

ESTTA Tracking number: **ESTTA934847**

Filing date: **11/14/2018**

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	11/14/2018
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	87831462	Publication date	07/17/2018
Opposition Filing Date	11/14/2018	Opposition Period Ends	11/14/2018
Applicant	IGT 9295 Prototype Drive Reno, NV 89521 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Entertainment services, namely, providing on-line computer games; Entertainmentservices, namely, providing temporary use of non-downloadable computer games; Lottery services; Providing online non-downloadable game software

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	PINK DIAMOND		

Goods/Services	lottery tickets
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Attachments	Pink Diamond NotofOpp.pdf(96795 bytes)
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Signature	/dte/
Name	Daniel T. Earle
Date	11/14/2018

2. Opposer has used the mark, PINK DIAMOND, for lottery tickets in commerce in or with the United States since at least as early as 2013.

3. Opposer's trademark is favorably known as a valuable asset of Opposer. The mark, PINK 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 March 16, 2018, an application to register the mark, PINK DIAMOND, for entertainment services, namely, providing on-line computer games; entertainment services, namely, providing temporary use of non-downloadable computer games; lottery services; providing online non-downloadable game software, in International Class 41, based on an intent to use the mark in commerce.

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

6. In view of the similarity between the respective marks, and the respective goods and services of the parties, Applicant's mark so resembles Opposer's trademark, previously used in the United States and not abandoned, as

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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. 87/831,462 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: November 14, 2018 By: /dte/
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