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PATENT & TRADEMARK OFFICE

11-25-2002
U.S. Patent & TMOfc/TM Mail Rcpt Dt. #30

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

WWF-WORLD WIDE FUND FOR NATURE (FORMERLY WORLD WILDLIFE FUND) Opposer, v. WORLD WRESTLING FEDERATION ENTERTAINMENT, INC. Applicant.	Opposition No. _____

NOTICE OF OPPOSITION

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

Opposer, WWF-World Wide Fund for Nature (Formerly World Wildlife Fund) believes that it will be damaged by the registration of the mark shown in Application Serial Number 78/066,692 in International Class 34 and hereby opposes the same:

12/11/2002 TSMITH 00000101 78066692
01 FC:6402 300.00 OP

As grounds for the opposition it is alleged that:

1. Applicant, World Wrestling Federation Entertainment, Inc., a Delaware corporation, with an address at 1241 East Main

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Street, Stamford, Connecticut 06902, seeks to register the mark **WWF (in Stylized letters)** as shown in Serial Number 78/066,692 for lighters not made of precious metal.

2. Opposer's mark **WWF** as shown in U.S. Trademark Registration Nos. 817,168 and 1,305,671, both of which are incontestable, is well known throughout the world. Copies of these registrations are attached hereto as *Exhibits A1 and A2*. Certified title and status copies of these registrations will be submitted during Opposer's testimony period.

3. Opposer's famous **WWF** mark has been licensed to a number of companies for use on a variety of products from toys to high technology equipment, thus increasing its notoriety. Sales of these products and services under the **WWF** mark serve to support Opposer's global conservation efforts. See *Exhibit B* attached hereto.

4. Opposer has been organized since 1961. By virtue of its efforts and the expenditure of considerable sums for advertising and promotion of its conservation efforts and through its licensing campaign, Opposer has gained an

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exceedingly valuable reputation and goodwill in its **WWF** mark. See *Exhibit C* attached hereto.

5. Opposer has used its **WWF** mark in commerce in the U.S. continuously and without interruption since at least as early as 1962.

6. Both Opposer and Applicant have been involved in litigation in the United Kingdom regarding use of the acronym **WWF** (in various forms including the form Applicant has employed for the application herein opposed). This litigation arises from a contract entered into between the parties dated January 29, 1994. (See *Exhibit D1* attached hereto) The U.K. Court of Appeal issued a decision adverse to Applicant on February 27, 2002. A copy of this decision is attached hereto as *Exhibit D2.* Applicant's Appeal was denied by the House of Lords in an Order dated June 10, 2002, a copy of which is attached hereto as *Exhibit D3.* In accordance with the decision of the U.K. Court, all use by Applicant of **WWF** marks was to cease by November 10, 2002.

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7. Applicant's mark **WWF** is so similar to Opposer's **WWF** marks as to be likely to cause confusion, mistake or deception as to the source of Applicant's lighters.

8. If Applicant is permitted to use and register the mark herein opposed for the lighters specified in that application, confusion will result, causing damage and injury to Opposer's extremely valuable reputation and goodwill.

9. Not only will registration of the mark at issue herein be a source of damage and injury to Opposer, it will also be in contravention of the UK Court's decision and the 1994 agreement between the parties herein.

WHEREFORE, Opposer prays that Application Serial Number 78/066,692 be rejected, and that registration for the mark shown therein for the products set forth therein be refused and denied.

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A duplicate copy of this Notice of Opposition is enclosed. Also, the fee of $300 required by Trademark Rule of Practice 2.6(a)(17) is enclosed.

Respectfully submitted,

Date: November 22, 2002

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PTO/SB 91 (10-96)
Approved for use through 10/31/99. OMB 0651-0031
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(Also PTO Form 3.79)

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DESCRIPTION OF ARTICLES OR SERVICE TO BE FURNISHED

If filing fee is found to be insufficient because of credit card balance, please use the Deposit Account.

Applicant: World Wrestling Federation Entertainment

Mark: WWF (in stylized letters)

Serial/Reg. No.: 78/066,692

If additional space is needed attach separate sheet.

Ronald L. Hemmi
(signature)

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