

ESTTA Tracking number: **ESTTA929135**

Filing date: **10/17/2018**

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	Pollard Banknote Limited
Granted to Date of previous extension	10/17/2018
Address	140 Otter Street Winnipeg, MB R3T 0M8 CANADA

Correspondence information	Michael M. Zadrozny Shlesinger, Arkwright & Garvey, LLP 5845 Richmond Highway, Suite 415 Alexandria, VA 22303 UNITED STATES mmz@sagllp.com, danearle@sagllp.com, nitasantiago@sagllp.com 7036845600
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Applicant Information

Application No	87782069	Publication date	06/19/2018
Opposition Filing Date	10/17/2018	Opposition Period Ends	10/17/2018
Applicant	IGT 9295 Prototype Drive Reno, NV 89521 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Lottery cards; Lottery tickets; Scratchcards for playing lottery games

Grounds for Opposition

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

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DOUBLE DIAMOND		

Goods/Services	lottery tickets
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Attachments	Double Diamond NotofOpp.pdf(96516 bytes)
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Signature	/dte/
Name	Daniel T. Earle
Date	10/17/2018

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

In the matter of Trademark Application Serial No. 87/782,069 published in the Official Gazette on June 19, 2018.

Pollard Banknote Limited, :
Opposer, : Opposition No.
v. :
IGT Corporation, :
Applicant. :

NOTICE OF OPPOSITION

Opposer, Pollard Banknote Limited (hereinafter "Opposer"), a corporation organized under the laws of Canada, located and doing business at 140 Otter Street, Winnipeg, Manitoba, CANADA R3T 0M8, believes that it will be damaged by a registration of the mark shown in Application Serial No. 87/782,069, and hereby opposes the same.

The grounds for the opposition are as follows:

1. Since long prior to the filing date of the application for registration, Opposer has marketed and sold lottery tickets, under the mark, DOUBLE DIAMOND, and variations thereof.

2. Opposer has used the mark, DOUBLE DIAMOND, for lottery tickets in commerce in or with the United States since at least as early as 2015.

3. Opposer's trademark is favorably known as a valuable asset of Opposer. The mark, DOUBLE DIAMOND, is a symbol of good will and recognition built up by Opposer through Opposer's time and effort.

4. Notwithstanding Opposer's prior rights to the mark, Applicant filed, on February 2, 2018, an application to register the mark, DOUBLE DIAMOND, for lottery cards; lottery tickets; scratch cards for playing lottery games, in International Class 28, based on an intent to use the mark in commerce.

5. Upon information and belief, Applicant has not used the mark, DOUBLE DIAMOND, on any of the goods listed in the application.

6. In view of the similarity between the respective marks, and the respective goods of the parties, Applicant's mark so resembles Opposer's trademark, previously used in the United States and not abandoned, as to be likely to cause confusion, or to cause mistake, or to deceive, to the irreparable damage of Opposer.

7. If Applicant is granted a registration for the mark herein opposed, Applicant would obtain thereby at least a *prima facie* exclusive right to use the mark. Such registration would be a source of damage and injury to Opposer and Opposer's business.

WHEREFORE, Opposer prays that said Application Serial No. 87/782,069 be refused, that no registration be issued to Applicant for its mark, and that this Notice of Opposition be sustained in favor of Opposer.

Respectfully submitted,

Pollard Banknote Limited

Date: October 17, 2018

By: /dte/

Michael M. Zadrozny
Daniel T. Earle
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SHLESINGER, ARKWRIGHT & GARVEY LLP
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Alexandria, Virginia 22303
(703) 684-5600

Notice of Opposition
Serial No. 87/782,069

CERTIFICATE OF SERVICE

It is hereby certified that this NOTICE OF OPPOSITION has been served upon Applicant, by emailing a copy thereof to:

Denise Taliaferro
Attorney for Applicant
IGT Corporation
10 Memorial Boulevard
Providence, Rhode Island 02903
Mail to: trademarks@igt.com

this 17th day of October, 2018.

 /dte/
Daniel T. Earle