

ESTTA Tracking number: **ESTTA190228**

Filing date: **02/01/2008**

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	Cleo Delaware, Inc.
Granted to Date of previous extension	02/03/2008
Address	1105 North Market Street Suite 1120 Wilmington, DE 19801 UNITED STATES

Attorney information	William J. Heller McCarter & English, LLP 100 Mulberry Street Four Gateway Center Newark, NJ 07102 UNITED STATES wheller@mccarter.com, dagosta@mccarter.com, khaley@brannlaw.com Phone:973-622-4444
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**Applicant Information**

Application No	78916785	Publication date	08/07/2007
Opposition Filing Date	02/01/2008	Opposition Period Ends	02/03/2008
Applicant	Paquet, Julie 17, rue de l'Annonciade Monte Carlo, 98000 MONACO		

**Goods/Services Affected by Opposition**

Class 016. All goods and services in the class are opposed, namely: Children's books, coil bound, soft and hard covered notebooks and envelopes, posters, postcards; school supplies, namely stationery, coil bound, soft and hard covered notebooks, coloring books, erasers, pencils, pens, binders, stickers; comic books
Class 028. All goods and services in the class are opposed, namely: Playing cards, board games, puzzles, dolls, modeled plastic figurines
Class 035. All goods and services in the class are opposed, namely: Licensing of identified cartoon characters of children's books

**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Dilution	Trademark Act section 43(c)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2590702	Application Date	08/24/2000
Registration Date	07/09/2002	Foreign Priority Date	NONE
Word Mark	CLEO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1961/00/00 First Use In Commerce: 1961/00/00 Gift wrapping paper, paper gift bags, tissue paper for package wrapping, cardboard display boxes for use as in-store display racks, cardboard shipping cartons for paper, and paper-related products, namely, gift wrapping paper, paper gift bags, tissue paper for package wrapping and valentine greeting cards		

U.S. Registration No.	1530833	Application Date	05/31/1988
Registration Date	03/21/1989	Foreign Priority Date	NONE
Word Mark	CLEO		
Design Mark			
Description of Mark	THE MARK CONSISTS OF THE WORD "CLEO" AND A TWO-DIMENSIONAL DESIGN OF A PYRAMID.		
Goods/Services	Class 016. First use: First Use: 1988/02/22 First Use In Commerce: 1988/02/22 CALENDARS, GREETING CARDS, JUVENILE VALENTINES, GIFT WRAP PAPER, TISSUE PAPER, SHOPPING BAGS, PAPER NAPKINS, AND PAPER TABLE-CLOTHS Class 021. First use: First Use: 1988/02/22 First Use In Commerce: 1988/02/22 [ PAPER PLATES AND PAPER CUPS ] Class 026. First use: First Use: 1988/02/22 First Use In Commerce: 1988/02/22 GIFT WRAP RIBBON AND BOWS Class 028. First use: First Use: 1988/02/22 First Use In Commerce: 1988/02/22 [ INFLATABLE PLASTIC BALLOONS OF DIFFERENT RECOGNIZABLE SHAPES IMPRINTED WITH GRAPHIC DESIGNS AND/OR GREETINGS ]		

Attachments	76116925#TMSN.gif ( 1 page )( bytes ) 73731618#TMSN.gif ( 1 page )( bytes ) CLEO CLICK CLICK NOTICE OF OPPOSITION.pdf ( 14 pages )(393102 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William J. Heller/
Name	William J. Heller

Date	02/01/2008
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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CLEO DELAWARE, INC.,

Opposer,

-vs-

JULIE PAQUET,

Applicant.  
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Mark: CLEO CLICK CLICK  
Serial No. 78/916,785

NOTICE OF OPPOSITION

In the matter of the application of JULIE PAQUET (hereinafter "Applicant"), for the registration of CLEO CLICK CLICK, Application No.78/916,785, published in the Official Gazette of August 7, 2007, CLEO DELAWARE, INC., a corporation of the State of Delaware with its principal place of business at 1105 North Market Street, Suite 1120, Wilmington, DE 19801 ("Opposer"), believes that it would be damaged by the registration of the mark shown in the application and hereby opposes same. The grounds for the opposition are:

1. Opposer is a corporation which has been engaged in the manufacture and distribution of gift wrapping and other paper products for sale in the United States for over forty-five years in connection with marks consisting of or including the term CLEO.

2. Opposer owns the following registrations for marks consisting of or including the term CLEO (collectively, the "CLEO Marks") as used in connection with gift wrapping paper and other paper products:

MARK	REG. NO.	REG. DATE	GOODS	CLASS
CLEO	2,590,702	July 9, 2002	Gift wrapping paper, paper gift bags, tissue paper for package wrapping, cardboard display boxes for use as in-store display racks, cardboard shipping cartons for paper, and paper-related products, namely, gift wrapping paper, paper gift bags, tissue paper for package wrapping and valentine greeting cards	16
CLEO & Design	1,530,833	March 21, 1989 (now incontestable)	Calendars, greeting cards, juvenile valentines, gift wrap paper, tissue paper, shopping bags, paper napkins, and paper table-cloths	16
			Gift wrap ribbon and bows	26

Annexed as Exhibit A are copies of TARR printouts of the CLEO Marks referenced above.

3. By reason of the extensive promotion, advertising, and provision of high-quality products manufactured and distributed by Opposer in conjunction with the CLEO Marks since at least as early as 1961, the public and the trade have come to recognize products offered in conjunction with these marks as signifying Opposer and its gift wrapping and other paper products.

4. Notwithstanding Opposer's long prior rights in the CLEO Marks, Applicant has filed an application, Serial No. 78/916,785 for registration of CLEO CLICK CLICK for the following goods and services:

Class 9: Digital disposable cameras, interactive video game programs, electronic game programs, pre-recorded videotapes and DVD recordings featuring children's education and children's entertainment; computer software for digital photo downloading, languages learning, social networking and photo sharing in the field of children's education and children's entertainment; musical sound and audio recordings

Class 16: Children's books, coil bound, soft and hard covered notebooks and envelopes, posters, postcards; school supplies, namely stationery, coil bound, soft and hard covered notebooks, coloring books, erasers, pencils, pens, binders, stickers; comic books

Class 25: Children's clothing, namely t-shirts, socks, pajamas, baseball caps, scarves, slippers

Class 28: Playing cards, board games, puzzles, dolls, modeled plastic figurines

Class 35: Licensing of identified cartoon characters of children's books

Class 41: Publication of children's books; Education services, namely, providing workshops in the field of geography, languages, and ethnic studies; Providing a website on a global network featuring online games, stories, videos, video clips, films and cartoons, theatre, and live shows in the field of children's education; Entertainment in the nature of an on-going television programs in the field of cartoons, documentaries, news and variety

5. There is no issue as to priority. Applicant filed its application for the CLEO CLICK CLICK mark under Section Section (b) for intent to use the mark in Classes 9, 16, 25, 28, 35 and 41. The filing date of the said application was June 26, 2006. This date is long after the dates when Opposer first used and registered its CLEO Marks.

6. The trademark proposed for registration by the Applicant, CLEO CLICK CLICK, is extremely similar to Opposer's CLEO Marks, and is applied to goods and services closely related to goods offered by Opposer. The Applicant's mark so closely resembles the Opposer's CLEO Marks as to be likely to be confused therewith and mistaken therefor. The CLEO CLICK CLICK mark is deceptively similar to Opposer's CLEO Marks so as to cause confusion and lead to deception as to the origin of Applicant's goods and services bearing the Applicant's mark.

7. If Applicant is permitted to use and register its CLEO CLICK CLICK mark for its goods and services, as specified in the Application herein opposed, confusion in the trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the CLEO CLICK CLICK mark and Opposer's CLEO Marks. Persons familiar with Opposer's CLEO Marks would be likely to buy Applicant's goods and services as and for a product made and sold by, or sponsored or approved by, Opposer.

8. In view of the strength of Opposer's CLEO Marks, the duration and extent of Opposer's use and advertising of its CLEO Marks, the widespread use of Opposer's CLEO Marks, and the degree of recognition of Opposer's marks, one or

more of the Opposer's CLEO Marks have become famous. Opposer's CLEO Marks were famous prior to the filing date of Applicant's CLEO CLICK CLICK mark.

9. Applicant's CLEO CLICK CLICK mark and application are likely to cause, and will cause, dilution of the distinctive value of Opposer's CLEO Marks under Section 43(c) of the Lanham Act of 1946, as amended, 15 U.S.C. 1125(c).

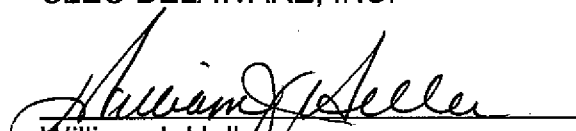
10. If Applicant were granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer, CLEO DELAWARE, INC., prays that this Opposition be sustained and that the application Serial No. 78/916,785, for the mark CLEO CLICK CLICK, for the goods and services therein specified in International Classes 9, 16, 25, 28, 35 and 41 be refused registration, and for such other relief as may be deemed just and proper.

Respectfully submitted,

CLEO DELAWARE, INC.

By:

  
William J. Heller  
McCarter & English, LLP  
Attorneys for Arrowhead Mills, Inc.  
Four Gateway Center  
100 Mulberry Street  
Newark, NJ 07102-4056  
(973) 622-4444

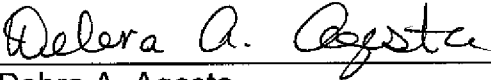
Dated: February 1, 2008



CERTIFICATE OF SERVICE UNDER 37 CFR§§ 2.111

I hereby certify that the foregoing Notice of Opposition to Application Serial No. 78/916,785 has been served via regular mail upon the Applicant's attorney of record at the correspondence address listed on the USPTO TARR record for Serial No. 78/916,785, on February 1, 2008, as follows:

KEVIN R. HALEY  
BRANN & ISAACSON  
184 MAIN ST  
LEWISTON, ME 04240-7070

  
Debra A. Agosta

Date: February 1, 2008.

# EXHIBIT A

**Thank you for your request. Here are the latest results from the TARR web server.**

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**Serial Number:** 76116925 Assignment Information      Trademark Document Retrieval

**Registration Number:** 2590702

**Mark (words only):** CLEO

**Standard Character claim:** No

**Current Status:** Registered.

**Date of Status:** 2002-07-09

**Filing Date:** 2000-08-24

**Transformed into a National Application:** No

**Registration Date:** 2002-07-09

**Register:** Principal

**Law Office Assigned:** LAW OFFICE 110

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov**

**Current Location:** 40S -Scanning On Demand

**Date In Location:** 2007-10-23

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. Cleo Delaware, Inc.

**Address:**

Cleo Delaware, Inc.  
1105 North Market Street, Suite 1120  
Wilmington, DE 19801  
United States

**Legal Entity Type:** Corporation

**State or Country of Incorporation:** Delaware

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**GOODS AND/OR SERVICES**

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**International Class:** 016

**Class Status:** Active

Gift wrapping paper, paper gift bags, tissue paper for package wrapping, cardboard display boxes for use as in-store display racks, cardboard shipping cartons for paper, and paper-related products, namely, gift wrapping paper, paper gift bags, tissue paper for package wrapping and valentine greeting cards

**Basis:** 1(a)

**First Use Date:** 1961-00-00

**First Use in Commerce Date:** 1961-00-00

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

764510

1530833

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.**

2007-10-23 - Case File In TICRS

2002-07-09 - Registered - Principal Register

2002-04-16 - Published for opposition

2002-03-27 - Notice of publication

2002-02-05 - Approved for Pub - Principal Register (Initial exam)

2001-12-10 - Communication received from applicant

2001-10-25 - Final refusal mailed

2001-08-27 - Communication received from applicant

2001-02-28 - Non-final action mailed

2001-02-07 - Assigned To Examiner

2001-02-05 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**

Stephen J. Meyers

**Correspondent**

STEPHEN J. MEYERS

DRINKER BIDDLE & REATH LLP

ONE LOGAN SQUARE

18TH AND CHERRY STREETS

PHILADELPHIA, PA 19103



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**For Serial Number: 76116925**

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Web interface last modified: April 20, 2007 v.2.0.1

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**Serial Number:** 73731618 Assignment Information      Trademark Document Retrieval

**Registration Number:** 1530833

**Mark**



**(words only):** CLEO

**Standard Character claim:** No

**Current Status:** A partial Section 8 affidavit has been accepted.

**Date of Status:** 1995-06-30

**Filing Date:** 1988-05-31

**Transformed into a National Application:** No

**Registration Date:** 1989-03-21

**Register:** Principal

**Law Office Assigned:** (NOT AVAILABLE)

**If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov)**

**Current Location:** 900 -File Repository (Franconia)

**Date In Location:** 1995-08-15

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**LAST APPLICANT(S)/OWNER(S) OF RECORD**

---

1. CLEO INC.

**Address:**

CLEO INC.  
4025 VISCOUNT  
MEMPHIS, TN 38118  
United States

**Legal Entity Type:** Unknown

State or Country Where Organized: (NOT AVAILABLE)

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**GOODS AND/OR SERVICES**

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**International Class:** 016

**Class Status:** Active

CALENDARS, GREETING CARDS, JUVENILE VALENTINES, GIFT WRAP PAPER, TISSUE PAPER, SHOPPING BAGS, PAPER NAPKINS, AND PAPER TABLE-CLOTHS

**Basis:** 1(a)

**First Use Date:** 1988-02-22

**First Use in Commerce Date:** 1988-02-22

**International Class:** 021

**Class Status:** Section 8 - Cancelled

**Basis:** 1(a)

**First Use Date:** 1988-02-22

**First Use in Commerce Date:** 1988-02-22

**International Class:** 026

**Class Status:** Active

GIFT WRAP RIBBON AND BOWS

**Basis:** 1(a)

**First Use Date:** 1988-02-22

**First Use in Commerce Date:** 1988-02-22

**International Class:** 028

**Class Status:** Section 8 - Cancelled

**Basis:** 1(a)

**First Use Date:** 1988-02-22

**First Use in Commerce Date:** 1988-02-22

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**ADDITIONAL INFORMATION**

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**Description of Mark:** THE MARK CONSISTS OF THE WORD "CLEO" AND A TWO-DIMENSIONAL DESIGN OF A PYRAMID.

**Lining and Stippling:** THE LINING SHOWN IN THE DRAWING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

**Design Search Code(s):**

26.19.05 - Prisms; Pyramids

26.19.25 - Geometric solids other than spheres, cylinders, cones, cube, prisms or pyramids

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**MADRID PROTOCOL INFORMATION**

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(NOT AVAILABLE)

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**PROSECUTION HISTORY**

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

1995-06-30 - Partial Section 8 (6-year) accepted & Section 15 acknowledged  
1994-10-25 - Section 8 (6-year) and Section 15 Filed  
1989-03-21 - Registered - Principal Register  
1988-12-27 - Published for opposition  
1988-11-30 - Notice of publication  
1988-11-26 - Notice of publication  
1988-09-22 - Approved for Pub - Principal Register (Initial exam)  
1988-09-12 - Communication received from applicant  
1988-08-31 - Non-final action mailed  
1988-07-29 - Assigned To Examiner

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Attorney of Record**  
DONALD F. FREI

**Correspondent**  
DONALD F. FREI  
WOOD, HERRON & EVANS  
2700 CAREW TOWER  
CINCINNATI, OH 45202

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**Trademark Assignment Abstract of Title****Total Assignments: 2**Serial #: [73731618](#)

Filing Dt: 05/31/1988

Reg #: [1530833](#)

Reg. Dt: 03/21/1989

Registrant: GIBSON GREETINGS, INC.

Mark: CLEO

**Assignment: 1**Reel/Frame: [0640/0716](#)

Received:

Recorded: 03/03/1989

Pages: 0

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL EFFECTIVE JAN. 1, 1989.

Assignor: [GIBSON GREETINGS, INC.](#)

Exec Dt: 02/17/1989

Entity Type: UNKNOWN

Citizenship: NONE

Entity Type: UNKNOWN

Citizenship: NONE

Assignee: [CLEO INC.](#)

4025 VISCOUNT

MEMPHIS, TENNESSEE 38118

Correspondent: TAFT, STETTINIUS &amp; HOLLISTER

1620 EYE STREET, N.W.

WASHINGTON, DC 20006

**Assignment: 2**Reel/Frame: [2066/0057](#)

Received: 05/01/2000

Recorded: 04/03/2000

Pages: 4

Conveyance: ASSIGNS THE ENTIRE INTEREST

Assignor: [CLEO, INC.](#)

Exec Dt: 03/27/2000

Entity Type: CORPORATION

Citizenship: TENNESSEE

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [CLEO DELAWARE, INC.](#)

1105 NORTH MARKET STREET, SUITE 1300

WILMINGTON, DELAWARE 19801

Correspondent: SEIDEL, GONDA, LAVORGNA &amp; MONACO, P.C.

STEPHEN J. MEYERS

TWO PENN CENTER PLAZA, SUITE 1800

PHILADELPHIA, PA 19102

Search Results as of: 01/31/2008 11:42 AM

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