and belief, Rovio intended the Trademark Office to rely on the defective declaration or declarations in examining the application and registering the mark.

25. Rovio is not entitled to a trademark registration because Rovio has committed fraud in Rovio's trademark application.

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WHEREBY, CSN-IP, by and through its attorneys, respectfully requests that its
opposition be sustained and the registration sought by Rovio be denied.

Respectfully submitted,

MORISHITA LAW FIRM, LLC

Dated: February 12, 2014

By: /s/Robert Ryan Morishita
Robert Ryan Morishita
8960 W. Tropicana Ave., Ste. 300
Las Vegas, NV 89147
(702) 222-2113

I hereby certify that this correspondence is being transmitted electronically to the Trademark Trial and Appeal Board
via the ESTTA system on February 12, 2014.

/s/Robert Ryan Morishita
Robert Ryan Morishita

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on attorneys for Applicant on February 12, 2014 by First Class Mail, postage prepaid, as follows:

J. Michael Keyes
Whitney J. Baran
K&L Gates, LLP
618 W. Riverside Avenue, Suite 300
Spokane, WA 99201

/s/ Robert Ryan Morishita
Robert Ryan Morishita
Attorney for Applicant