

ESTTA Tracking number: **ESTTA448823**

Filing date: **12/29/2011**

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	Future Ads LLC
Granted to Date of previous extension	01/07/2012
Address	1920 MAIN ST STE 550 IRVINE, CA 92614 UNITED STATES

Attorney information	Christopher J. Palermo Hickman Palermo Truong & Becker LLP 1 Almaden Boulevard Floor Twelve San Jose, CA 95110 UNITED STATES trademarks@hptb-law.com Phone:(408) 414-1080
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Applicant Information

Application No	76133905	Publication date	11/08/2011
Opposition Filing Date	12/29/2011	Opposition Period Ends	01/07/2012
Applicant	ANDERSON, KENT G 925 N GRIFFIN BISMARCK, ND 58501 UNITED STATES		

Goods/Services Affected by Opposition

Class 009.

All goods and services in the class are opposed, namely: Blank magnetic data carriers, namely, recording disks; automatic vending machines and mechanisms for coin operated apparatus, cash registers, calculating machines, data processing equipment, data processors and computers; fire extinguishers; blank magnetic data carriers, cell phones, telephones, personal computers, computers, television and cable set-top boxes; VCRs, car stereos, camcorders, video cameras, TV cameras, electric cables, video converters, televisions, motion picture cameras; movie projectors, satellite systems comprised of antennas, radio stereo tuners and audio speakers, enclosure for speakers; slide projectors, radio receiving apparatus, microphone and electric switches, intercoms; wireless room monitors, sound receivers, amplifiers, turntables, walkie-talkies, CD players, compact discs players, digital video disc players, digital video recorders, video game consoles for connecting to a TV set or computer display, radios, phonographs, radios incorporating clocks and video cameras; prerecorded audio cassettes and pre recorded audio tape featuring music; prerecorded video tapes featuring science fictions films; blank compact disc, video game cartridges, video game machines for use with televisions; video game software; prerecorded audio and video tapes featuring music, musical artist, bands, vocalist, entertainers, live performances, science fiction and reality films; computer disc, cd-roms, video discs, laser discs, DVD discs, music video discs, and records featuring science fiction films and entertainment, music and motivational recordings; computer workstations

comprising computer hardware; notebook computers, laptops, desktop computers, modems, mouse; operating system software; server software for use in server based e-mail processing and for use in web server optimization and for use in creating information portals deployed on the Internet, network management software for use in server based e-mail processing, for use in web server optimization; computer utility programs; computer software development tools; computer software for use in security and authentication; computer programs for operating computer peripherals, hand held computers, personal digital assistants, radio pagers, game consoles, digital video disc (DVD) players, digital video recorders, and public communication kiosks; application and business software, namely, platforms for programming and application development software for developing multi language programs; software for validating programs; game software for use on computers and video game players; browser software for computer networks and global communication networks; computer programs for managing communication and data and information exchange over computer networks; software for use in web interactive educational software with entertainment components for facilitating the understanding and application of scientific or language arts information, problem solving skills, and/or identification and retention of informing and accompanying materials distributed as a unit; microcomputers, microprocessors, microchips, word processor and spreadsheet software; memory cards, interactive video game programs; interactive multimedia computer game programs, computer game software and hardware; components, namely, electronic computers, peripheral adapters, electrical connectors; cd-rom featuring music videos, science fiction and reality games; interactive computer game software; interactive video games of virtual reality comprised of computer hardware and software, children's educational software and videotapes, communication servers, computer and video game apparatus adapted for use with television receivers and accompanying manuals; printers, laser printers, lasers not for medical use, holders for compact disks, integrated circuit chips for use as component for the game software, integrated circuits, jackets for computer disks; and hand held personal computers, joysticks for video games, electronic personal organizers and industrial process control software, facility management software, facsimile machines, computer screen saver software, computer search engine software, computer screen filters, computer commerce software to allow use to perform electric business transactions via a global computer network, computer fax modem cards, computer game equipment containing memory device, namely, discs. computer interface boards, computer game graphics and interface boards, computer network hubs, CD drives for computers, digital video drives, digital cameras, digital radios, computer operating system back up systems for computers, video game machine for use with televisions, dry cell batteries, sunglasses, carrying cases for portable electronic devices, headphone, audio cassette players and recorder; CD players, and DVD players, magnets sub woofers, remote controls for radios, stereos and television sets, blank video tapes, photographic slide transparency, covers for telephones not made of paper, magnetic encoded telephone calling cards and transportation cards, electronic telephone answering machines, telephone amplifiers, and radios; blank audio and video recording tapes, keyboards, electronic keyboards, video displays in the nature of CRT for use in the connection with computer displays to computer, data cassette recorders, resistance wires, compasses, telescope, eye glasses, microscopes, magnifying lens photocopy machines, battery testers, DC power supplies, and electrical components, namely, connectors, wires, router clips, switches transistors, resistors, amplifiers for each regulator circuits and system processor, electric switch signal amplifier, auto built noise filter, car odometers, tire balancing machines, tire pressure gauges, speedometers for vehicles, and cruise control units for vehicles, automobiles, aircraft, land craft, water craft, and spacecraft; telephone equipment, namely, telephone plugs, telephone jacks, telephone wires, mobile data receivers, digital phones and cords; warning devices, namely, motion detectors, theft alarms, smoke alarms, fire alarms and fire trucks; camcorder tripods, cable TV converter, electric door chimes, thermostats, AC power cords, audio connectors, audio connection adapters, power transformers, AC DC voltage adapters, DC power transmitters, transducers, transistors, transceivers; sports goggles, sport whistles, sports helmets; swimming goggles, scales for laboratory use, semiconductor devices and chips, signal processors, silicon chips, sirens, slide projectors, slot machines, sonar specialty holders for carrying cellular phones, pagers, personal digital assistants and receivers; chargeable electric batteries, regulator for use in scuba diving, remote cursor controls for computers, rifle scopes, satellite processors, satellite navigational system, namely, a global positioning system, computer network interface devices, printed circuit boards, electric cables, programmable digital television recorders, projections screens, public address systems, radio frequency controlled locks, radon detectors, reading glasses; portable listening devices, namely, CD and MP3 players, electric cords and blank videotapes; pressure gauges, preamplifiers; optical character recognition apparatus magnetically encoded credit circuit cards, parking meters, periscopes, microwave ovens for laboratory use; electric door openers, electronic

game programs, gaming machines, electronic safes, emergency warning lights, garment steamers, timers, electric door bells, electric light switches, carbon dioxide detectors, cash registers, compasses, blank electronic chips, underwater breathing apparatus, bicycle helmets, beepers in the nature of pagers, football helmets; electric hair curlers, irons, hot brushes, combs; electric signs; guitar amplifiers, CD players and compact disc players; audio cassette decks for simulators; vehicle locating, tracking and security system comprised of an antenna and radio transmitter to be placed in a vehicle; motion picture films in the films of documentaries and education; wireless remote control units, used for radios, televisions, stereos, video games, DVD players multi-media software recorded on CD ROM used for education and music; educational software featuring instruction in math, reading, language arts, science, social studies; encoded smart cards and encoded electronic chip cards containing programming using layout data on magnetic strip cards, for creating custom cards and for use as encoded credit cards, encoded debit cards, and pre-paid encoded telephone cards; wireless remote control units for use with climate control, systems consisting of digital thermostats, remote cursor control for computers; electronic publications, namely, books, magazines, manuals all in the field of medicine, technology, and education recorded on computer media; security systems comprising of facilities management software, computers, timers, security monitors; optic vehicle locking systems comprising of laser detector, namely, modulated laser lights from keys, optic detector, optical transmitter, optical receiver, cables for optical signal transmission, vehicle cylinders, electronic warning horn and electronic locks; programmable locking system consisting of electronic cylindrical lock sets and keypads using radio frequency device, remote door lock/unlock, backup battery; band equipment, namely, guitar amplifiers, instrument amplifiers and sound mixers

Class 016.

All goods and services in the class are opposed, namely: Paper, cardboard and goods made from these materials, namely, boxes, stationery, newsprint, tablets, notebooks, card stock; bookbinding material, namely, book binding covers, paper, tape and wire; mounted photographs; stationery; adhesives for stationery or household purposes, artists' materials, namely, paint brushes; office requisites except furniture, namely, typewriters; printers' type and printing blocks; printed matter, namely, newspapers and novels, children books, story books, posters, stamps, poster books and comic books; books concerning sports, financial, transportation, education entertainment, retail, hospitality, health care, syndicated columns dealing with editorial advice, life sports and special interest topics; stickers, postage stamps, gift cards, greeting cards, trading cards, paper goods and printed matter, namely, address books, books containing screen plays, scrapbooks, diaries, invitations, personal organizers, activity books, greeting cards, books for role-playing art books, coffee table books, travel book, religious books, romance novels, printed menus, printed paper signs, recipe books, printed art reproductions, lithographic prints, printed awards, printed certificates, printed emblems, printed forms, pictorial prints, picture books, picture postcards; newspaper cartoons, hotel directories, encyclopedias, general feature magazines, sketches, portraits, photo engravings, graphic art reproductions, graphic novels, hectographs, motivational cards, musical greeting cards, illustrations, etchings and autographs of famous people, coloring books, computer game manuals, cook books, architectural plans and specifications; baby books, crossword puzzles, Christmas cards, phone books, city directories; books in a variety of products, namely, entertainment, finance, education, hobbies, aircraft, computer programs, and blue prints; bumper stickers, anniversary books, announcement cards, book plates, book marks, checkbook holders and covers, non electric personal planners and organizers, stationery, paper dolls books, paper gift tags, cardboard figures, temporary tattoos; school office supplies, namely, erasers, pencils, pens, markers, pencil cases, pencil sharpeners, pocket pen shields, fountain pens, pocket secretaries, portable desks, paperboard, paperweights, pen and pencil trays, pen cases, pen and pencil holders, ball point pens, felt tip pens, rubber bands, rubber stamps, notepads, paper clip holders, paper clips, paper cutters, paper containers, paper envelopes, paper fasteners, notepads, label printing machines, leather book cover, letter openers, office supplies and products, namely, dividers for files, mechanical binders, holders for desk accessories, folders, office lettering machines

Class 028.

All goods and services in the class are opposed, namely: Games and playthings, namely, toy dolls, toy action figures, stuffed toys, plush toys, bendable toys, mechanical toys, inflatable toys, electronic action toys, board games, card games, hand held units for playing electronic games, arcade games, infant toys, sand toys, ride-on toys, radio controlled toys vehicles, sketching toys, stuffed toy animals, toy cooking ware, doll clothing, pop-up toys, soft sculpture toys, water toys, construction toys, wind up toys, action skilled games, toy pails, balloons, toy candy dispensers and holders, toy vehicles, stand alone video game machine; high bounce balls, Christmas tree decorations; costume masks,

paper face masks, toy pedal cars, play sets for action figures, play sets for toy vehicles, skateboards, dimensional puzzles, playing cards; Gymnastic and sporting articles, namely, golf clubs, baseball bats, soccer balls, soccer nets, hockey sticks, hockey pucks, footballs, tennis nets, tennis rackets, tennis balls, golf balls, soccer balls, basketballs, basketball nets, kick balls, badminton nets, badminton rackets, jump ropes

Grounds for Opposition

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Abandonment

Related Proceedings	91195950
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Attachments	0022-76133905-Notice-Opp.pdf (28 pages)(94918 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	/ChristopherJPalermo#42056/
Name	Christopher J. Palermo
Date	12/29/2011

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

FUTURE ADS LLC)	
)	
Opposer,)	
)	
v.)	Opposition No.:
)	
Kent G. Anderson)	Serial No. 76/133905
)	
Applicant)	
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NOTICE OF OPPOSITION

Future Ads LLC believes that it will be damaged by registration of the mark shown in application Serial No. 76/133905 and hereby opposes registration of that mark and application. Serial No. 76/133905 is an application of Kent G. Anderson filed September 22, 2000 and published for opposition in the Official Gazette on November 8, 2011. Opposer obtained lawful and timely time extension requests through and including January 7, 2012.

The grounds for opposition are as follows:

1. Future Ads LLC is legally organized as a California limited liability company and has a place of business at 1920 Main Street Suite 550, Irvine, California 92614 (“Opposer”).
2. Upon information and belief, Kent G. Anderson is an individual having a residence address of 925 N. Griffin, Bismarck, North Dakota 58501 (“Applicant”).
3. Opposer is the owner of US Trademark Registration No. 3560478 for the mark FUTURE ADS for entertainment services, namely, providing online computer games and tournaments; providing computer games accessible network-wide by network users; organizing, conducting and administering online computer games and tournaments whereby multiple parties play and compete against each other for monetary and other prizes for the purpose of promoting the goods and services of others; providing information in the field of online computer games; providing a website in the field of online computer games.

4. Opposer has used the mark FUTURE ADS in connection with the foregoing services and related services since at least as early as April 14, 2008. Opposer has priority of use with respect to Applicant for the services identified in US Trademark Registration No. 3560478. Opposer's registration is valid and subsisting under the Trademark Act.

5. Opposer is the owner of US Trademark Application No. 77484135, filed May 27, 2008, for the mark FUTURE ADS for design and development of computer software for others, namely, design and development of software to display websites and advertisements on the internet and to conduct e-commerce transactions for advertising, marketing and promotion purposes; providing online non-downloadable computer software, namely, software that creates, manages, administers and monitors the status of online marketing and advertising campaigns for others. The USPTO has suspended examination of Opposer's application 77484135 pending completion of examination or opposition in multiple other applications filed by Applicant for the mark FUTURE.

6. Opposer has used the mark FUTURE ADS in connection with the foregoing services and related services since at least as early as April 14, 2008. Opposer has priority of use with respect to Applicant for the services identified in US Trademark Application No. 77484135.

7. Opposer is the owner of US Trademark Application No. 77484102, filed May 27, 2008, for the mark FUTURE ADS for marketing and promotion services and related consulting; brand imagery consulting services; dissemination of advertising via the internet, websites, and computer games; dissemination of advertising for others via the internet, websites, and computer games; promoting, advertising and marketing the sales of goods and services of others through distribution and electronic transmission of advertising over a global computer network; providing information in the field of marketing and on-line marketing media via the internet; design of advertising materials for others; design of internet advertising; displaying advertisements for others; development of marketing strategies and advertising programs for advertisement on the internet and online advertising campaigns generating banner ads, videos, text link and contextual display advertisements for others. The USPTO has suspended

examination of Opposer's application 77484102 pending completion of examination or opposition in multiple other applications filed by Applicant for the mark FUTURE.

8. Opposer has used the mark FUTURE ADS in connection with the foregoing services and related services since at least as early as April 14, 2008. Opposer has priority of use with respect to Applicant for the services identified in US Trademark Application No. 77484102.

9. Opposer is the owner of US Trademark Application No. 77484077, filed May 27, 2008, for the mark FUTURE ADS for downloadable computer games; computer game software; computer software for creating, managing, administering and monitoring results of online marketing and advertising campaigns; computer e-commerce software to allow users to perform electronic business transactions via a global computer network. The USPTO has suspended examination of Opposer's application 77484077 pending completion of examination or opposition in multiple other applications filed by Applicant for the mark FUTURE.

10. Opposer has used the mark FUTURE ADS in connection with the foregoing services and related services since at least as early as April 14, 2008. Opposer has priority of use with respect to Applicant for the services identified in US Trademark Application No. 77484077.

11. By reason of Opposer's long and extensive use of its FUTURE ADS mark, the mark has achieved widespread and favorable public appearance and recognition and has become an asset of great value as a symbol of Opposer's services and goodwill. Opposer has invested significant and valuable time and money in promoting its services under the mark FUTURE ADS and Opposer continues to use and promote these services under the FUTURE ADS mark. By reason of Opposer's continuous, exclusive and widespread use of the mark FUTURE ADS, which use Opposer has never abandoned, Opposer's mark FUTURE ADS is entitled to a broad scope of protection.

12. Applicant's application Serial No. 76/133905 seeks to register the mark FUTURE for goods and services including the following:

IC 001. US 001 005 006 010 026 046. G & S: Absorbing carbons for general industrial use, agar, antifreeze, anti-static spray for clothing, automotive brake systems leak sealant,

automotive rust inhibitors, tire inflator sealers; botanical extracts for use in making cosmetics, brake fluid, catalysts for use in manufacturing of industrial chemicals and rubber; chemical gasoline additives for fuel treatment, chemical additives for use with internal combustion engines, chemical additives for fuel treatment, chemical additives for use with internal combustion engines, chemical gasoline additives, not lubricant additives for automobiles; plant foods, lacteal to be used in the manufacture of food stuffs; food preservative compositions; unprocessed plastics in all forms; manure, fire extinguishing compositions, tempering and soldering preparations; tanning agents used in the manufacture of leather; waterproofing chemical compositions; chemical additives for use in the manufacturing of food, pharmaceuticals, cosmetics and a wide variety of goods; Adhesives used in construction and manufacture industries, glues for use in construction and building industries, biochemicals used in genetic engineering, vitro research vitro scientific or research, catalysts for chemical and biochemical processes; cells for scientific laboratory or medical research; unprocessed artificial resins as raw material in the form of powders, liquids or pastes; fragrances for use in manufacturing for general manufacturing purposes

IC 002. US 006 011 016. G & S: Rust preservatives in the nature of a coating; protective coating, namely, a water repellent suitable for application to natural and synthetic fabric; clear coating protectant for vehicles

IC 004. US 001 006 015. G & S: Petroleum based dust absorbing compositions for use in road building, sweep, and dustlaying; fuel for motor vehicles, namely, gasoline, diesel, ethanol

IC 005. US 006 018 044 046 051 052. G & S: Dietary and foods supplements comprising of vitamins, minerals, herb plants, concentrates, protein powder, fat acid fiber, algae and aminocides, health supplements, vitamin and mineral supplements; laxatives, meal replacements powders, diet capsules, diet pills, dietary drugs and food supplements, appetite suppressant; medicated baby oils and ointments, food for babies, namely, dietary supplements for articles of food which contain vitamins and or minerals and protein supplements in powder form; plasters materials for dressing wounds, burns and surgical dressing; material for stopping teeth decay,

dental wax, all purpose disinfectants, wound adhesives, adhesive bandages; all purpose disinfecting preparations, fungicide, herbicide for domestic use; antiseptics in an aerosol container, hemorrhoid cream and ointments, medicated anti-dandruff shampoos and cream rinses; tampons, throat lozenges, tranquilizers, pain relief medication, ovulation and pregnancy test kits, petroleum jelly for medical use, pharmaceutical anti-cold preparations, anticoagulants, antidepressants; pharmaceutical preparations, namely, anticoagulants; pharmaceuticals, namely, inducers of erections; pregnancy test kits, pharmaceutical preparations for fertility enhancement, preparations for relief of pain, preparations for treating colds; medicated nose drops, eye drops, nasal spray, preparations for treating colds and headaches and allergies, nutritionally fortified beverages, nutrition drinks used as a meal supplement, irrigating eye solutions used for the eye; medicated animal food, medicated chewing gum, medicated foot powder, medicated shampoo preparations, medicated bandages, medicated balm lotions for skin, hemoglobin, hemorrhoid treatment preparation, herbal anti-itch and sore skin ointments for humans, herbal supplements, and herbal teas for medicinal use; hair growth stimulants. diarrhea medicines, chemical agent dog repellents, douches, central nervous system stimulants, clinical medical re-agents, cold and sore throat preparations, contraception foam sponges, corn and callus cream, cough drops; cough lozenges; cough syrups, cough treatment preparations, aspirin, blood plasma, blood substitute for human use, burn relief medication, calcium, calcium supplements, air deodorizer, weed killers for domestic use; animal semen, anti-insect spray; antiseptic for surgical and non surgical use, anti-bacterial pharmaceuticals, antibiotic creams, medicated hand washes, antibiotics, antidotes, antiseptics, acetaminophen for adhesive bandages, and allergy capsules, allergy medications, allergy relief medications, allergy tablets, water-based personal lubricants, veterinary vaccines and dermatological pharmaceutical products; pharmaceutical preparations for the treatment of infectious diseases, gastric intestinal diseases, pulmonary diseases, cancer, gout, allergies, diabetes, skin diseases, central nervous diseases, hormonal diseases, depression, heart disease, and blood disorders

IC 006. US 002 012 013 014 023 025 050. G & S: Crucibles of common metal and their alloys; metal strips and sheets; metal building materials, namely, soffits; metal for railway tracks, non electric cables and wires of common metal, portable prefabricated metal buildings and bridges, rocket launching platforms of metal; small items of common metal hardware, namely, trophies, monuments, pewter figures, metal telephone booths; metal doors, siding, trims, railings, facets, sinks, toilet, bath tub, metal roofing, metal safes, metal key holder rings, metal boxes, metal locks, metal gates, common metal holiday ornaments, metal dog and cat tags, metal keys, metal exterior blinds, non-electric door chimes, metal chests, metal clamps, metal clothes hangers, metal hooks, general purpose metal container for storage, metal letter boxes, metal key ring holders, metal door knobs, metal garage doors, prefabricated portable metal closets, metal awnings, metal ladders, cans of metal, pipes and tubes of metal, aluminum foil and tool boxes of metal

IC 007. US 013 019 021 023 031 034 035. G & S: Engines not for land vehicles; incubators for eggs; snow blowers; mufflers for automobiles and vehicles engines and motors; internal parts for automobiles engines, namely, pistons rings, connecting rods, coils, distributor caps, distributor, spark plugs, spark plug wires, bearings, bearing housing, bearing inserts brushes, hoods, roller bearings, nozzles, oil filters for motors, oil pumps; land vehicle engine parts, namely, distributor rotors, engine valves, flywheel, gaskets for engines, injector pumps, fuel filters, and generators for land vehicles; electronic converter; emission and reduction units for motors and engines, namely, catalytic converters; land vehicle engine parts, namely, ball bearings, cam shaft, transmission, carburetors, catalytic converters, air intake tubes and filters for alternators, land vehicle engine parts, namely, pistons blocks, head and water pumps, water pump generator and cylinders; vacuum cleaners, vehicle washing machines, washing machines for clothes, mangles for clothes pressing and wind turbines; agricultural machinery, namely, combines, plows, harrows, mowers, reapers, harvesters, hay balers, broadcast seeders, spreaders, fertilizers distributors, huskers, rollers, fertilizer applicators, livestock feeders, front-end loaders, cultivators, threshers, wind rowers; power operated trash compactors, riding lawn mowers,

sewing machines, power operated coffee grinders and floor polishers; power operated tools for lawns, namely, grass weed trimmers; power-operated wrenches, abrasive wheels, grinding wheels, lawn edger, aerators, garden tillers, lawn mower, chippers, lawn shredders, lawn trimmers, and garden hedgers; graders, loaders for heavy equipment, and surface scrapers; earth moving machines, namely, excavators, bulldozers and back hoes; power operated grinders, nailing guns, potter wheels, ratchet wrenches, rivet guns, saws, screw drivers, shears. power operated spray guns, sprayers, staple guns, buffers, plumber snakes, pressure washers, hammers, drill hammers, power blades, staplers, circular saw, drill presses; power operated wire pressers; a wide variety of powered tools, namely, sanders, power drills, drill chucks for power drilling machines, blades, power operated pile drivers, pneumatic door closers, compressors, metal extrusion presses, metal working machines, namely, machining centers; kitchen mixers, electric pasta makers for domestic use; electric food blenders, can openers, bag sealers, egg beaters, food choppers, and electric food grinders for commercial, domestic, and industrial use; electric food processors, food slicers, fruit peelers; electric hand held juicers and juice extractor; electric knife; mobile cranes; moving sidewalks, oil filters for mechanical purposes, packing machines, oil pumps for machines, separator packing machines, internal combustion engines for machine operation and replacement parts therefor; juice machines; machine for making shoes; machine parts, namely, grindstones and millstones; power-operated nozzle sprayers, waxing machines, floor scrubbing machines, industrial robots, electric motors for machines, and electric elevators; power operated sharpeners and jacks; engraving machines; machines and machine tools, namely, milling cutter, chasers, gear cutters, grinding tools, rotary dies for cutting boxes, metalworking machines, thread milling tools, machine tools for cutting and forming materials, machine tool for removing waste, tool grinding machine; motors for boats, aircraft, model vehicles, motors for generation of electricity, electric motors for machines, direct current motors. machine coupling and transmission components except for land vehicles, namely, power transmission belts for machines, motors, and engines used in industrial machines, transmission belts and gears for machines, coupling for machines, shaft coupling for machines; power operated agricultural

implements, namely, cultivators, harvesters, disk harrows, seeders, combines, harvesters, threshers, tillers; engine components, namely, timing components, namely, cam sprockets and chains; vehicle body and frame alignment machine for diesel, jet engines, rocket engines, airplane engines, boat engines, motorcycle engines; machines for cleaning and manufacturing, namely, machines for cleaning surfaces using high pressure water nozzles for particle blast cleaning machines and structural parts thereof; machines for manufacturing and dispensing packing material, machine for manufacturing micro and non-scale structure by solidifying a fluid compound to conform to a shape of a mold

IC 008. US 023 028 044. G & S: Hand tools and implements, namely, shovels, sledge hammers, and tin snips; cutlery and tableware, namely, knives, forks and spoons; sidearm, not including firearms, namely, hunting knives; razors; utility knives, swords, sport knives; hunting knives, kitchen butchery knives, fishing and sport knives made from precious metals; chef knives; pruning knives, hand operated shears; souvenir collector spoons, non-electric vegetable peelers, spoons made of precious metals; hand operated food processors, hand operated choppers, non-electric can opener, hand operated vegetable shredder, non-electric pasta makers for domestic use, egg slicer, bagel slicer, and cake cutters; hand operated sprayers for spraying water, cleaners, detergents and disinfectants; tool belt, trowels, hair clippers; manicure sets, pedicure sets, pick axes, ice axes, ice hammers, ice picks, hand operated slicers, pliers, pocket knives, pruning shears, scissors, putty knives, rakes, razor blades, cases for razors, roll up fabric container for tools, hand operated plumber snakes, hand operated paint scrapers and staple guns, screw drivers, wrenches, hammers; hand tools, namely, socket drivers, augers, drills, auger saws, picks, pinchers, planers, punches, rasps, ratchet, reamers, socket sets miter boxes, metal vice jaws and mallet; hand tools, namely, squares, tongs, nippers, hex key ring, nut drivers, caulk gun line reels, ripping bars, engravers, bolt cutters, wire cutters, wire dippers, wire stripers, chisels, putty knives, mauls, hatchets, nail sets, socket wrenches, vises, paint scrapers, chisels, chopper, hack saw, wood saw, crimping irons, manually operated sharpeners and jacks, extension bar for hand tools; drill bits for hand drills. lawn and garden tools, namely, cultivators, mortar and

pestles, sand trap rakes, hand operated tiller and lawn edgers; hand operated diggers and lawn aerators; electric shavers and hair trimmers; glass cutter, carpet knives; daggers; sterling silver utensils, namely, knives, forks, spoons; multi-function hand tools comprised of screwdrivers, knives, can openers, file, pliers; pedicure and manicure implements, namely, nail files, nail clippers, cuticle pushers, tweezers, nail and cuticle scissors

IC 009. US 021 023 026 036 038. G & S: Blank magnetic data carriers, namely, recording disks; automatic vending machines and mechanisms for coin operated apparatus, cash registers, calculating machines, data processing equipment, data processors and computers; fire extinguishers; blank magnetic data carriers, cell phones, telephones, personal computers, computers, television and cable set-top boxes; VCRs, car stereos, camcorders, video cameras, TV cameras, electric cables, video converters, televisions, motion picture cameras; movie projectors, satellite systems comprised of antennas, radio stereo tuners and audio speakers, enclosure for speakers; slide projectors, radio receiving apparatus, microphone and electric switches, intercoms; wireless room monitors, sound receivers, amplifiers, turntables, walkie-talkies, CD players, compact discs players, digital video disc players, digital video recorders, video game consoles for connecting to a TV set or computer display, radios, phonographs, radios incorporating clocks and video cameras; prerecorded audio cassettes and pre recorded audio tape featuring music; prerecorded video tapes featuring science fictions films; blank compact disc, video game cartridges, video game machines for use with televisions; video game software; prerecorded audio and video tapes featuring music, musical artist, bands, vocalist, entertainers, live performances, science fiction and reality films; computer disc, cd-roms, video discs, laser discs, DVD discs, music video discs, and records featuring science fiction films and entertainment, music and motivational recordings; computer workstations comprising computer hardware; notebook computers, laptops, desktop computers, modems, mouse; operating system software. server software for use in server based e-mail processing and for use in web server optimization and for use in creating information portals deployed on the Internet, network management software for use in server based e-mail processing, for use in web server

optimization; computer utility programs; computer software development tools; computer software for use in security and authentication; computer programs for operating computer peripherals, hand held computers, personal digital assistants, radio pagers, game consoles, digital video disc (DVD) players, digital video recorders, and public communication kiosks; application and business software, namely, platforms for programming and application development software for developing multi language programs; software for validating programs; game software for use on computers and video game players; browser software for computer networks and global communication networks; computer programs for managing communication and data and information exchange over computer networks; software for use in web interactive educational software with entertainment components for facilitating the understanding and application of scientific or language arts information, problem solving skills, and/or identification and retention of informing and accompanying materials distributed as a unit; microcomputers, microprocessors, microchips, word processor and spreadsheet software; memory cards, interactive video game programs; interactive multimedia computer game programs, computer game software and hardware; components, namely, electronic computers, peripheral adapters, electrical connectors; cd-rom featuring music videos, science fiction and reality games; interactive computer game software. interactive video games of virtual reality comprised of computer hardware and software, children's educational software and videotapes, communication servers, computer and video game apparatus adapted for use with television receivers and accompanying manuals; printers, laser printers, lasers not for medical use, holders for compact disks, integrated circuit chips for use as component for the game software, integrated circuits, jackets for computer disks; and hand held personal computers, joysticks for video games, electronic personal organizers and industrial process control software, facility management software, facsimile machines, computer screen saver software, computer search engine software, computer screen filters, computer commerce software to allow use to perform electric business transactions via a global computer network, computer fax modem cards, computer game equipment containing memory device, namely, discs. computer interface boards,

computer game graphics and interface boards, computer network hubs, CD drives for computers, digital video drives, digital cameras, digital radios, computer operating system back up systems for computers, video game machine for use with televisions, dry cell batteries, sunglasses, carrying cases for portable electronic devices, headphone, audio cassette players and recorder; CD players, and DVD players, magnets sub woofers, remote controls for radios, stereos and television sets, blank video tapes, photographic slide transparency, covers for telephones not made of paper, magnetic encoded telephone calling cards and transportation cards, electronic telephone answering machines, telephone amplifiers, and radios; blank audio and video recording tapes, keyboards, electronic keyboards, video displays in the nature of CRT for use in the connection with computer displays to computer, data cassette recorders, resistance wires, compasses, telescope, eye glasses, microscopes, magnifying lens photocopy machines, battery testers, DC power supplies, and electrical components, namely, connectors, wires, router clips, switches transistors, resistors, amplifiers for each regulator circuits and system processor, electric switch signal amplifier, auto built noise filter, car odometers, tire balancing machines, tire pressure gauges, speedometers for vehicles, and cruise control units for vehicles, automobiles, aircraft, land craft, water craft, and spacecraft; telephone equipment, namely, telephone plugs, telephone jacks, telephone wires, mobile data receivers, digital phones and cords; warning devices, namely, motion detectors, theft alarms, smoke alarms, fire alarms and fire trucks. camcorder tripods, cable TV converter, electric door chimes, thermostats, AC power cords, audio connectors, audio connection adapters, power transformers, AC DC voltage adapters, DC power transmitters, transducers, transistors, transceivers; sports goggles, sport whistles, sports helmets; swimming goggles, scales for laboratory use, semiconductor devices and chips, signal processors, silicon chips, sirens, slide projectors, slot machines, sonar specialty holders for carrying cellular phones, pagers, personal digital assistants and receivers; chargeable electric batteries, regulator for use in scuba diving, remote cursor controls for computers, rifle scopes, satellite processors, satellite navigational system, namely, a global positioning system, computer network interface devices, printed circuit boards, electric cables, programmable digital television

recorders, projection screens, public address systems, radio frequency controlled locks, radon detectors, reading glasses; portable listening devices, namely, CD and MP3 players, electric cords and blank videotapes; pressure gauges, preamplifiers; optical character recognition apparatus magnetically encoded credit circuit cards, parking meters, periscopes, microwave ovens for laboratory use; electric door openers, electronic game programs, gaming machines, electronic safes, emergency warning lights, garment steamers, timers, electric door bells, electric light switches, carbon dioxide detectors, cash registers, compasses, blank electronic chips, underwater breathing apparatus, bicycle helmets, beepers in the nature of pagers, football helmets; electric hair curlers, irons, hot brushes, combs; electric signs; guitar amplifiers, CD players and compact disc players; audio cassette decks for simulators; vehicle locating, tracking and security system comprised of an antenna and radio transmitter to be placed in a vehicle; motion picture films in the films of documentaries and education. wireless remote control units, used for radios, televisions, stereos, video games, DVD players multi-media software recorded on CD ROM used for education and music; educational software featuring instruction in math, reading, language arts, science, social studies; encoded smart cards and encoded electronic chip cards containing programming using layout data on magnetic strip cards, for creating custom cards and for use as encoded credit cards, encoded debit cards, and pre-paid encoded telephone cards; wireless remote control units for use with climate control, systems consisting of digital thermostats, remote cursor control for computers; electronic publications, namely, books, magazines, manuals all in the field of medicine, technology, and education recorded on computer media; security systems comprising of facilities management software, computers, timers, security monitors; optic vehicle locking systems comprising of laser detector, namely, modulated laser lights from keys, optic detector, optical transmitter, optical receiver, cables for optical signal transmission, vehicle cylinders, electronic warning horn and electronic locks; programmable locking system consisting of electronic cylindrical lock sets and keypads using radio frequency device, remote door lock/unlock, backup battery; band equipment, namely, guitar amplifiers, instrument amplifiers and sound mixers

IC 010. US 026 039 044. G & S: Doctors masks; hospital beds for use by burn patients

IC 011. US 013 021 023 031 034. G & S: Electric luminaries; gas and electric appliances, namely, cookers, hot water heaters, heaters, showers; plumbing fittings, namely, drains, expansion tank replacement for water heaters; clothes dryers and parts thereof; cooking ovens, gas ranges and cook tops and structural parts thereof; domestic and household electrical apparatus instruments, namely, fans; apparatus and instruments for dispensing ice and chilled beverages; ventilation and air-conditioning apparatus; extractor hoods for kitchen gas and electric ranges; gas stoves, grills and oven ventilator hoods, and cook tops; water coolers; microwave ovens, electrical driven barbecues unit for electric stoves, outdoor cooking grills, humidifiers, dehumidifiers, water purifying apparatus; water filtering apparatus and water softening apparatus; water sanitizing apparatus and parts thereof; freezers, refrigerator freezers and parts thereof; walk-in coolers; central heating and ventilation units; taillight for vehicles, vehicle headlights, vehicle reflectors, vehicle turn signal lights, tanning beds, toilet bowls and seats, and bathtubs; irrigation sprinklers; light fixtures, searchlights, separators for the cleaning and purification of air; shower doors, shower enclosures, shower sprayer heads, sink bowls, kitchen sink and sprayer and parts thereof; snow making machines, solar heating systems and parts thereof; spas in the nature of heated pools; hot tubs, solid burning stoves, hair dryer, steam generators and structural parts thereof, furnace boilers, furnaces, sewage treatment plant, sewage disposal plants and structural parts thereof; refractor furnaces, lighting fixtures; fixtures for incandescent lighting, electric holiday lights, electric lanterns, ice cream makers and freezers; household air cleaners, fog machines, electric fragrance dispensing units, gas burners, gas grills, gas stoves. electric vaporizers, electric ceiling fans, charcoal grills, electric room deodorizers, electric night lights, energy storage plants, fireplaces and structural parts therefor, electric waffle irons, electric waffle maker, electric woks, electric yogurt makers, electric hot plates, electric indoor grills, barbecue grills, electric kettles and skillets, electric rice cookers, electric rice steamers, electric rotisseries, electric slow cookers, electric toaster oven, electric coffee makers, and electric food warmers for institutional services, electric food steamers, electric dehydrator,

electric coffee percolators, electric bread makers, electric drinking fountains; electric casseroles, broilers and roasters; electric deep fryers, electric meal delivery units for institutional food services, electric hot plates, electric pressure cookers, electric stoves, electric cabinets to control temperature and humidity for heating and proofing foods; convection oven, electric deep fat fryers, roasting ovens, commercial ovens for cooking popcorn poppers, electric espresso makers, electric food steamers, aquarium lights and heaters; air purifiers, water cooling towers, water fountains, whirlpool baths and structural parts thereof; climate control system for vehicles consisting of air conditioning units for vehicles, evaporator for air conditioner, valves as part of radiator, heat sinks for use in heating, cooling and ventilation apparatus, valves for air conditioner

IC 014. US 002 027 028 050. G & S: Precious metals, namely, gold, silver and platinum; precious metals and their alloys, namely, gold, silver and platinum sold-in bulk; jewelry, precious stones, emeralds, rubies, sapphires, diamonds, necklaces, pins being jewelry, belt buckles of precious metal, pendants, wedding rings, sport rings, specialty rings; crafted jewelry; watches, sports watches, variety of watches and watch bands, stop watches, chronograph watches, watch cases, watch movements, watch straps, watches containing an electronic functions, watches containing game function, wrist watches; sculpture made of precious metals, semi-precious gem stones, servant rings of precious metal; statues of precious metals, sun dials, tea servers of precious metals, tie clips, tie fasteners, tie pins, tie tacks, vases of precious metals; wall clocks, clocks and operating radials, clock dials, pendulum clock, parts for clocks and watches; earrings, ear clips, brooches of precious metal, badges of precious metals, lighters of precious metals, bust of precious metals, charms, chokers, jewelry crosses, lapel pins, ornamental lapel pins, custom jewelry, cufflinks, jewelry amulets, ankle bracelets, wedding bands, bracelets, charms; letter openers of precious metal, decorative boxes of precious metal, desk statue made of precious metal, medallions, medals, neck chains, necklaces, necktie fasteners, electric coffee servers, coffee pots and coffee server of precious metal, competitive statuary cups made of precious metals, non monetary coins, pearls, holiday ornaments of precious metals, figurines of

precious metals, hat pins, identification bracelets, piggy banks of precious metals, money clips, cigarette cases, all of precious metals; ingots of precious metal

IC 015. US 002 021 036. G & S: Organs; pianos; electronic musical keyboards

IC 016. US 002 005 022 023 029 037 038 050. G & S: Paper, cardboard and goods made from these materials, namely, boxes, stationery, newsprint, tablets, notebooks, card stock; bookbinding material, namely, book binding covers, paper, tape and wire; mounted photographs; stationery; adhesives for stationery or household purposes, artists' materials, namely, paint brushes; office requisites except furniture, namely, typewriters; printers' type and printing blocks; printed matter, namely, newspapers and novels, children books, story books, posters, stamps, poster books and comic books; books concerning sports, financial, transportation, education entertainment, retail, hospitality, health care, syndicated columns dealing with editorial advice, life sports and special interest topics; stickers, postage stamps, gift cards, greeting cards, trading cards, paper goods and printed matter, namely, address books, books containing screen plays, scrapbooks, diaries, invitations, personal organizers, activity books, greeting cards, books for role-playing art books, coffee table books, travel book, religious books, romance novels, printed menus, printed paper signs, recipe books, printed art reproductions, lithographic prints, printed awards, printed certificates, printed emblems, printed forms, pictorial prints, picture books, picture postcards; newspaper cartoons, hotel directories, encyclopedias, general feature magazines, sketches, portraits, photo engravings, graphic art reproductions, graphic novels, hectographs, motivational cards, musical greeting cards, illustrations, etchings and autographs of famous people, coloring books, computer game manuals, cook books, architectural plans and specifications; baby books, crossword puzzles, Christmas cards, phone books, city directories; books in a variety of products, namely, entertainment, finance, education, hobbies, aircraft, computer programs, and blue prints. bumper stickers, anniversary books, announcement cards, book plates, book marks, checkbook holders and covers, non electric personal planners and organizers, stationery, paper dolls books, paper gift tags, cardboard figures, temporary tattoos; school office supplies, namely, erasers, pencils, pens, markers, pencil cases, pencil sharpeners,

pocket pen shields, fountain pens, pocket secretaries, portable desks, paperboard, paperweights, pen and pencil trays, pen cases, pen and pencil holders, ball point pens, felt tip pens, rubber bands, rubber stamps, notepads, paper clip holders, paper clips, paper cutters, paper containers, paper envelopes, paper fasteners, notepads, label printing machines, leather book cover, letter openers, office supplies and products, namely, dividers for files, mechanical binders, holders for desk accessories, folders, office lettering machines

IC 017. US 001 005 012 013 035 050. G & S: Reflective tapes for use in lettering, decals, clothing and equipment for safety, namely, motorcycles, truck and bicycle, life vest; cushioning of rubber or plastic in the nature of stuffing; gasket material in sheets for use in seals, packing and heat insulator

IC 019. US 001 012 033 050. G & S: Nonmetallic building materials, namely, board; nonmetallic transportable buildings; non-metal rigid pipes for building; asphalt, pitch and bitumen; monuments of stone, concrete and marble; sculptures and statues made of stone, concrete or marble; desktop statuary made of concrete, marble and other stones; concrete, marble and other stones for building and construction; structural and architectural members formed of pressed wood fibers; tiles of clay, glass, gypsum, ceramic or earthen ware for wall, floor, or ceiling; rubber floor tiles, plastic tiles; tar based sealant for driveway; tombstones of stone, concrete and marble; veneer for floors, vinyl siding; vinyl windows, window glass, window panes, non-metal window casement, stained glass windows, non-metal window seals, non-metal windows, window shutters, non metal sash fasteners for windows, non-metal window screens, wall boards, wall panels, wood beams, wood door frames, wood for windows, window screens, wall board, non-metal wall panels, wood beams, wood door frames, wood joists, wood moldings, wood paneling, wood post, wood flooring, plywood, wood decking, wood siding, wood window frames, prefabricated non metal buildings; prefabricated non-metal green houses, prefabricated non-metal homes and modular homes; building materials, namely, lumber, hardwood boards particle board, quartz, non-metal refractory blocks bricks, mortar mix, stone slates, sand, limestone, marble, glass blocks, granite, grout, gravel; roofing materials, namely, cement, tarred

roofing paper, felts, membranes, non-metal under laymen and roofing tiles, non-metal roofing hips, non-metal shingles, roof trusses, non-metal wire fencing; patching compound made of tar base, pavement tiles, paving blocks, paving stones; plastic extrusions, namely, decking, plastic support. playground tiles, non-metal roll shutters, non-metal skylights, non-metal rails, non-metal rocket launching platforms, non-metal roll shutter, non-metal skylights, non-metal runners for sliding door, non-metal storage sheds, non-metal swimming pools, non-metal chain link fences, non-metal chimneys, non-metal curtain walls, non-metal door knockers, non-metal door frames, non-metal building door panels, non-metal door jambs, non-metal door units, non-metal building shelters, non-metal building flashing, non-metal exterior blinds, non-metal exterior roll shutters, non-metal fence panels, non-metal floating docks, non-metal floors, non-metal garage doors, non-metal gates and fences, non-metal bird baths, non-metal guard rail, non-metal down spouts, non-luminous and non-mechanical signs not of metal, non metal storm shelters, non-metal building materials, namely, fascia and soffits; non-metal construction elements not made of metal, namely, shore, supports, and braces; insulated glass, prefabricated and modular log homes, log homes sold in kit form, mantels for fireplaces made of wood, plaster or stone; manufactured housing, namely, mobile homes; modular homes; pre-fabricated poultry houses, modular burial vaults not of metal, erosion control fabric for construction; fair stands; figures made of stone, concrete or marble, fitted swimming pool covers; gazebos not primarily of metal, glass panels for building construction purposes; ceramic blocks and shapes for use in refractory furnaces; concrete building materials, namely, blocks, posts, poles, slabs, panels, walls for building vaults, retaining walls, drainage structures, bird baths, beams, and bollards; asphalt, non-metal bicycle storage racks; bitumen asphalt

IC 021. US 002 013 023 029 030 033 040 050. G & S: Household or kitchen utensils and containers, namely, mugs, recipe boxes; rinsing bowls; rolling pins; salad bowls; salt and pepper shakers; saucepan scourer; saucepans; saucers; scoops; pie pans; pie servers; plastic juice box holders; plastic plates; plates; porcelain mugs; brush making materials; articles for cleaning purposes, namely, steel wool and cleaning sponges; unworked or semi worked glass; beverage

glassware, window dusters, window cleaners in the nature of combination squeegee and scrubber; utensils for barbecues, namely, forks, tongs, turners; non electric woks and vegetable mashers; sugar basins; syrup jugs; tea kettles and tea pots not of precious metal; tea servers not of precious metal; tea sets; thermal insulated containers for food and beverage, thermal insulated tote bags for food or beverage, thermal insulated wrap for cans to keep the content cold or hot, toothpicks; spice racks; stands for dishes; steamer baskets, stove burner covers, skillets, scouring sponges, scraping brushes, scrub sponges; serviette holders; serving dishes; serving forks, ladles, platters, and platters of non precious metal, serving spoons, tongs, trays not of precious metal, servingware for serving food; shot glasses; slotted spoons, portable plastic containers for storing household and kitchen goods; pot lids, pots; pouring spouts for household use; preserve glass; pre moistened towelettes for cleaning and for household cleaning; reamers for fruit juice; portable beverage coolers; portable coolers, portable ice chests for food and beverages; pitchers; plastic cups; pastry cutters; pastry molds; pastry boards; non-electric pressure cooking saucepan; non-electric kitchen containers not made of precious metals; non-electric juicers. non-electric kettles; non-electric egg beaters; non-electric griddles; non-electric coffee servers not of precious metal; non-electric coffee pots not of precious metal; non-electric coffee percolators and coffee makers; napkin holders; combs

IC 026. US 037 039 040 042 050. G & S: Belt buckles not of precious metal; curl papers

IC 027. US 019 020 037 042 050. G & S: Wallpaper

IC 028. US 022 023 038 050. G & S: Games and playthings, namely, toy dolls, toy action figures, stuffed toys, plush toys, bendable toys, mechanical toys, inflatable toys, electronic action toys, board games, card games, hand held units for playing electronic games, arcade games, infant toys, sand toys, ride-on toys, radio controlled toys vehicles, sketching toys, stuffed toy animals, toy cooking ware, doll clothing, pop-up toys, soft sculpture toys, water toys, construction toys, wind up toys, action skilled games, toy pails, balloons, toy candy dispensers and holders, toy vehicles, stand alone video game machine; high bounce balls, Christmas tree decorations; costume masks, paper face masks, toy pedal cars, play sets for action figures, play

sets for toy vehicles, skateboards, dimensional puzzles, playing cards; Gymnastic and sporting articles, namely, golf clubs, baseball bats, soccer balls, soccer nets, hockey sticks, hockey pucks, footballs, tennis nets, tennis rackets, tennis balls, golf balls, soccer balls, basketballs, basketball nets, kick balls, badminton nets, badminton rackets, jump ropes

IC 029. US 046. G & S: Meat, fish, poultry and game; meat extracts, preserved, dried and cooked fruits and vegetables; jellies, jams, cranberry sauce, eggs, milk, milk products excluding ice cream, ice milk and frozen yogurt, edible oils and fats

IC 032. US 045 046 048. G & S: Beers; mineral and aerated waters and other non-alcoholic drinks, namely, fruit drinks and fruit juices; syrups and other preparations for making beverages, namely, fruit drinks and fruit juice

IC 033. US 047 049. G & S: Alcoholic beverages, namely, white wine

13. Opposer's applications 77/484,077 and 77/484,102 currently stand suspended in view of Applicant's application 76/687,670. (Formerly, the 077 application and the 102 application also had been suspended in view of three other applications of Applicant – 76/188,809, 76/437,630, and 76/634,950 – that are now abandoned or finally refused as a result of oppositions or default by Applicant.) Applicant's 670 application is, in turn, suspended in view of application 76/383,918 of Zivi S.A. Cutelaria, among others. The 918 application is suspended in view of application 76/133,905 – the subject of this opposition – among others. Thus, Opposer has an interest in this proceeding at least in part because Applicant's repeated filing of applications – which, as this Notice shall show, appear to be fraudulent – is repeatedly resulting in suspensions of Opposer's own bona fide applications and frustrating Opposer's ability to obtain genuine and proper United States registrations.

14. Opposer acquired trademark rights in and to the mark FUTURE ADS for Opposer's services that pre-date the actual use dates to which Applicant might be entitled for some or all the goods and services identified in paragraph 12 above, including but not limited to the goods in classes 009, 016, and 028. At least some of Applicant's goods identified in paragraph 12 are similar to the services of Opposer provided under the mark FUTURE ADS.

15. The mark for which Applicant applies, FUTURE, is similar to Opposer's mark FUTURE ADS and has a similar meaning, commercial impression and connotation. Relevant consumers, if they encountered Applicant's mark, would be confused as to the source of the goods identified in paragraph 12, if Applicant offered such goods under the mark FUTURE. On information and belief, if Applicant actually offered the goods identified in paragraph 12 in commerce, Applicant would advertise and sell the goods through similar channels of trade as Opposer presently uses for Opposer's services. Any use of the mark FUTURE by Applicant, and the filing of the opposed application, have occurred without consent of Opposer.

16. Registration of the mark FUTURE by Applicant will provide Applicant with *prima facie* exclusive rights in the mark, and could harm Opposer by interfering with Opposer's rights to the mark FUTURE ADS, and/or potentially suing for alleged infringement, and/or potentially preventing Opposer from obtaining registration of the application(s) identified above in one or more of paragraphs 5, 7, and 9. Opposer is entitled to be free of any potential infringement claim by Applicant, who lacks the ability to use the mark in bona fide commerce on or in connection with the goods and services recited in the application. Opposer and the public are entitled not to have to wait up to three (3) years, as proscribed by statute, while the Applicant files multiple time extensions in which to file a statement of use when the Applicant has no ability or intent to actually and genuinely use the mark in commerce on or in connection with all the goods and services recited in the application. Opposer and the public are entitled to have the records of the USPTO free of applications that Applicant has no ability or intent to perfect to registration. Opposer has the right to continue using the mark FUTURE ADS in connection with its services and related goods and services and to use the mark without interference by Applicant and without confusion, mistake or deception.

17. In his original application papers filed September 22, 2000, Applicant stated in the drawing page that he sought registration of the mark for "any all goods of now and of the future and on pages enclosed" (non-standard spelling corrected). Applicant also signed a form Declaration in which he stated under oath that he had a bona fide intention to use the mark in

commerce on or in connection with the goods – and repeated his assertion that he had that intent for “any all goods of now and of the future.” Another drawing page identified the goods as including “laws, word, language, sound, scent, gene, smell, color, liquid, solid, substance, metal, compound, anything that can be made, used, consumed, for by the human being, any all goods service thereof and to any means and all claims to the future ...” (non-standard spelling corrected). It is not possible to have a bona fide intent to use a mark in connection with “all goods of the future” because it is not possible to mentally conceive of the manner of use unless one knows what the goods are. In a paper filed July 24, 2001, the Applicant requested registration of the mark FUTURE in all goods in all of International Class 001 to 034, inclusive. Upon information and belief, as of July 24, 2001, Applicant could not have provided evidence of any bona fide intent to actually and genuinely use the mark in commerce on or in connection with all the goods in 34 international classes. In the same paper, the Applicant “also request [sic] that the word FUTURE to be stylized”.

18. In a paper filed April 9, 2002, Applicant requested registration of the mark FUTURE in all goods in all of International Class 001 to 034, inclusive, in a goods listing of some 5,000 words. The sheer number of goods, and the technical complexity of many of them—for example, “biochemicals used in genetic engineering” in class 001—is circumstantial evidence that Applicant lacked a bona fide intent to use the mark. In the same paper, the Applicant stated, “If feasible applicant is claiming the word FUTURE with no particular design or style or design element ofer [sic] the best protection.” Applicant’s repeated attempts to change the form of presentation of the mark from stylized to unstylized indicate that, as of April 9, 2002, Applicant could not have provided evidence of any bona fide intent to actually and genuinely use the mark in commerce on or in connection with the goods recited in the application.

19. In a paper filed on or about June 16, 2003, Applicant referred to an alleged web page at “www.geocities.com/visonaryman2000/index.html”, which upon information and belief Applicant had created in 2000 but never updated thereafter, and stated (albeit in non-standard English, which has been corrected here) “Also for those who are reviewing this online, kindly we

are looking for legal representative, team to protect our prior rights, etc., to help license our rights, globally.” Upon information and belief, Applicant’s statement evidenced his inability to actually or genuinely use the mark on or in connection with goods or services, directly or indirectly through licensees. Upon information and belief, the Geocities service has been unavailable since October 27, 2009 and Applicant has undertaken no other promotions of goods or services for over two years. [PDF 0597]

20. In a paper that became part of the USPTO file wrapper in approximately 2006 [PDF 1472], Applicant provided a two-page document titled “Business Plann” [sic]. Upon information and belief, the document does not describe a plan for any particular product or service, but describes Applicant’s goal to “cover the market” ... “by securing the rights to the name of FUTURE in any marketing sector ...” Applicant has placed into the public record extensive correspondence with his attorneys during the period 2003-2004. In an email to his attorney on April 1, 2004, Applicant wrote, “We can now cover cosmetics, keeps Chanel, Avon grounded ...” [PDF 803] Upon information and belief, Applicant’s goal always has been to “warehouse” the mark FUTURE and prevent its use by anyone.

21. In the 2006 paper, Applicant also stated, “Founder, CEO, management is myself at this time. ... Financier is myself and prospective partners.” In a paper signed July 18, 2005, Applicant observed that he had paid \$9,760 in filing fees for the application and that the “total of \$9760 represents a substantial portion of the applicant’s net worth ...” Upon information and belief, Applicant has stated in correspondence to his attorney and in other documents in the record of the application file that he is employed as a high school security guard at a school in Bismarck, North Dakota and lives in the basement of his parents’ home. Upon information and belief, Applicant has never started or run a business of any kind, and has no education, training or experience in making or selling goods, or licensing brands. Applicant did not have, at the time of filing the application through the present, the financial and business resources and knowledge necessary to actually use the mark in interstate commerce on all the goods identified in the application or to conduct any business of licensing the mark for use by others—and he knew it.

Upon information and belief, Applicant's statements in the paper of July 18, 2005 and the paper of 2006 constitute admissions that Applicant lacked a bona fide intent to use the mark in interstate commerce on or in connection with all the goods identified in the application.

22. In a paper filed December 12, 2009 and apparently intended as a petition, Applicant wrote: "The applicant has filed for the trademark FUTURE on the behalf of global individual rights of people giving people a voice. FUTURE is like a country created from this country with intent of self supporting infrastructure based on individual ideas of people of countries worldwide and the intent to give hope in any language. ... Applicant has not received any money from any of the pending application. The applicant has been and is continually seeking business partnerships worldwide for the development of FUTURE." The Applicant then requested suspension of the application and various others. Applicant's statements of December 18, 2009 are evidence that Applicant has never had a bona fide intent to use the mark on or in connection with any goods and services; instead, Applicant has intended to "warehouse" the mark FUTURE to prevent others from using it. Upon information and belief, Applicant has undertaken no actual steps to form a business partnership with anyone in the world to make or offer goods or services under the mark FUTURE.

23. At least as early as September 22, 2009, Applicant allowed the application to become abandoned by inaction and/or failure to properly prosecute the application. Upon information and belief, if Applicant had possessed a bona fide intent to use the mark in commerce on or in connection with all the goods identified in the application, Applicant would not have allowed the application to become abandoned.

24. In 2003, Applicant prepared two (2) unsolicited letters to Reebok and Nike and on April 12, 2004, Nike replied and declined to work with Applicant. In approximately 2004, Applicant also attempted to contact Avon. In a letter to his attorney dated March 27, 2004, Applicant alluded to goals for licensing but described these goals in rambling, non-specific prose that failed to identify any concrete steps that could address his fascinations. In July 2004 Applicant wrote, but did not send, a solicitation letter to Ford Motor Company. Upon

information and belief, since 2004 Applicant has made no serious efforts to license the mark or his applications. Upon information and belief, Applicant lacks the resources and ability to conduct a genuine licensing operation for all the goods and services recited in the application.

25. In December 2003, Applicant and his father jointly filed a fictitious business name statement with the Secretary of State of North Dakota asserting the intent to use the name FUTURE ISLAND for “operation of future city and related business.” [PDF 0940] Upon information and belief, since 2003 Applicant has undertaken no genuine steps to form or operate a business. On March 28, 2004, Applicant wrote to his attorney, “I don’t even have the funds to protect these rights I have pending.” Upon information and belief, Applicant lacks any genuine experience in the manufacture or sale of any of the goods identified in the application and has insufficient financial resources to undertake any real steps toward making or selling any of the goods identified in the application.

26. The application asserts that Applicant has the intent to use the mark in connection with beer, wine, and other alcoholic beverages. Upon information and belief, since the filing date of the application Applicant has not undertaken any acts to obtain government permits, bonds, or other permissions associated with making or selling alcoholic beverages or any other goods of a regulated nature that are identified in the application.

27. Upon information and belief, Applicant has suffered default judgment in multiple other contested proceedings in the USPTO. Upon information and belief, Applicant has a history and a habit of filing trademark applications with broad and unreasonable identifications and goods and services that trigger opposition by bona fide prior users, then failing to contest the proceedings or participate in proper discovery, and ultimately losing by default judgment. Upon information and belief, Applicant intentionally pursues a strategy of delay, non-participation or suspension of proceedings in his filings in order to frustrate the registration of legitimate rights of others in or to the mark FUTURE for various goods and services.

28. Upon information and belief, Applicant has engaged in a pattern of fraud on the USPTO in the course of numerous prior and pending application filings, and is a vexatious filer.

As an example, in application 76/188,809, which is abandoned, upon information and belief, Applicant submitted false specimens consisting of hand written and/or computer printed documents prepared for the purpose of submission to the USPTO rather than actual tags, labels, packing or other proper specimens that were in commerce; the Examining Attorney questioned the validity of the specimens and Applicant could not provide genuine substitutes. In registration 2,704,922, for “retail store, shopping malls and plazas, and strip malls services featuring electronic consumer products, toys, consumer house hold products, consumer beauty products, consumer safety products, consumer sporting products and auto related products,” on April 28, 2008, upon information and belief, the Applicant submitted a faked specimen consisting of a line drawing prepared solely for the purpose of deceiving the USPTO and not consisting of an actual photo of a store, a printed business card, or other genuine evidence to establish that a retail store actually existed. Upon information and belief, Applicant also submitted a fake specimen in registration 2,540,936, with a Section 8 affidavit filed March 29, 2007. Upon information and belief, Applicant also submitted a fake specimen in registration 2,721,658, with a Section 8 affidavit on June 13, 2008. In application 76/605,689, filed August 5, 2004, Applicant submitted the same original list of goods and services as in the present application and copied from a filing of August 2, 2002; Applicant’s use of repeatedly copied forms, and claims to all goods in the Nice Classification, is clear evidence that Applicant is engaged in filing vexatious applications in bad faith. In application 76/634,950, registration was finally refused after the Board entered default judgment in response to a motion for discovery sanctions against Applicant. In application 76/690,134, Opposer’s opposition was sustained as a result of the failure of Applicant to participate in discovery in the case. Upon information and belief, in application 76/437,630, the application was abandoned after adverse judgment against Applicant. Upon information and belief, Applicant filed application 76/602,117 in the name of a false entity, “Future Motor Cycle Automobile Company,” having the same address as Applicant, solely for the purpose of causing suspensions of other applications filed by Applicant for similar goods, to frustrate the ability of other applicants to obtain registrations. In application 75/709,139, on

January 8, 2002, Applicant filed a request for an extension of time in which to file a statement of use and asserted that “applicant has been is still establishing rights,” but failed to identify any particular ongoing efforts to use the mark in commerce; upon information and belief, Applicant knew that he had taken no steps toward genuine use and knew that his assertion was an legally insufficient basis for obtaining a time extension. There is a public interest in ending the abuses of a vexatious filer of trademark applications.

Count One – Fraud on the United States Patent & Trademark Office

29. Opposer repeats and realleges the allegations of paragraphs 1 to 28, inclusive, of the Notice of Opposition.

30. Applicant had no bona fide intent to use the mark FUTURE in connection with each and every one of the goods identified in the opposed application and in paragraph 12 of the Notice of Opposition as of the filing date of the opposed application through and including to the date of publication for opposition. Applicant knew that he lacked the financial resources and ability to license, make or use all the goods identified in the application. The mere dream of an individual, aware that he has no access to resources and taking no significant steps toward use, cannot support the bona fide intent to use a mark in commerce. The Lanham Act does not permit mere dreamers to warehouse marks to the frustration of others.

31. Applicant made the representations alleged above in his trademark application to induce the USPTO to issue a registration. Applicant knew the representations were false. Applicant’s representations were material and were knowingly made in order to procure a registration. Applicant willfully directed false statements to be executed within the declaration of his trademark application. Applicant knowingly allowed and/or directed false statements to be relied upon in the examination and allowance of the application and thus had the intent to deceive the USPTO, or at least reckless disregard for the truth. Applicant has knowingly made false, material representations of fact in connection with his application to the USPTO that are sufficient to amount to fraud on the USPTO in procuring a trademark registration.

Count Two – Abandonment

32. Opposer repeats and realleges the allegations of paragraphs 1 to 31, inclusive, of the Notice of Opposition.

33. Upon information and belief, Applicant has made no bona fide attempt to use the mark FUTURE in commerce in the United States in connection with each and every one of the goods identified in the opposed application and in paragraph 12, or to undertake any action that could suggest an intent to use the mark in the future, and has made no bona fide attempt to license the mark or the opposed application. Therefore, Applicant's mark has been abandoned due to non-use.

WHEREFORE, Opposer believes it will be damaged by the registration of the mark FUTURE of application 76/133905 to Applicant and prays that registration shall be refused, and/or that the opposed goods and services identified in the application shall be deleted from the application, and/or that the application shall be declared as void *ab initio*.

The opposition fee is submitted concurrently herewith. Please address all correspondence to Opposer to the undersigned.

Dated: December 29, 2011

Respectfully submitted,

FUTURE ADS LLC

By /ChristopherJPalermo/
Christopher J. Palermo

Hickman Palermo Truong & Becker LLP
1 Almaden Boulevard, Twelfth Floor
San Jose, CA 95113
Tel. (408) 414-1080
Fax (408) 414-1076
Attorneys for Opposer

/cjp

60227-0022

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being electronically transmitted and submitted, in PDF format, to the Trademark Trial & Appeal Board through the Electronic System for Trademark Trial and Appeals (ESTTA) on December 29, 2011.

By /ChristopherJPalermo
Christopher J. Palermo

CERTIFICATE OF MAILING

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant, Kent G. Anderson, by United States First Class Mail, with postage affixed thereon and fully prepaid, on December 29, 2011 to:

Dwayne L. Bentley
DL Bentley Law Group PLLC
350 5th Avenue 57th Floor Suite 5720
New York, NY 10118

By /ChristopherJPalermo
Christopher J. Palermo