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Attorney Docket 20363-032800US
TRADEMARK

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TOWNSEND and TOWNSEND and CREW LLP

By Eddie Shine
Eddie Shine

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

Application No. 78/263,437
Published: March 23, 2004
For: **GLOBAL CONQUEST**

In re Application No. 78/263,441
Published: March 23, 2004
For: **GLOBAL CONQUEST**

In re Application No. 78/263,449
Published: March 23, 2004
For: **GLOBAL CONQUEST**

QWEST COMMUNICATIONS
INTERNATIONAL INC.,

Opposer,

vs.

AT&T CORP.

Applicant.



07-23-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

Opposition No. _____

NOTICE OF OPPOSITION

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

07/27/2004 EPIM1 00000070 201430 78263441
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Dear Madam:

Qwest Communications International Inc. ("Opposer"), a Delaware corporation headquartered at 1801 California Street, Denver, Colorado, 80202, believes that it will be

damaged by registration of the mark **GLOBAL CONQUEST** as shown in U.S. Trademark Application Serial Nos. 78/263,437, 78/263,441, and 78/263,449 filed by AT&T Corp.

("Applicant") and published in the Official Gazette on March 23, 2004, and hereby opposes the registration of the same.

As grounds for opposition, Opposer alleges:

1. Since at least as early as 1981, Qwest and its predecessors-in-interest have been engaged in providing multimedia communication services related to the electronic transmission of voice, data, and messages and telecommunications services, including pre-paid telephone calling cards ("Qwest services").

2. Qwest is the owner of the distinctive **QWEST** trademark, U.S. Trademark Reg. No. 1,966,694, (the "694 Registration), which issued on April 98, 1996, in International Class 38 for "telecommunications services, namely the electronic transmission of voice, data and messages."

3. Opposer is also the owner of numerous registrations for the **QWEST** mark, including, but not limited to:

- U.S. Trademark Reg. No. 2,210,992 for **QWEST** for "telecommunication services, namely, long distance telephone services, and electronic transmission of voice, data and messages" in Class 38;
- U.S. Trademark Reg. No. 2,779,552 for **QWEST** for "telephone calling card services" in Class 36; and
- U.S. Trademark Reg. No. 2,794,685 for **QWEST** for a "housemark for a full line of printed telephone directories, newsletters relating to telecommunications issues and prepaid telephone cards not magnetically encoded" in Class 16.

Opposer also is the owner of numerous other **QWEST** derivative marks as part of its **QWEST** family of marks, all of which are incorporated herein by reference and which are collectively referred to as the "**QWEST** Marks."

4. As a result of its registrations and extensive use, Opposer's **QWEST** Marks are

famous marks well known to consumers.

5. By virtue of such use, Opposer has established valuable goodwill in the marks, and the public has come to associate the **QWEST** Marks with Opposer and to know **QWEST** as an indication of products and services that emanate from Opposer.

6. On June 17, 2003, Applicant filed three applications for the mark **GLOBAL CONQUEST**:

- U.S. Trademark Application Serial No. 78/263,437 for "prepaid calling cards, non-magnetically encoded"
- U.S. Trademark Application Serial No. 78/263,441 for "prepaid calling cards, magnetically encoded"
- U.S. Trademark Application Serial No. 78/263,449 for "prepaid calling card services"

(hereinafter referred to collectively as the "Applications").

7. The Applications were filed on an intent-to-use basis. Upon information and belief, Applicant has made no use of the **GLOBAL CONQUEST** mark.

8. Opposer began use of its **QWEST** Marks well prior to the Applications' filing date of June 17, 2003.

9. The goods and services identified in the Applications are identical or substantially similar to Opposer's goods and services sold under its **QWEST** Marks, and as such, will move through the same channels of trade, and will be marketed in the same fashion to the same general class of consumers as Opposer's.

10. Applicant's **GLOBAL CONQUEST** mark is confusingly similar to the **QWEST** Marks.

11. As a result of the public association of the **QWEST** Marks with Opposer, consumers are likely to consider Applicant's goods and services sold under the mark **GLOBAL CONQUEST** as emanating from Opposer, and to confuse these goods and services with those of Opposer.

12. Applicant's use and registration of the **GLOBAL CONQUEST** mark are likely to cause confusion, or to cause mistake, or to deceive, particularly as to the source or origin of Applicant's goods and services with which Applicant uses its mark, to induce consumers to believe that Applicant's goods and services originate from, are endorsed by, or are in some way affiliated or associated with Opposer.

13. Further, Applicant's use and registration of the **GLOBAL CONQUEST** mark are likely to dilute Opposer's famous **QWEST** Marks.

14. If the Applicant is permitted to register its mark, the registrations would presumptively entitle Applicant to *prima facie* exclusive ownership and rights to the mark **GLOBAL CONQUEST** and would, therefore, cause confusion among consumers of the relevant services as to the separate and distinct sources of Applicant's goods and services and Opposer's goods and services and the relationship of Opposer to Applicant, thereby damaging Opposer's goodwill in its **QWEST** Marks, diluting the value thereof and causing Opposer's business and reputation irreparable harm, all to the detriment of Opposer who has expended considerable sums and effort in promoting its **QWEST** Marks.

Wherefore, Opposer prays that this Opposition be sustained and that registration of U.S. Trademark Application Serial Nos. 78/263,437, 78/263,441, and 78/263,449 for **GLOBAL CONQUEST** be denied.

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Please charge any necessary fee regarding this Opposition to the Deposit Account of Townsend and Townsend and Crew LLP, 20-1430, and credit any overpayment to such deposit account.

Please direct all notices, pleadings and process regarding this matter to:

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Respectfully submitted,

TOWNSEND *and* TOWNSEND *and* CREW LLP

Dated: July 16, 2004

By Elizabeth R. Gosse
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QWEST COMMUNICATIONS
INTERNATIONAL INC.

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