

ESTTA Tracking number: **ESTTA436813**

Filing date: **10/19/2011**

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	World Wide Games Limited
Granted to Date of previous extension	10/19/2011
Address	138 Gloucester Road Room 105, Allied Kajima Building Wanchai, HONG KONG
Attorney information	Ju Chang Salmas Law Group 1880 Century Park East Suite 417 Los Angeles, CA 90067 UNITED STATES jchang@salmas-law.com

Applicant Information

Application No	85240234	Publication date	06/21/2011
Opposition Filing Date	10/19/2011	Opposition Period Ends	10/19/2011
Applicant	University Games Corporation 2030 Harrison Street San Francisco, CA 94110 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. First Use: 2010/11/12 First Use In Commerce: 2010/11/12 All goods and services in the class are opposed, namely: board games and card games

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2862585	Application Date	01/15/2003
Registration Date	07/13/2004	Foreign Priority Date	07/16/2002
Word Mark	SMART ASS THE BOARD GAME		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 028. First use: CARD GAMES; BOARD GAMES; TRIVIA BOARD GAME AND ACCESSORIES NAMELY, DICE, PLAYING PIECES AND PLAYING BOARD

Attachments	10 19 11 World Wide Games Notice of Opposition.pdf (4 pages)(1026715 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	/ju chang/
Name	Ju Chang
Date	10/19/2011

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

In re Application Serial No. 85/240,234

Filed: February 11, 2011

Trademark: DRUNK ASS

_____)	
WORLD WIDE GAMES LIMITED,)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
UNIVERSITY GAMES CORPORATION,)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

World Wide Games Limited, a Hong Kong Limited Company, having its principal place of business located at 138 Gloucester Road, Room 105, Allied Kajima Building, Wanchai, Hong Kong (the "Opposer") believes that it will be damaged by the issuance of a trademark registration, based upon Application Serial No. 85/240,234, for the trademark DRUNK ASS for board games and card games, and hereby opposes same.

As grounds therefore, it is alleged that:

1. Opposer is a Hong Kong limited company organized and existing under the laws of Hong Kong and doing business in the United States.
2. Applicant, University Games Corporation (the "Applicant") is a California corporation with a place of business located at 2030 Harrison Street, San Francisco, CA 94110.

3. On February 11, 2011, Applicant filed Application Serial No. 85/240,234 (the "Application") for the mark DRUNK ASS (the "Mark") in Class 028 for the goods, board games and card games.

4. Applicant's Mark was published for opposition in the Official Gazette on June 21, 2011.

5. Opposer is the owner of, and relies herein on, U.S. Reg. No. 2,862,585 for SMART ASS THE BOARD GAME, registered on July 13, 2004 for card games; board games; trivia board game and accessories namely, dice, playing pieces and playing board in Class 028.

6. Opposer's trademark is incontestable.

7. Commencing prior to Applicant's filing date and stated date of first use, Opposer was engaged in and continues to be engaged in the interstate distribution, promotion and sale of games under the SMART ASS THE BOARD GAME trademark.

8. Opposer's incontestable registration for SMART ASS THE BOARD GAME constitutes prima facie evidence of Opposer's exclusive right to use its registered trademark in commerce for the goods specified in the registration.

9. As a result of the marketing of Opposer's goods under Opposer's SMART ASS THE BOARD GAME mark, Opposer's goods have earned substantial consumer recognition.

10. Opposer's extensive promotion and advertisement of the goods sold in connection with SMART ASS THE BOARD GAME mark have caused Opposer's mark to become well known and recognized by the public and associated with Opposer well before the filing date of Applicant's Application and stated date of first use.

11. Applicant has been using the DRUNK ASS trademark with full knowledge of Opposer's use and registration of the SMART ASS THE BOARD GAME mark for identical services.

12. Applicant's sale of the DRUNK ASS game and Application to register DRUNK ASS is without Opposer's consent.

13. Upon information and belief, the parties' goods move through the same channels of trade.

14. Applicant's claimed mark, "DRUNK ASS," so resembles Opposer's registered mark, "SMART ASS THE BOARD GAME," in appearance, meaning, connotation and mental impression as to be likely, when applied to the goods set forth in Applicant's Application, to cause confusion, mistake, or deception, under Section 2(d) of the Trademark Act. *15 U.S.C. Section 1052(d)*. The marks are so similar when applied to identical goods that consumers are likely to be confused, mistaken or deceived as the origin of the goods and will believe that Applicant's DRUNK ASS goods emanate from, are licensed by, approved by or otherwise associated with Opposer.

15. Because Applicant's Mark is confusingly similar to Opposer's Mark, Opposer will be damaged by the registration of Applicant's Mark as set forth in U.S. Serial No. 85/240,234.

WHEREFORE, Opposer prays that its Opposition be sustained and that registration to Applicant be refused.


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Payment of the requisite filing fee is submitted herewith.

Dated: October 19, 2011

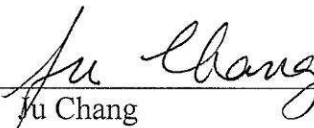
Respectfully submitted,

SALMAS LAW GROUP

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CERTIFICATE OF TRANSMITTAL

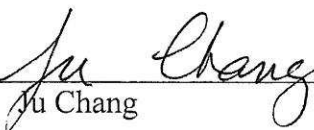
I hereby certify that this Notice of Opposition is being electronically transmitted in PDF format to the Trademark Trial And Appeal Board through the Electronic System for Trademark Trial And Appeals (ESTTA) on October 19, 2011.

By: 
Ju Chang

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Opposition, regarding U.S. Serial No. 85/240,234 (DRUNK ASS), is being served upon Applicant's counsel on October 19, 2011, by being deposited with the United States Postal Service as First-Class mail, postage prepaid, in an envelope addressed to:

John M. McCormack, Esq.
KOLISCH HARTWELL, PC
520 SW Yamhill Street
Suite 200
Portland, OR 97204

By: 
Ju Chang