

ESTTA Tracking number: **ESTTA209228**

Filing date: **05/05/2008**

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	Discovery Communications, LLC
Granted to Date of previous extension	05/04/2008
Address	One Discovery Place Silver Spring, MD 20910 UNITED STATES

Attorney information	Anthony V. Lupo Arent Fox LLP 1050 Connecticut Ave., NW Washington, DC 20036 UNITED STATES tmdocket@arentfox.com,lupo.anthony@arentfox.com,queeno.laurel@arentfox.com,kittkac@arentfox.com,mecheme@arentfox.com Phone:2028576000
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**Applicant Information**

Application No	77179871	Publication date	11/06/2007
Opposition Filing Date	05/05/2008	Opposition Period Ends	05/04/2008
Applicant	TrueU Discovery, Inc. 1750 Springhouse Lane Chester Springs, PA 19425 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 041. First Use: 2007/03/12 First Use In Commerce: 2007/03/12 All goods and services in the class are opposed, namely: Personal coaching services in the field of career and life; Career counseling
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**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	883953	Application Date	04/16/1969
Registration Date	01/06/1970	Foreign Priority	NONE

		Date	
Word Mark	DISCOVERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U107 (International Class 041). First use: First Use: 1962/10/01 First Use In Commerce: 1962/10/01 CHILDREN'S EDUCATIONAL TELEVISION PROGRAM		

U.S. Registration No.	1561407	Application Date	02/06/1989
Registration Date	10/17/1989	Foreign Priority Date	NONE
Word Mark	THE DISCOVERY CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1984/09/26 First Use In Commerce: 1984/09/26 CABLE TELEVISION NETWORK BROADCASTING SERVICES		

U.S. Registration No.	1602072	Application Date	11/16/1989
Registration Date	06/19/1990	Foreign Priority Date	NONE
Word Mark	THE DISCOVERY CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1989/07/11 First Use In Commerce: 1989/07/11 VIDEO CASSETTES FOR HOME AND EDUCATIONAL PURPOSES IN CONNECTION WITH SCIENCE, TRAVEL, HUMAN ADVENTURE, COOKING, NATURE AND NATURAL HISTORY IN A DOCUMENTARY TYPE FORMAT		

U.S. Registration No.	1602873	Application Date	09/22/1989
Registration Date	06/19/1990	Foreign Priority Date	NONE
Word Mark	ASSIGNMENT DISCOVERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1989/09/18 First Use In Commerce: 1989/09/18 CABLE TELEVISION BROADCASTING SERVICES		

U.S. Registration No.	2035912	Application Date	12/20/1993
Registration Date	02/04/1997	Foreign Priority Date	NONE
Word Mark	DISCOVERY CHANNEL		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 042. First use: First Use: 1995/05/15 First Use In Commerce: 1995/05/15 retail store services featuring books, video tapes, compact and video discs, CD ROMS, toys and puzzles having learning or teaching themes

U.S. Registration No.	2092711	Application Date	03/20/1996
Registration Date	09/02/1997	Foreign Priority Date	NONE

Word Mark	DISCOVERY CHANNEL
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 pre-recorded videotapes for home and educational use, featuring educational and general interest information Class 016. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 [ magazines featuring information about applicant's television programs, articles of interest to viewers of applicant's television programs and containing a guide to applicant's television programs ] Class 038. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 cable television network broadcasting Class 041. First use: First Use: 1996/01/01 First Use In Commerce: 1996/01/01 educational and entertainment services, namely, producing audio-visual works and television programs in the field of educational instruction
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U.S. Registration No.	2172031	Application Date	06/25/1996
Registration Date	07/07/1998	Foreign Priority Date	NONE

Word Mark	DISCOVERY CHANNEL SCHOOL
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 009. First use: First Use: 1996/09/00 First Use In Commerce: 1996/09/00 pre-recorded audio, video and CD-ROM recordings for home and educational uses featuring educational, entertainment and general interest information geared toward teachers, students and parents Class 016. First use: First Use: 1997/09/00 First Use In Commerce: 1997/09/00 magazines featuring information about applicant's television programs and articles of interest to viewers of applicant's television programs and also containing a guide of applicant's television programs Class 042. First use: First Use: 1996/01/00 First Use In Commerce: 1996/01/00 computer services, namely, providing on-line facilities for the dissemination of information on the applicant's television series of the same name and topics related thereto; computer services, namely, providing on-line directory in the field of children's programming of others; and computer services, namely, providing an interactive data base on children's programs and information related to the applicant's television series of the same name
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U.S. Registration No.	2244685	Application Date	04/07/1998
Registration Date	05/11/1999	Foreign Priority Date	NONE
Word Mark	WILD DISCOVERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: First Use: 1997/09/27 First Use In Commerce: 1997/09/27 entertainment services in the nature of television programming		

U.S. Registration No.	2286757	Application Date	04/30/1997
Registration Date	10/12/1999	Foreign Priority Date	NONE
Word Mark	WILD DISCOVERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 stationery, namely, writing paper, notecards, post cards, diaries, pens, pencils, pencil cases, paper stationery portfolios, binders, notebooks; books and magazines on topics relating to applicant's television programming featuring such topics as nature, geographic points of interest, animals and outdoor adventures; calendars; photographs; collector's trading cards, decals, stickers; paper party decorations</p> <p>Class 025. First use: First Use: 1997/01/20 First Use In Commerce: 1997/01/20 [ clothing, namely, T-shirts, sweatshirts, tops, jerseys, sweaters, vests, skirts, shorts, pants, blazers, jackets, coats, scarves, wrist bands, sleepwear, robes, socks, underwear, leggings, leotards, jogging suits, belts, swimwear, cover-ups, rainwear; headwear, namely, hats, caps, head bands; footwear ]</p> <p>Class 038. First use: First Use: 1995/10/01 First Use In Commerce: 1995/10/01 television broadcasting services</p>		

U.S. Registration No.	2334877	Application Date	10/08/1998
Registration Date	03/28/2000	Foreign Priority Date	NONE
Word Mark	DISCOVERY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 038. First use: First Use: 1999/04/12 First Use In Commerce: 1999/04/12 television broadcasting services, namely, broadcast services provided by a family of television networks</p> <p>Class 041. First use: First Use: 1999/04/12 First Use In Commerce: 1999/04/12 entertainment services, namely, production of television programs; and distribution of television programs for others</p>		

U.S. Registration No.	2366883	Application Date	04/22/1998
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Registration Date	07/11/2000	Foreign Priority Date	NONE
Word Mark	DISCOVERY CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1999/08/30 First Use In Commerce: 1999/08/30 games, namely, card games, parlor games, action skill games, [hand held unit for playing electronic and video games, outdoor activity games in the nature of swimming games, climbing games and water related games, manipulative games, role playing games;] models, namely, toy model vehicles [and related accessories sold as units, model train sets, model airplanes;] plush toys; soft sculpture toys; puzzles namely, jigsaw puzzles, [manipulative puzzles, three dimensional puzzles;] toy action figures and accessories therefor; [play figures; water squirting toys; bathtub toys]		

U.S. Registration No.	2382827	Application Date	06/01/1999
Registration Date	09/05/2000	Foreign Priority Date	NONE
Word Mark	DISCOVERY HEALTH CHANNEL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1999/08/02 First Use In Commerce: 1999/08/02 television broadcasting services Class 041. First use: First Use: 1999/08/02 First Use In Commerce: 1999/08/02 television programming regarding current trends, news, and information on the subject of physical and mental wellness		

U.S. Registration No.	2455590	Application Date	06/25/1996
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	DISCOVERY CHANNEL SCHOOL		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1997/01/31 First Use In Commerce: 1997/01/31 cable television network broadcasting Class 041. First use: First Use: 1997/01/31 First Use In Commerce: 1997/01/31 educational and entertainment services in the nature of a television program series featuring topics of educational instruction for children in kindergarten through twelfth grade; television production services; and television show scheduling programming		

U.S. Registration No.	2455722	Application Date	03/10/1998
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	DISCOVERY FACT		

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