

ESTTA Tracking number: **ESTTA141403**

Filing date: **05/18/2007**

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	Waste Management, Inc.
Granted to Date of previous extension	05/19/2007
Address	1001 Fannin, Suite 4000 Houston, TX 77002 UNITED STATES
Correspondence information	Anthony F. Matheny Greenberg Traurig LLP 1000 Louisiana Street, Suite 1800 Houston, TX 77002 UNITED STATES laipmail@gtlaw.com, mathenya@gtlaw.com, toborb@gtlaw.com, Phone:713-374-3583

Applicant Information

Application No	78946489	Publication date	03/20/2007
Opposition Filing Date	05/18/2007	Opposition Period Ends	05/19/2007
Applicant	Life Balance Media LLC 10 East 40th Street, 26th floor New York, NY 10016 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. All goods and services in the class are opposed, namely: Entertainment and information services in the nature of a television series in the fields of the environment and healthy living provided in whole or in part via cable television, video-on-demand, podcasts, the internet and wireless telephone networks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2882547	Application Date	10/23/2002
Registration Date	09/07/2004	Foreign Priority Date	NONE

Word Mark	THINK GREEN
Design Mark	
Description of Mark	NONE
Goods/Services	Class 037. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Waste disposal for others, collection of trash, and collection of cans and bottles for recycling Class 039. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Garbage collection Class 040. First use: First Use: 2004/05/24 First Use In Commerce: 2004/05/24 Recycling and waste treatment services

Attachments	76461540#TMSN.gif (1 page)(bytes) Opposition.pdf (3 pages)(398523 bytes)
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Signature	/Anthony F. Matheny/
Name	Anthony F. Matheny
Date	05/18/2007

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

IN THE MATTER OF:

Application Serial No. 78/946,489
Mark: THINKGREEN
Applicant: Life Balance Media LLC
Published for Opposition on March 20, 2007

WASTE MANAGEMENT, INC.	§	
	§	
Opposer	§	Opposition No. _____
	§	
v.	§	
	§	
LIFE BALANCE MEDIA LLC	§	
	§	
Applicant.	§	

NOTICE OF OPPOSITION

Opposer, Waste Management Inc., a corporation organized under the laws of the State of Delaware, located and doing business at 1001 Fannin, Suite 4000, Houston, Texas 77002 ("WM") believes that it will be damaged by U.S. Trademark Application Serial No. 78/946,489 and hereby opposes the registration of same. The Commissioner is authorized to charge the filing fee of \$300.00 for this Notice of Opposition, or credit any overpayment, to Greenberg Traurig Deposit Account No. 50-2638.

Applicant, Life Balance Media LLC, a limited liability company organized under the laws of the State of Delaware, located and doing business at 10 East 40th Street, 26th Floor New York NEW YORK 10016 ("Applicant") is the owner of U.S. Trademark Application Serial No. 78/946,489, filed August 7, 2006 for the mark "THINKGREEN" (the "Application"). Applicant has filed the Application based upon its intent to use the

mark in commerce and seeks registration on the Principal Register in respect of “Entertainment and information services in the nature of a television series in the fields of the environment and healthy living provided in whole or in part via cable television, video-on-demand, podcasts, the internet and wireless telephone networks, in International Class 41.

As grounds for this Opposition, Opposer alleges as follows:

1. Opposer believes that it will be damaged by registration of the mark THINKGREEN identified in the Application.

2. Opposer is the owner of U.S. Trademark Registration No. 2,882,547 for the mark THINK GREEN in connection with “waste disposal for others, collection of trash, and collection of cans and bottles for recycling” in International Class 37; “garbage collection” in International Class 39; and “recycling and waste treatment services” in International Class 40. Opposer’s application for U.S. Trademark Registration No. 2,882,547 was filed on October 23, 2002.

3. Opposer has been using its mark THINK GREEN on the services listed in U.S. Trademark Registration No. 2,882,547 since at least as early as May 24, 2004.

4. Opposer has also been using its mark THINK GREEN on and in connection with educational television programs and promotional videos in which Opposer’s services are promoted and advertised.

5. In view of the similarity of the parties’ respective marks, services and goods identified by these marks, Applicant’s mark so resembles Opposer’s mark as to be likely to cause the public to be confused, mistaken, or deceived into believing that Applicant’s

goods originate from Opposer or are in some way related to, associated with, or sponsored by Opposer.

6. The likelihood of confusion as to the origin, affiliation, association, or sponsorship between Applicant's mark and Opposer's mark damages Opposer and dilutes the distinctive quality of Opposer's THINK GREEN mark.

PRAYER FOR RELIEF

WHEREFORE, Opposer Waste Management, Inc. prays that this Notice of Opposition be sustained in favor of Opposer and that Application Serial No. 78/946,489 be denied registration.

Respectfully submitted,

GREENBERG TRAURIG LLP

Dated: May 18, 2007

/Anthony F. Matheny/
Anthony F. Matheny
Ben D. Tobor
1000 Louisiana Street, Suite 1800
Houston, Texas 77002
Tel: 713-374-3583
Fax: 713-754-7583
E-mail: mathenya@gtlaw.com
Opposer's Ref: 069245.000157

Attorneys for Opposer
Waste Management, Inc.