

ESTTA Tracking number: **ESTTA888192**

Filing date: **04/06/2018**

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	Christian Broadcasting Network, Inc., The
Granted to Date of previous extension	04/25/2018
Address	977 Centerville Turnpike Virginia Beach, VA 23463 UNITED STATES

Attorney information	Patrick J. Arnold Jr. McAndrews, Held & Malloy, Ltd. 500 W Madison St34th Fl Chicago, IL 60661 UNITED STATES Email: trademarks@mcandrews-ip.com, e@mcandrews-ip.com, parnold@mcandrews-ip.com, dscott@mcandrews-ip.com, bper- sichetti@mcandrews-ip.com Phone: 312-775-8000
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Applicant Information

Application No	79975367	Publication date	12/26/2017
Opposition Filing Date	04/06/2018	Opposition Period Ends	04/25/2018
International Registration No.	1322001	International Registration Date	03/03/2016
Applicant	Delicious Ltd. Sassoon House, Shirley Street Nassau BAHAMAS		

Goods/Services Affected by Opposition

Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Charitable fund raising namely, charitable collections, management and monitoring of charitable funds; trustee services
Class 038. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Chatroom services, namely, providing Internet chatrooms, providing online chatrooms for social networking; communication by electronic communications networks on social media platforms for social networking
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Education relating to children, namely, conducting classes, seminars and instructions in the field of bullying prevention or promoting friendliness; gaming services, namely, providing online computergames and lottery services; entertainment, namely, in the nature of variety television shows, live musical concerts, theatre, talent

shows, reality shows; organizing sporting and cultural activities

Applicant Information

Application No	79197514	Publication date	01/09/2018
Opposition Filing Date	04/06/2018	Opposition Period Ends	
International Registration No.	1322001	International Registration Date	03/03/2016
Applicant	Delicious Ltd. Sassoon House, Shirley Street Nassau BAHAMAS		

Goods/Services Affected by Opposition

Class 003. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Cosmetics, perfume, hair lotions, soaps, essential oils

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Computer software for use in organizing and viewing digital images, photographs, videos, podcasts, for image processing, for creating, organising, editing and listening to music, for creating, sending and receiving messages, for database management, for games, for digital animation and special effects of images; application software for smartphones and tablets for use in organizing and viewing digital images, photographs, videos, podcasts, for image processing, for creating, organising, editing and listening to music, for creating, sending and receiving messages, for database management, for games, for digital animation and special effects of images; prerecorded CD's and DVD's featuring music and recorded information and podcast in the field of bullying prevention; apparatus for the transmission of sound or images; computer and smartphone hardware and accessories, namely, covers, keyboards, stands and screen savers software

Class 014. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Jewellery, costume jewellery, precious stones; key rings of precious metal; badges of precious metal; clocks and watches

Class 016. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Paperdolls in book form, namely, book in the field of bullying prevention, education and entertainment; printed publications namely, brochures, booklets, books, magazines in the field of bullying prevention, education or entertainment; newsletters in the field of bullying prevention, education or entertainment; posters; cards, namely, business cards, greeting cards, postcards, collectible cards, trading cards; stickers; badges made of paper; calendars; stationery; paper labels; printed certificates; printed teaching materials in the field of bullying prevention, education or entertainment; promotional material namely paper and cardboard

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Clothing, namely, pants, trousers, t-shirts, shirts, stockings, tights, jackets, coats, jeans, skirts, dresses, pyjamas, jumpers, shorts, sweatshirts, socks, lingerie, underwear, gloves, scarves, belts, head wraps, caps, hats, hoodies, jerseys, knitwear in the nature of sweaters, shirts, scarves, caps and hats, sweatpants, neck warmers; sports clothing, namely, bras, hats, singlets, pants, t-shirts, shirts with short sleeves, jackets, skirts, jumpers, shorts, vests, sweatshirts, boots, coats, tops, leggings; baby clothing, namely, pants, t-shirts, shirts, jackets, jeans, skirts, dresses, pyjamas, jumpers, shorts, sweatshirts, socks, gloves, scarves, bodysuit, one-piece garments, swaddling clothes; business clothing, namely, pants, trousers, suits, t-shirts, shirts, jackets, skirts, dresses, blouses, blazers, jumpers, sweatshirts, gloves, scarves, ties, footwear, belts, swimwear, stockings, t-shirts, tops, jeans, pyjamas, shorts, socks, lingerie, headgear, namely, hats, caps, toques, bandanas, headbands

Class 028. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Games and playthings, namely, games in the nature of board games, video game machines, card games, educational board games and card games for children; soft toys, namely, soft sculpture toys; balloons; playing cards; dress up dolls;

sporting articles, namely, sport balls, sport gloves for baseball, softball, and cricket, sports bats, golf clubs, lift weights, personal exercise mats, rackets, sport guards, namely, knee guards, leg guards, body protectors, and elbow protectors

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	CBN		
Goods/Services	Charitable fund raising, namely, charitable collections, management and monitoring of charitable funds; trustee services. Chatroom services, namely, providing Internet chatrooms, providing online chatrooms for social networking; communication by electronic communications networks on social media platforms for social networking. Education relating to children, namely, conducting classes, seminars and instructions in the field of bullying prevention or promoting friendliness; gaming services, namely, providing online computer games and lottery services; entertainment, namely, in the nature of variety television shows, live musical concerts, theatre, talent shows, reality shows; organizing sporting and cultural activities.		

Attachments	Notice of Consolidated Opposition.pdf(33506 bytes)
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Signature	/s/Patrick J. Arnold Jr.
Name	Patrick J. Arnold Jr.
Date	04/06/2018

	chatrooms, providing online chatrooms for social networking; communication by electronic communications networks on social media platforms for social networking.
41	Education relating to children, namely, conducting classes, seminars and instructions in the field of bullying prevention or promoting friendliness; gaming services, namely, providing online computer games and lottery services; entertainment, namely, in the nature of variety television shows, live musical concerts, theatre, talent shows, reality shows; organizing sporting and cultural activities.

2. Applicant filed Application Serial No. 79/197,514 on or about March 3, 2016 to register the mark BCBN for the following:

<u>International Class</u>	<u>Goods/Services</u>
3	Cosmetics, perfume, hair lotions, soaps, essential oils.
9	Computer software for use in organizing and viewing digital images, photographs, videos, podcasts, for image processing, for creating, organising, editing and listening to music, for creating, sending and receiving messages, for database management, for games, for digital animation and special effects of images; application software for smartphones and tablets for use in organizing and viewing digital images, photographs, videos, podcasts, for image processing, for creating, organising, editing and listening to music, for creating, sending and receiving messages, for database management, for games, for digital animation and special effects of images; prerecorded CD's and DVD's featuring music and recorded information and podcasts in the field of bullying prevention; apparatus for the transmission of sound or images; computer and smartphone hardware and accessories, namely, covers, keyboards, stands and screen savers software.
14	Jewellery, costume jewellery, precious stones; key rings of precious metal; badges of precious metal; clocks and watches.

16	Paperdolls in book form, namely, books in the field of bullying prevention, education and entertainment; printed publications, namely, brochures, booklets, books, magazines in the field of bullying prevention, education or entertainment; newsletters in the field of bullying prevention, education or entertainment; posters; cards, namely, business cards, greeting cards, postcards, collectible cards, trading cards; stickers; badges made of paper; calendars; stationery; paper labels; printed certificates; printed teaching materials in the field of bullying prevention, education or entertainment; promotional material namely paper and cardboard.
25	Clothing, namely, pants, trousers, t-shirts, shirts, stockings, tights, jackets, coats, jeans, skirts, dresses, pyjamas, jumpers, shorts, sweatshirts, socks, lingerie, underwear, gloves, scarves, belts, head wraps, caps, hats, hoodies, jerseys, knitwear in the nature of sweaters, shirts, scarves, caps and hats, sweatpants, neck warmers; sports clothing, namely, bras, hats, singlets, pants, t-shirts, shirts with short sleeves, jackets, skirts, jumpers, shorts, vests, sweatshirts, boots, coats, tops, leggings; baby clothing, namely, pants, t-shirts, shirts, jackets, jeans, skirts, dresses, pyjamas, jumpers, shorts, sweatshirts, socks, gloves, scarves, bodysuits, one-piece garments, swaddling clothes; business clothing, namely, pants, trousers, suits, t-shirts, shirts, jackets, skirts, dresses, blouses, blazers, jumpers, sweatshirts, gloves, scarves, ties, footwear, belts, swimwear, stockings, t-shirts, tops, jeans, pyjamas, shorts, socks, lingerie, headgear, namely, hats, caps, toques, bandanas, headbands.
28	Games and playthings, namely, games in the nature of board games, video game machines, card games, educational board games and card games for children; soft toys, namely, soft sculpture toys; balloons; playing cards; dress up dolls; sporting articles, namely, sport balls, sport gloves for baseball, softball, and cricket, sports bats, golf clubs, lift weights, personal exercise mats, rackets, sport guards, namely, knee guards, leg guards, body protectors, and elbow protectors.

3. Opposer will be damaged by the registration of Applicant's Mark, BCBN.

4. Opposer is the owner of a family of CBN marks and registrations.

5. Opposer began using the mark CBN for television broadcasting services, charitable fundraising, and entertainment services in the nature of televised religious, educational, news, and variety programs in the 1960s.

6. Opposer has registered the mark CBN, and other CBN-formatived marks, as follows:

<u>Opposer's Mark</u>	<u>International Class</u>	<u>Goods/Services</u>	<u>First Use in Commerce</u>
CBN U.S. Reg. No. 1108225	38, 41	38 - Television broadcasting services; 41 - Entertainment services in the nature of televised, religious, educational, news and variety programs	01/01/1969
CBN WORLDREACH U.S. Reg. No. 2200212	42	Christian evangelical ministerial services including outreach, counseling, and discipleship	1/9/96
CBN U.S. Reg. No. 2087580	41, 42	41 - educational services, namely, seminars, workshops and conferences in the fields of Christian living, finances, marriages, [veterans, and song writing]; 42 - Christian evangelical ministerial services including outreach, counseling, and discipleship	10/61
CBN ESPAÑOL U.S. Reg. No. 3691267	41	Entertainment services in the nature of ongoing Internet protocol television programs and programming in the context of Spanish culture and language	10/17/07
CBN RADIO U.S. Reg. No. 3799169	38	Radio broadcasting	11/08

CBN NEWS U.S. Reg. No. 2520307	41	Entertainment, namely, television news shows	1980
CBN.COM U.S. Reg. No. 4438517	38, 41, 45	38 - Radio and television broadcasting services; video and audio broadcasting services via the Internet; electronic transmission, broadcasting and delivery of audio, video and multimedia entertainment content including text, images, audio, video and audiovisual files by means of the Internet, wireless communication, electronic communications networks and computer networks; 41 - Providing a website featuring information in the field of entertainment and music and current event news; 45 - Providing a website featuring information about religion, spiritual life, and worship	6/30/00
CBN U.S. Reg. No. 5286207	36	Charitable fundraising	10/61
CBN NEWS U.S. Reg. No. 5321978	41	Providing current event news via a global computer network	10/99

7. Opposer's mark CBN is a famous mark, as this Board has previously held. *The Christian Broadcasting Network, Inc. v. ABS-CBN International*, 84 U.S.P.Q. 2d 1560, 1567 (T.T.A.B. 2007).

8. Opposer has priority over Applicant with respect to the use and registration of the trademarks.

9. Applicant's Mark so resembles Opposer's Marks as to be likely to cause confusion or to cause mistake or to deceive.

ADDITIONAL GROUNDS AS TO APPLICATION SERIAL NO. 79/197,514

10. As alleged above, Opposer's mark CBN is a famous mark, and is distinctive inherently and/or through acquired distinctiveness.

11. Applicant's use of the mark BCBN in connection with the goods identified in Application Serial No. 79/197,514 is likely to cause dilution by blurring or dilution by tarnishment, thereby diluting the distinctive quality of Opposer's famous mark CBN.

WHEREFORE, Opposer prays that both Application Serial No. 79/197,514 and Application Serial No. 79/975,367 be refused registration, and that this Opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated: April 6, 2018

/s/ Patrick J. Arnold Jr.
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Attorneys for Opposer

CERTIFICATE OF FILING AND SERVICE

I do hereby certify that on April 6, 2018, I filed via electronic means (ESTTA) this
CONSOLIDATED NOTICE OF OPPOSITION with the:

U.S. Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

With a copy via email to the attorney of record in the Applications at issue, namely:

Geza C. Ziegler
ZIEGLER IP LAW GROUP LLC
ptomail@gziplaw.com

/s/ Patrick J. Arnold Jr._____