

ESTTA Tracking number: **ESTTA205724**

Filing date: **04/18/2008**

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

Proceeding	94002255
Party	User Children's Chance
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Submission	Testimony For Plaintiff
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Signature	/Clarke W. DuBose/
Date	04/18/2008
Attachments	Children's Chance-concurrent proceeding document.pdf ( 3 pages )(95724 bytes )

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

<b>In re: Registration of:</b>	)	
	)	
<b>Children's Chance (Applicant)</b>	)	
	)	
<b>Serial Number: 78384127</b>	)	<b>Concurrent Use No. 94002255</b>
	)	
<b>Filed: March 15, 2005</b>	)	
	)	
<b>Mark: CHILDREN'S CHANCE</b>	)	
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Responsive to the TTAB correspondence mailed February 21, 2008, Applicant submits the attached Declaration in support of registration for the referenced mark. Applicant believes that this evidence is sufficient to establish Applicant's entitlement to registration.

As such, Applicant respectfully requests that the TTAB approve the federal registration for the mark CHILDREN'S CHANCE for "charitable fundraising services" in International Class 36.

If for some reason this Declaration is not sufficient to allow the TTAB to approve this mark for registration, the TTAB is requested to contact the undersigned attorney directly so that we may correct for Applicant, if possible.

**HAYNSWORTH SINKLER BOYD, P.A.**

**By:** /Clarke W. DuBose/  
Clarke W. DuBose

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Attorney for Applicant

April 17, 2008

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

<b>In re: Registration of:</b>	)	
	)	
<b>Children's Chance (Applicant)</b>	)	
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<b>Serial Number: 78384127</b>	)	<b>Concurrent Use No. 94002255</b>
	)	
<b>Filed: March 15, 2005</b>	)	
	)	
<b>Mark: CHILDREN'S CHANCE</b>	)	
<hr/>	)	

**DECLARATION OF DEEANN JONES**

I, the undersigned DeeAnn Jones, declare and state under penalty of perjury as follows:

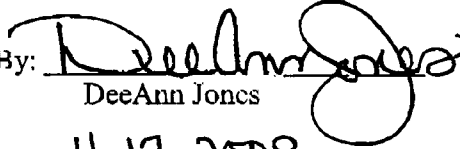
1. I am competent to give this Declaration, and I have personal knowledge of the statements and facts contained herein.
2. I am the Executive Director of Applicant Children's Chance, the owner of the referenced application for the mark CHILDREN'S CHANCE ("Mark"). I am submitting this Declaration in support of the referenced concurrent use proceeding.
3. To my knowledge, Children's Chance is entitled to registration of its Mark and said Mark will not result in a likelihood of confusion with the marks of the two common law parties identified in the application as exceptions to the exclusive use of the Mark. To the best of my knowledge and belief, the two exceptions to the exclusive use of the Mark are parties with single locations in Hopkins, Minnesota (THE CHILDREN'S CHANCE, INC.), owned by The Children's Chance, Inc., and Westport, Connecticut (CHILDREN'S CHANGE), owned by Lorene Kolctar. Neither party owns a federal trademark or has filed an application for registration of their respective marks.

4. No likelihood of confusion will result from Children's Chance's use of the Mark, because Children's Chance will not use or advertise the Mark in either Minnesota or Connecticut, unless it is after making a determination that one or both of the parties have abandoned their trademark rights.

5. Children's Chance has used the Mark since at least as early as July 29, 1997, and to my knowledge, such use has not resulted in any actual confusion.

6. In the unlikely event of any actual consumer confusion, Children's Chance will cooperate reasonably with the common law users thereafter to avoid any confusion.

The undersigned, being warned that willful false statement and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statement and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of her own true knowledge are true; and all statements made on information and belief are believed to be true.

By:   
DeeAnn Jones

Date: 4-17-2008 .....