

ESTTA Tracking number: **ESTTA698239**

Filing date: **09/25/2015**

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

Name	Joy Hakim		
Entity	Individual	Citizenship	UNITED STATES
Address	1900 East Girard Place Englewood, CO 80110 UNITED STATES		

Attorney information	Patricia Frisch Frisch & Frisch 166 Ridgefield Rd Wilton, CT 06897 UNITED STATES patti@frisch.com Phone:2037610100		
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Applicant Information

Application No	86615067	Publication date	09/22/2015
Opposition Filing Date	09/25/2015	Opposition Period Ends	10/22/2015
Applicant	CBS Studios Inc. 4024 Radford Avenue Studio City, NY 91604 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Digital media, namely, pre-recorded digital video discs, digital versatile discs, DVDs, downloadable audio and video recordings, and high definition digital discs featuring comedy; Downloadable television programs featuring comedy provided via a video-on-demand service
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Grounds for Opposition

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

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	86767816	Application Date	
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			

Description of Mark	NONE
Goods/Services	

Attachments	Statement of Claim in Opposition to Trademark Application.9.25.2015.pdf(138588 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	/Patricia Frisch/
Name	Patricia Frisch
Date	09/25/2015

Statement of Claim in Support of Joy Hakim's Notice of Opposition to CBS Studios Inc.'s Trademark Application Serial # 86615067

1. Joy Hakim is the author of the eleven volume series of non-fiction books on the subject of the history of the United States entitled "A History of US" (the "Mark"). The series was published by Oxford University Press in 1993 and has been continuously in commerce, without interruption, since that time, in print (hardback, paperback, individual books and sets), digitized and audio formats, together with ancillary educational materials such as teacher guides and student work-books under the title. Substantial spin-off products identified by the Mark have also been in commerce continuously and without interruption for more than seven years, including a 16-episode television series based on the books that was first aired on Public Broadcasting Stations in 2003 and available since then at PBS.org for purchase, viewing and download in DVD, audio, and downloadable webisode format along with associated interactive on-line teacher guides, materials and workshops. The companion book, *Freedom: A History of US*, by Joy Hakim, is (and has been since 1993) marketed for sale in print, digitized, audio, audio-visual, DVD and downloadable formats to multiple markets. Ms. Hakim has further used the Mark in commerce as the title of a four volume abridged version of the original work, entitled *A History of US, Concise Edition*, by Joy Hakim, which has been and continues to be sold as a standalone product and in combination with an interactive on-line course in U.S. History developed around and directly associated with the work. Additional subsidiary and spin off products may be developed in the future.

2. Ms. Hakim's application for registration of the Mark is pending with the United States Patent and Trademark Office under serial # 86767816.

3. Ms. Hakim has established valuable proprietary rights to the series title *A History of US* through her continuous promotion, marketing and sale of her series and related products for more than twenty-two years.

4. The mark proposed by CBS Studio's Inc., THE HISTORY OF US, for use in connection with "Digital media, namely, pre-recorded digital video discs, digital versatile discs, DVDs, downloadable audio and video recordings, and high definition digital discs featuring comedy; Downloadable television programs featuring comedy provided via a video-on-demand service" will be harmful to Ms. Hakim's continued exploitation of the branding she has achieved through substantial investment and continued use in commerce over the past twenty-three years. The introduction and marketing of CBS Studios Inc.'s product to the television, DVD and media markets will cause confusion as to the source and meaning of mark, will blur the distinctiveness of the title of the Hakim print, electronic, television and downloadable interactive *A History of US* series, and will dilute and diminishes its strength and value for existing and future editions and products associated with Ms. Hakim's Mark and she opposes registration or use of the "THE HISTORY OF US" by CBS Studios, Inc..

Respectfully submitted,

/Patricia Frisch/

Frisch & Frisch

Attorney of record for Joy Hakim

Date: September 25, 2015