

ESTTA Tracking number: **ESTTA683260**

Filing date: **07/14/2015**

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

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| Name | CBS Broadcasting Inc. |
| Granted to Date of previous extension | 07/15/2015 |
| Address | 51 West 52nd Street New York, NY 10019 UNITED STATES |

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| Attorney information | Diane Plaut CBS 51 West 52nd Street New York, NY 10019 UNITED STATES trademarks@cbs.com, lauren.marcello@cbs.com, diane.plaut@cbs.com, elena.vetere@cbs.com, neal.greenfield@cbs.com Phone:212-975-3061 |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 86427276 | Publication date | 03/17/2015 |
| Opposition Filing Date | 07/14/2015 | Opposition Period Ends | 07/15/2015 |
| Applicant | HGW Detroit 18633 Mack Avenue Detroit, MI 48236 UNITED STATES | | |

Goods/Services Affected by Opposition

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| Class 035. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Promoting economic development in the city of Detroit, Michigan; promotional sponsorships of entertainment events including but not limited to concerts, arts, music and athletic events |
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Grounds for Opposition

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| False suggestion of a connection | Trademark Act section 2(a) |
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Mark Cited by Opposer as Basis for Opposition

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|------------------------------------|------|------------------|------|
| U.S. Application/ Registration No. | NONE | Application Date | NONE |
| Registration Date | NONE | | |

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| Word Mark | DETROIT PROUD |
| Goods/Services | Broadcasting services rendered through the media of television, satellite, broadband systems, the Internet, and portable and wireless communication devices; Entertainment services, namely, providing a website featuring music, sports, news, current events, and entertainment via the Internet, portable and wireless communication devices. |

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| Attachments | Notice of Opposition against DETROIT PROUD application filed by HGW Detroit.pdf(90486 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.

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| Signature | /dp/ |
| Name | Diane Plaut |
| Date | 07/13/2015 |

1. Opposer is one of the largest major-market television station operators in the United States. CBS Broadcasting Inc., a division of CBS Corporation, operates 29 television stations, the majority of which are in the nation's top 50 markets.

2. Opposer by and through CBS stations, WWJ-TV and WKBD-TV, have been using the trademark DETROIT PROUD, since at least as early as May 13, 2013, on air and on the respective TV station websites in connection with broadcasting services and entertainment services namely, a website featuring music, sports, news and current events and entertainment, as well as advertising services in relation to these uses.

3. As such, Opposer has established extensive common law rights in the trademark DETROIT PROUD by virtue of the above-described use.

4. The Stations in issue are extremely successful in the United States. These Stations have very strong ratings, each attracting large levels of listeners both on-air and online. The use of the trademark DETROIT PROUD has been substantial on these stations over the past approximate two year period.

5. As evidenced by the foregoing, Opposer has devoted substantial resources to developing the recognition of the DETROIT PROUD Trademark and the goodwill associated therewith. The reputation and goodwill associated with the DETROIT PROUD Trademark is of inestimable value to Opposer.

6. The Opposer, therefore, clearly has senior rights over the Applicant with regard to the DETROIT PROUD trademark, As the Applicant filed the Application in issue on October 17, 2014, based on intent-to-use.

7. The Opposer sent Applicant a letter regarding this matter on May 19, 2015 and a follow-up email and the Applicant has not responded. Applicant has put forth nor is the Opposer aware of proof of use by the Applicant of this mark prior to its October 17, 2014 filing date.

7. Applicant's Challenged Mark is identical to Opposer's DETROIT PROUD Trademarks in sight, sound, connotation and commercial impression. The services associated with the

Challenged Mark are also nearly identical to the Opposer's DETROIT PROUD Services. Accordingly, consumers will mistakenly believe that the Challenged Mark either originates with, or is otherwise approved or licensed by the Opposer.

8. Applicant will improperly benefit if permitted to proceed to registration with the Challenged Mark.

9. Should the Challenged Mark be allowed to register, the Challenged Mark is likely to dilute and/or impair Opposer's rights in the DETROIT PROUD Trademark, lessen the capacity of Opposer to identify and distinguish the Opposer's services and will eventually result in a lack of designation or indication of origin of Opposer in such mark.

10. For the foregoing reasons, registration of the Challenged Mark would be inconsistent with Opposer's prior common law rights in the DETROIT PROUD Trademark.

11. Opposer will thus be seriously injured by the granting of a certificate of registration to Applicant for the mark DETROIT PROUD in Cass 35 because such registration would:

(a) would be likely to cause confusion, or to cause mistake, or to deceive in violation of Sections 2(d) and 13(a) of the Lanham Act, 15 U.S.C. §§ 1052(d), 1063(a);

(b) would falsely and erroneously suggest a connection with Opposer;

(c) give color of exclusive statutory rights to Applicant in violation and derogation of Opposer's prior common law rights; and

(d) would tend to damage and interfere with and dilute Opposer's valuable goodwill in its DETROIT PROUD Trademark.

WHEREFORE, Opposer believes that it will be seriously damaged by said registration and, therefore Opposer, by its undersigned attorneys, respectfully requests that its opposition be sustained and that the application for registration sought under Serial No. 86/427,276 be denied.

Please charge the filing fee to Opposer's listed Deposit Account No.

Dated: New York, New York

July 13, 2015

Respectfully submitted,

CBS BROADCASTING INC.,

By: _____

Diane Plaut

Counsel for Opposer