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

In the Matter of Application Serial No. 76/144,172  
Mark: WOW WOMEN OF WRESTLING and Design  
Opposer's Ref: ECN USA TC-01/03655



-----X	:
EMI Christian Music Group, Inc.	:
Opposer,	:
- against -	:
Women of Wrestling, Inc.	:
Applicant.	:
-----X	:

02-25-2004  
U.S. Patent & TMOfo/TM Mail RcptDt. #78

Opposition No.

**NOTICE OF OPPOSITION**

Opposer, EMI Christian Music Group, Inc., a California corporation located and doing business at 101 Winners Circle, Brentwood, TN 37024-5085, believes that it would be damaged by the issuance of a registration for the trademark WOW WOMEN OF WRESTLING and Design as applied for in Application Serial No. 76/144,172 ("Applicant's Mark"), and therefore opposes the same. As grounds for its opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Since at least as early as 1995, and prior to any date upon which Applicant can rely, Opposer has used the mark WOW on musical sound recordings in the United States, and is continuing to do so. Opposer has invested a substantial amount of time, effort and money in promoting the WOW mark. As a result, the mark has become distinctive of Opposer's goods and has come to represent enormous goodwill for Opposer.

2. Opposer owns U.S. Registration No. 2,153,633, issued April 28, 1998, for the mark WOW for a series of musical sound recordings in International Class 9. The registration shows a date of first use of October 1995, long prior to any date on which Applicant relies. Opposer's registration is valid, subsisting, and in full force and effect. As such, this registration serves as evidence of Opposer's exclusive rights to use the mark. A copy of the foregoing registration is attached as Exhibit A.

3. On October 10, 2000, Applicant Women of Wrestling, Inc., filed Application Serial No. 76/144,172 to register the mark WOW WOMEN OF WRESTLING and Design for "entertainment in the nature of professional wrestling matches and exhibitions and ongoing television programs in the field of professional wrestling; organizing and conducting professional wrestling matches and exhibitions; production of television programs and video recordings featuring professional wrestling matches, exhibitions and performances; television program syndication" in International Class 41, claiming dates of first use and first use in commerce of October 7, 2000. On information and belief, Applicant made no use of Applicant's Mark prior to its date of first use claimed in its application.

4. The mark that Applicant seeks to register is nearly identical in sound, meaning and commercial impression to Opposer's WOW mark, and will be used on services that are closely related to the goods on which Opposer uses its registered mark. Based on the similarities of the marks and the parties' entertainment goods and services, the public is likely to associate the services offered by Applicant under the mark WOW WOMEN OF WRESTLING and Design with Opposer or with Opposer's goods, or to believe that Applicant's services are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.

5. For the above reasons, any use of Applicant's Mark by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the services offered under Applicant's Mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

By reason of the foregoing, Opposer will be damaged by the registration of Applicant's Mark by Applicant.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Application Serial No. 76/144,172 be denied.

The Opposition fee in the amount of \$ 300.00 for one application covering one class is filed herewith. If for any reason this amount is insufficient, it is requested that Opposer's attorneys' Deposit Account No. 23-0825-0576900 be charged with any deficiency.

This paper is filed in duplicate.

Dated: New York, New York  
February 25, 2004

Respectfully submitted,  
FROSS ZELNICK LEHRMAN  
& ZISSU, P.C.

By: 

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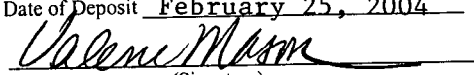
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Date of Deposit February 25, 2004

Valerie Mason  
(Printed name of person mailing paper or fee)

  
(Signature)

# **EXHIBIT A**

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

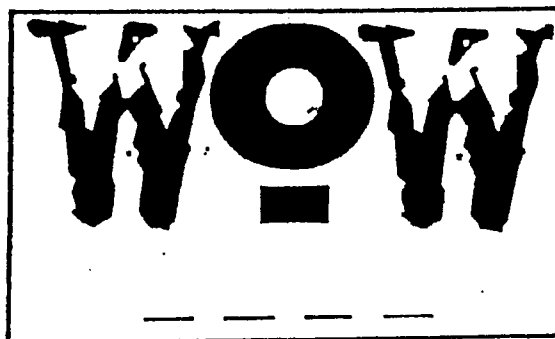
Corrected

Reg. No. 2,153,633

Registered Apr. 28, 1998

OG Date Feb. 23, 1999

**TRADEMARK  
PRINCIPAL REGISTER**



EMI CHRISTIAN MUSIC GROUP, INC.  
(CALIFORNIA CORPORATION)  
P.O. BOX 5085  
101 WINNERS CIRCLE  
BRENTWOOD, TN 370245085

FOR: SERIES OF MUSICAL SOUND  
RECORDINGS ISSUED ON AN  
ANNUAL BASIS, IN CLASS 9 (U.S. CLS.  
21, 23, 26, 36 AND 38).

FIRST USE 10-0-1995; IN COMMERCE  
10-0-1995.

THE TRADEMARK CONTAINS A  
PORTION WHICH CORRESPONDS TO  
YEAR DATES.

SER. NO. 75-258,795, FILED 3-17-1997.