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01-06-2003

U.S. Patent & TMO/TM Mail RcptDt. #10

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

DETROIT ENTERTAINMENT, LLC,  
Opposer,  
v.  
MOTOR CITIES CASINOS, LLC,  
Applicant.

Opposition No. 9,115,1905

Serial No. 75/646,977

I, Crystal Matteson, do hereby certify that this document is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Trademarks, BOX TTAB, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on the date below.

*Crystal Matteson*

An Employee of Quirk & Tratos

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Assistant Commissioner of Trademarks  
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2900 Crystal Drive  
Arlington, VA 22202-3513

**STIPULATION TO FILE AMENDED NOTICE OF OPPOSITION AND TO EXTEND THE DISCOVERY DEADLINE TO FEBRUARY 20, 2003**

Opposer Detroit Entertainment, LLC and Applicant Motor Cities Casinos, LLC hereby stipulate to the following:

1. Pursuant to Fed. R. Civ. P. 15, the Opposer's Amended Notice of Opposition, attached as Exhibit 1, may be filed with the Board.

AP

2. Pursuant to Fed. R. Civ. P. 16(b)(6), the deadline to complete discovery, currently scheduled for January 6, 2003, may be extended for a period of 45 days through and including February 20, 2003.

*Amo January 3, 2003*  
DATED: ~~December~~ January 3, 2002

HARNES, DICKEY & PIERCE

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*January 6, 2003*  
Dated: ~~December~~ January 6, 2002

QUIRK & TRATOS

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

Detroit Entertainment, LLC	)	In the matter of Application of
	)	Motor Cities Casinos, LLC, for the
Opposer,	)	mark MOTOR CITIES CASINOS,
	)	Serial No. 75/646,977 in Class 25
vs.	)	Published in the Official Gazette
	)	on December 11, 2001
Motor Cities Casinos, LLC	)	
	)	
Applicant.	)	
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Assistant Commissioner for Trademarks  
BOX TTAB FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

AMENDED NOTICE OF OPPOSITION

Detroit Entertainment, LLC., a Limited Liability Company organized and existing under the laws of the State of Michigan, believes that it will be damaged by registration of the mark shown in Serial No. 75/646,977, and hereby opposes the same.

As grounds for opposition, Opposer alleges that:

1. Motor Cities Casinos, LLC (hereinafter "Applicant") seeks to register the mark "MOTOR CITIES CASINOS" (hereinafter "Trademark") for clothing, namely t-shirts, in international class 25, as evidenced by the publication of the Trademark in the Official Gazette on December 11, 2001.

2. Detroit Entertainment, LLC. (hereinafter "Opposer") is the owner of the MotorCity Casino, a resort hotel casino located in Detroit, Michigan.

3. Opposer owns the following federal service mark and trademark applications for the "MOTORCITY CASINO (AND DESIGN)" mark:

U.S. Ser. No. 75/717,477 for **MOTORCITY CASINO (AND DESIGN)** in Class 41, for casino and entertainment services, namely, live performances featuring live and prerecorded music, prerecorded video, singers, dancers, magicians, actors, acrobats, and comedians;

U.S. Ser. No. 75/717,478 for **MOTORCITY CASINO (AND DESIGN)** in Class 42, for restaurant, bar and lounge services, provided in the City of Detroit, Michigan;

U.S. Ser. No. 75/727,735 for **MOTORCITY CASINO (AND DESIGN)** in Class 21, for beverageware made of glass and plastic, mugs, glass steins, cups, plates, serving trays not of precious metal, cookie jars, bottles sold empty, insulated sleeve holders for beverage cans, vases, coasters not of paper and not being table linen, bottle openers, cork screws, non-metal decorative boxes, hair brushes, and non-metal piggy banks;

U.S. Ser. No. 75/727,747 for **MOTORCITY CASINO (AND DESIGN)** in Class 16, for pens, pencils, playing cards, stationery, note cards, note pads, note books, appointment books, postcards, children's activity books, coloring books, pen and pencils holders, rubber stamps;

U.S. Ser. No. 75/728,114 for **MOTORCITY CASINO (AND DESIGN)** in Class 25, wearing apparel, namely, polo shirts, t-shirts, tank tops, shirts, jackets, jogging suits, sweat shirts, sweat pants, jeans, pants, robe, sleepwear, rompers, scarves, socks, slippers, hats and caps;

U.S. Ser. No. 75/773,814 for **MOTORCITY MILLIONAIRES** in Class 41, for casino services, provided in the City of Detroit, Michigan

4. Upon information and belief, Applicant has not used the Trademark, and is not making use of the Trademark in commerce for any purpose, and in particular is not making use of the mark on the identified goods.

5. Upon information and belief, Applicant's use of the Trademark does not constitute trademark use. Rather, Applicant's use of the Trademark constitutes ornamental use.

6. If Applicant is permitted to register and use the mark "MOTOR CITIES CASINOS" for the goods specified in the application herein opposed, the Opposer would be damaged by being prohibited from registration of its mark(s) by the registration of Applicant's mark, which is not being used in commerce.

WHEREFORE, Opposer prays that application Serial No. 75/646,977 be rejected, and that the mark therein sought for the goods therein specified be denied and refused.

Three copies of this Notice of Opposition and the fee required by §2.6(a)(17) in the total amount of \$200, are enclosed herewith.

Respectfully submitted,

Date: \_\_\_\_\_

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