

ESTTA Tracking number: **ESTTA68493**

Filing date: **02/28/2006**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Huhtamaki Finance B.V.
Granted to Date of previous extension	03/01/2006
Address	Jupiterstraat 102 2132 HE Hoofddorp, NETHERLANDS

Name	Hershey Chocolate & Confectionery Corporation
Granted to Date of previous extension	03/01/2006
Address	4860 Robb Street Suite 204 Wheat Ridge, CO 80033 UNITED STATES

Name	Farley's & Sathers Candy Company, Inc.
Granted to Date of previous extension	03/01/2006
Address	One Sather Plaza Round Lake, MN 56167 UNITED STATES

Attorney information	Alexander E. Barthet The Barthet Firm 200 S. Biscayne Blvd. Suite 1800 Miami, FL 33131 UNITED STATES mail@barthet.com Phone:305-347-5290
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Applicant Information

Application No	78531411	Publication date	11/01/2005
Opposition Filing Date	02/28/2006	Opposition Period Ends	03/01/2006
Applicant	CEC Entertainment Concepts, L.P. 4441 West Airport Freeway Irving, TX 75062 UNITED STATES		

Goods/Services Affected by Opposition

Class 030. Opposed goods and services in the class: candy
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Attachments	Notice of Opposition.pdf (5 pages)
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Signature	/alexander e barthet/
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Name	Alexander E. Barthet
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Date	02/28/2006
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

HUHTAMAKI FINANCE B.V., a body corporate)
under the laws of The Netherlands, HERSHEY)
CHOCOLATE & CONFECTIONERY)
CORPORATION, a Delaware corporation, and)
FARLEY'S & SATHERS CANDY COMPANY,)
INC., a Delaware corporation,)

Opposers,)

v.)

CEC Entertainment Concepts, L.P., a Texas limited)
partnership, composed of CEC Entertainment, Inc.,)
a Kansas corporation,)

Applicant.)

Opposition No.: _____

In the matter of Trademark
Application Serial No.: 78/531411

For the mark:
C CHUCK E. CHEESE'S

Published in the Official Gazette
(Trademarks) on November 1, 2005

NOTICE OF OPPOSITION

Opposers, Huhtamaki Finance B.V., is a body corporate under the laws of The Netherlands with its principal place of business at Jupiterstraat 102, 2132 HE Hoofddorp, The Netherlands, Hershey Chocolate & Confectionery Corporation, is a Delaware corporation with its principal place of business at 4860 Robb Street, Suite 204, Wheat Ridge, Colorado 80033, and Farley's & Sathers Candy Company, Inc., is a Delaware corporation with its principal place of business at One Sather Plaza, Round Lake, Minnesota 56167.

The above-identified Opposers believe that they will be damaged by registration of the mark shown in the above-identified application, and hereby oppose same.

The grounds for opposition are as follows:

1. Huhtamaki Finance B.V. (herein “Huhtamaki”) is a body corporate organized and existing under the laws of The Netherlands.

2. Hershey Chocolate & Confectionery Corporation (herein “Hershey”) is a corporation organized and existing under the laws of the State of Delaware.

3. Farley’s & Sathers Candy Company, Inc. (herein “Farley’s”) is a corporation organized and existing under the laws of the State of Delaware.

4. CEC Entertainment Concepts, L.P. is a Texas limited partnership, composed of CEC Entertainment, Inc., a Kansas corporation.

5. Huhtamaki is the owner of the CHUCKLES® trademark, Registration Number 0,515,075 in International Class 30 for candy.

6. Hershey is a well-known candy manufacturer and is Huhtamaki’s licensee in connection with the CHUCKLES® trademark.

7. Farley’s is a well-known candy manufacturer and is Hershey’s sublicensee in connection with the CHUCKLES® trademark.

8. Huhtamaki’s CHUCKLES® trademark registration is valid and subsisting, unrevoked and uncanceled, in full force and effect, and has become incontestable pursuant to 15 U.S.C. § 1065.

9. Huhtamaki’s predecessor first used the CHUCKLES® trademark in 1922.

10. Farley’s, in its capacity as Hershey’s sublicensee, continues to use CHUCKLES® as a trademark in commerce in connection with a line of candy products.

11. Huhtamaki’s CHUCKLES® trademark derives its protection and Huhtamaki, and

its predecessors, obtained rights to this mark from continuous, uninterrupted, and deliberate use in the United States.

12. On or about December 9, 1947, as a result of its prior continuous, uninterrupted, and deliberate use of the CHUCKLES® trademark and its rights therein, Huhtamaki's predecessor filed a trademark application for this mark in International Class 30 for candy, which was assigned Serial Number 71/543769.

13. Over the years, Huhtamaki, and its predecessors, either directly or through licensees and/or sublicensees, have exercised care, skill and diligence in providing candy products in connection with the CHUCKLES® trademark.

14. Huhtamaki, and its predecessors, either directly or through licensees and/or sublicensees, have marketed and otherwise promoted its candy products bearing the CHUCKLES® trademark.

15. As a result, Huhtamaki, Hershey and Farley's have developed substantial consumer recognition and exceedingly valuable goodwill in the CHUCKLES® trademark.

16. On or about December 13, 2004, CEC Entertainment Concepts, L.P. (herein "CEC") filed an intent-to-use application for CHUCK E. CHEESE'S (notably the mark is denominated in the TARR database as C CHUCK E. CHEESE'S) in International Classes 016 for paper goods and printed matter, 021 for housewares and glass, 025 for clothing, 028 for toys and 030 for pizza, sandwiches, combination meals consisting primarily of pizza and/or sandwiches with salad and/or soft drinks for consumption on the premises and candy.

17. Huhtamaki, Hershey and Farley's are only opposing the registration of the C

CHUCK E. CHEESE'S mark in International Class 30 for candy.

18. Huhtamaki, Hershey and Farley's do not oppose the registration of the C CHUCK E. CHEESE'S mark in International Classes 016 for paper goods and printed matter, 021 for housewares and glass, 025 for clothing, 028 for toys or 030 for pizza, sandwiches, combination meals consisting primarily of pizza and/or sandwiches with salad and/or soft drinks for consumption on the premises.

19. CEC's C CHUCK E. CHEESE'S mark consists of and comprises a mark that so clearly resembles Huhtamaki's CHUCKLES® trademark as to likely, when used on or in connection with candy to cause confusion, or to cause mistake, or to deceive.

20. Because of the similarity of the marks, the related nature of the candy goods and channels of trade of the respective parties, CEC's use of C CHUCK E. CHEESE'S on candy likely will result in consumer confusion as to source, affiliation, connection or association with Huhtamaki's CHUCKLES® trademark.

21. As such, CEC's application for C CHUCK E. CHEESE'S in International Class 30 for candy has or will conflict with the current and live registration of Huhtamaki's CHUCKLES® trademark.

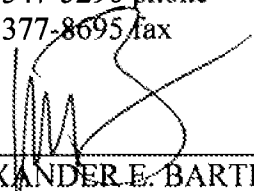
22. Therefore, CEC's mark is not entitled to registration in International Class 30 for candy pursuant to Section 2(d) of the U. S. Trademark Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposers, Huhtamaki Finance B.V., Hershey Chocolate & Confectionery Corporation, and Farley's & Sathers Candy Company, Inc., respectfully request that its Notice of Opposition be sustained and that the application for registration of C CHUCK

E. CHEESE'S sought by CEC Entertainment Concepts, L.P. in International Class 30 for candy
be denied.

Dated: February 28, 2006.

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