

ESTTA Tracking number: **ESTTA84407**

Filing date: **06/07/2006**

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 party opposes registration of the indicated application.

### Opposer Information

Name	WendyL.Reed
Granted to Date of previous extension	06/07/2006
Address	1430 Broadripple Avenue Indianapolis, IN 46220 UNITED STATES

Attorney information	Amy Wright Sommer Barnard One Indiana Square Suite 3500 Indianapolis, IN 46204 UNITED STATES awright@sommerbarnard.com
----------------------	---

### Applicant Information

Application No	78634920	Publication date	02/07/2006
Opposition Filing Date	06/07/2006	Opposition Period Ends	06/07/2006
Applicant	ML Bonnell Inc 2256 Garland Sylvan Lake, MI 48320 UNITED STATES		

### Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment services, namely, conducting children's birthday parties
---

Attachments	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.pdf ( 5 pages ) (25104 bytes )
-------------	--

Signature	/Amy Wright/
Name	Amy Wright
Date	06/07/2006

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

Wendy L. Reed	)	
	)	
Opposer	)	Opposition No. _____
	)	
v.	)	
	)	NOTICE OF OPPOSITION
ML Bonnell, Inc.	)	
	)	
Applicant	)	

Ms. Wendy L. Reed (hereinafter, “Ms. Reed” or “Opposer”), an individual with a place of business at 1430 Broadripple Avenue, Indianapolis, Indiana 46220, believes that she will be damaged by the issuance of a registration for the trademark SUGAR BUZZ applied for in Application Serial No. 78/634,920 which was filed on May 23, 2005 in connection with *entertainment services, namely conducting children’s birthday parties* in International Class 41. Ms. Reed therefore opposes same. As grounds for this opposition, Opposer, by her attorneys Sommer Barnard, P.C., states and alleges as follows:

1. The SUGAR BUZZ mark has been used in the United States by Opposer in connection with providing children’s parties and related goods and services for more than 5 years.
2. Opposer is the owner of Application Serial Number 78/637,318 for the mark SUGAR BUZZ in connection with *prerecorded audio and video tapes and/or digital featuring children's music and performances of interest to children; Newsletters for subjects of interest to children; "Party in the box"-- party hats, paper goods (napkins, plates, cups, tablecloths), party games, party streamers, party decorations (props, balloons, table decorations, balloon weights, stickers, thematic awards, trophies and*

*prizes, thematic trinkets and paperwork), party bags, party cards, party invitations, picture frames, disposable cameras, paper party ornaments and any party favors or promotional items imprinted with the trademark; Goodie "Bags" in the form of paper bags, boxes, trunks, cloth bags, buckets; Picture frames; Mascots, puppets and other characters; Adult and children's clothing and accessories, namely jewelry, handbags, backpacks, wigs, make-up cases, uniforms, sweatshirts, sweatpants, pants, socks, hats, shirts, jackets, T-shirts, aprons, costumes, shoes and shorts; Entertainment and amusement services, at various locations of the client's choosing, in the nature of theme parties, indoor games, imaginative play and crafts, music, dance, face painting, yoga, outdoor games; event planning, consultation and facilitation; Nurseries and day care centers; Café restaurants with Internet access; Retail establishment specializing in parties and goods of interest to children and parents, which was filed on May 25, 2005.*

3. Opposer extensively advertises her children's birthday party services and related goods in trade publications, newspapers and on her website.

4. By virtue of Opposer's extensive sales, advertising and promotion of her services and related goods under her mark, the SUGAR BUZZ mark has become instantly recognizable to the public as exclusively denoting Opposer and her goods and services. In addition, the SUGAR BUZZ mark has come to symbolize the high quality of Opposer's goods and services. As a direct result of Opposer's substantial efforts and investment in her SUGAR BUZZ brand, the goodwill inherent in the SUGAR BUZZ mark is an enormously valuable asset of Opposer.

5. On information and belief, Applicant, ML Bonnell, Inc, is a Michigan corporation with a principal place of business at 2256 Garland Sylvan Lake, Michigan 48320.

6. On May 23, 2005, Applicant filed intent-to-use Application Serial Number 78/634,920 to register the mark SUGAR BUZZ for *entertainment services, namely conducting children's birthday parties* in International Class 41, just two days before Opposer filed her nearly identical, intent to use based application.

7. Applicant's application filing date is long after Opposer's date of first use of its SUGAR BUZZ mark and just two days after Opposer filed its application Serial Number 78/637,318 in the U.S. Patent and Trademark Office. Indeed, it appears as if Applicant was simply attempting to beat Opposer to the USPTO by filing two days before Opposer did. Any claimed date of first use in commerce by Applicant therefore would be long after the SUGAR BUZZ mark had been put into use by Opposer.

8. Upon information and belief, Applicant may have had actual knowledge of Opposer's prior rights to and interest in the SUGAR BUZZ mark prior to seeking to register SUGAR BUZZ.

9. The registration of Applicant's mark is inconsistent with Opposer's prior rights in the SUGAR BUZZ mark as well as the prior rights established by Opposer and would destroy Opposer's investment and goodwill in its mark.

CLAIM FOR RELIEF UNDER SECTION 1052(f)

10. Opposer repeats and re-alleges each and every allegation contained in all previous paragraphs of this Notice, as if fully set forth herein.

11. The SUGAR BUZZ mark is inherently distinctive, has been used in commerce, has been widely advertised by Opposer for many years and is instantly recognized by consumers as a symbol of Opposer and her products and services.

12. Registration of the mark SUGAR BUZZ by Applicant is likely to and would dilute the distinctive quality of Opposer's SUGAR BUZZ mark by lessening the capacity of Opposer to identify and distinguish exclusive goods and services of Opposer.

13. Registration of the mark SUGAR BUZZ is likely to dilute the SUGAR BUZZ mark in violation of Section 2(f) of the Lanham Act, 15 U.S.C. § 1052(f).

14. By reason of the foregoing, Opposer is likely to be harmed by registration of Application Serial Number 78/634,920 for the mark SUGAR BUZZ.

CLAIM FOR RELIEF UNDER SECTION 1125

15. Opposer repeats and re-alleges each and every allegation contained in all previous paragraphs of this Notice, as if fully set forth herein.

16. Applicant's use or registration of the SUGAR BUZZ mark is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods, services, or commercial activities.

17. Therefore, Registration of the mark SUGAR BUZZ by Applicant would violate Section 1125 of the Lanham Act, 15 U.S.C. § 1125.

CLAIM FOR RELIEF UNDER SECTION 1052(d)

18. Opposer repeats and re-alleges each and every allegation contained in all previous paragraphs of this Notice, as if fully set forth herein.

