04-22-1999

ATENT AND TRADEMARK OFFICE Request to Register Documents

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TRANSMEDIA		Name: Stephen M. Shaw Internal Address:
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General Partnership L Corporation-State Other Sole Propriete		City: Honolulu State: HI Zip: 96804 Entity: Individual Association General Partnership Limited Partnership Corporation-State Other Sole Proprietor Citizenship
3. Interest Conveyed: Assignment Conveyed: Security Agreement Notice of Opp Other Notice of Opp 4. Application number(s) or registration	Merger position	If not domiciled in the United States, a domestic representative designation is attached: Yes No (The attached document must not be an assignment) itional sheet attached? Yes No
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Entity: Individual(s) Association	City: Honolulu State: HI Zip: 96804 Entity: Association
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☐ General Partnership ☐ Limited Partnership ☐ Corporation-State	General Partnership Corporation-State
Ⅺ Other Sole Proprieter	Other Sole Proprietor
	Citizenship
3. Interest Conveyed: 3. Assignment	If not domiciled in the United States, a domestic
Security Agreement	representative designation is attached:
🛪 Other Notice of Opposition	☐ Yes
	□ No
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75-592278	02-26-1999 U.S. Patent & TMOfc/TM Mail Ropt Dt. #7
5 Name and address of party to whom correspondence concerning document should be mailed:	6. Number of applications and registrations involved
Name: <u>Barbara R. Shufro, Esq.</u> Internal Address:	two 7. Amount of fee enclosed or authorized to be charged Law Office of Stephen M. Shaw P.O. Box 2353, Honolulu, HI 96804
Street Address: Pillsbury et al 2550 Hanover Street City: Palo Alto,	8. Deposit account number (Attach duplicate copy of this form if paying by deposit account):
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9. Date of execution of attached document <u>2/26/99</u> . 10. I declare under penalty of perjuty under the laws of the correct. Executed on.	United States of America that the foregoing is true and
/ /24	26/99 Date
	Stephen M. Shaw
Signature	Name of Person Signing
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☐ Security Agreement C ☑ Other Notice of	Change of Name Merger Opposition	4	attached: coument must not be an assignment)	
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5 Name and address of party to concerning document should be name: Barbara R. Shufro Internal Address: Pillsbury 6 2550 Hanover Sti City: Palo Alto,	et al	6. Number of applications and two 7. Amount of fee enclosed or a Law Office of Stepl P.O. Box 2353, Hone 8. Deposit account number (At this form if paying by depos	uthorized to be charged hen M. Shaw olulu, HI 96804 tach duplicate copy of	
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		Stephen		
Signature ^V		Name of	f Person Signing	

TRANSMEDIA P.O. Box 2353, Honolulu, Hawaii 96804 Tel: (808) 521-0800

Opposer

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

TRANSMEDIA,)	
)	In The Matter Of Application
Opposer,)	Serial No. 75-592278
)	
vs.)	Published In The Official
)	Gazette/Filed 11-19-98
TRANSMEDIA COMMUNICATIONS)	LODIN DAMA HARA BARA NATA MARA HARA BARA NATA MARA MARA MARA MARA MARA MARA MARA M
INC., 20 Great Oaks Blvd., Suite 210,)	i i i i i i i i i i i i i i i i i i i
San Jose, CA 95119)	22.22.4000
)	02-26-1999
<u></u>		U.S. Patent & TMOfc/TM Mail Ropt Dt. #70

NOTICE OF OPPOSITION

Transmedia, located and doing business at P.O. Box 2353, Honolulu, Hawaii 96804 believes that it will be damaged by registration of the above-identified mark in Application Serial No. 75-592277 and hereby opposes the same.

As grounds of opposition it is alleged that:

- 1. Opposer is a sole proprietorship engaged in the business of publishing under the trade name TRANSMEDIA. This trade name is well-known and famous. The trade name TRANSMEDIA is extensively advertised in connection with Opposer's products and services. Opposer has built up a valuable reputation and tremendous good-will in the trade name TRANSMEDIA, as applied to and in connection with Opposer's business.
- 2. Opposer is the owner of the trade name TRANSMEDIA, a name in use since prior to 1971. Additionally the owner(s) of TRANSMEDIA own copyrights bearing the trade name TRANSMEDIA as early as 1971. A copy of the 1971 copyright notice is attached as exhibit "A". A copy of the copyright notice of 1975 is attached as Exhibit

"B". Notice of copyright TX 3-812-536 (reg. 2-4-94) in TRANSMEDIA's product is attached as "C" and a copy of the 1994 certificate of registration is attached as "D". All such notices referred to Opposer's trade name.

- 3. Opposer's trade name has become incontestable.
- 4. Opposer believes that Applicant Transmedia Communications, Inc. is a Delaware Corporation whose business address is 20 Great Oaks Blvd., Suite 210, San Jose, CA 95119.
- 5. Applicant has filed an application Serial No. 75-59227\(\) to register the mark TRANSMEDIA in International Class 9, claiming no use in commerce date.
- 6. Opposer believes it would be damaged by registration of the mark of Serial No. 75-592277 and Serial No. 75-592278 within the meaning of section 1063 of Title 15, United States Code.
- 7. Opposer has used the trade name in connection with its products and services long before Applicant's use of any of its classes listed including prints and publications.
- 8. Applicant's mark TRANSMEDIA is confusingly similar to Opposer's trade name TRANSMEDIA. Opposer's mark is used in commerce with published materials sold in many countries where Applicant's products and services will also be displayed to consumers and wholesalers alike. These consumers and others are likely to believe there is some association between goods sold in connection with the same or similar work.
- 9. The registration and use by Applicant for TRANSMEDIA is likely to cause members of the purchasing public, as well as members of the trade, to be confused and deceived as to source, origin, affiliation and sponsorship. Such member will believe that Applicant's use of the TRANSMEDIA mark is in some way associated with or connected with or sponsored by or authorized by or warranted by Opposer.
- 10. Opposer believes that Applicant's registration of the mark TRANSMEDIA for the services set forth in the application, has and will continue to damage Opposer's established goodwill and reputation.

11. Opposer believes that the contemporaneous registration by Applicant of the mark TRANSMEDIA will dilute and impair Opposer's trade name and trademark rights and will eventually result in lack of designation or indication of origin, and loss of distinctiveness and exclusivity, thereby damaging Opposer.

12. Registration of mark sought to be registered in application Serial No. 75-592277 or 75-592278 is barred by provisions of Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d), for the reason that it consists of or comprises a mark which so resembles a mark previously used in the United States by Opposer on related services, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

WHERERFORE, Opposer respectfully prays that the registration sought by the Applicant be refused and that this opposition be sustained.

Please direct all communications to:

Stephen M. Shaw, Esq. P.O. Box 2353 Honolulu, Hawaii 96804

A duplicate copy of the Notice of Opposition is filed herewith.

Respectfully submitted,

Dated: 2 126 1 99

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THE SURFBOARD BUILDERS' MANUAL

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SURFBOARD BUILDERS'' YEARBOOK

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by
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Printed in U.S.A.

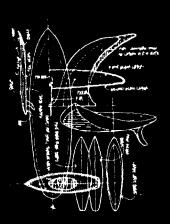


THE SURFBOARD BUILDERS' YEARBOOK

The surfboard construction techniques described in this book can be utilized in, and adapted to, any foam and fibreglass (foam-skin) project. Currently the foam-skin system has found application in many major industries. The expertise, technical skill and artistry of surfboard construction is an undeniable contribution to civilization.

Presently the shapes of surfboards vary according to fads, gimmicks, experiments and genuine improvement. The basic building methods remain the same. If, at some time in the future, wave machines crop up all-over the world and wave-vehicle demands exceed the supply, the technology of board building may shift drastically. No matter what conveyance is provided, waves will be ridden - from the small, erisp, fresh water curls of inland lakes to distant vortices of space and time.

For the time being . . . render the dream, cover it with permanence . . .



THE SURFBOARD BUILDERS' YEARBOOK

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ISBN Number 0-912750-02-2



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Published by Stephen M. Shaw 733 Bishop Street, Ste. 170-479 • Honolulu, HI 96813, USA.

This book was first published in 1963 under the title, Surfboard Builder's Manual; and from 1971 to 1979 under the title, Surfboard Builder's Yearbook; and from 1979 to 1983, Under the present title, Surfboard.

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本書は最初に1963年「サーフボード製作者便覧」 (Surfboard Builder's Manual)として出版され、 1971~1979年には「サーフボード製作者年鑑」 (Surfboard Builder's Yearbook), そして1983年には現在の名称「サーフボード」(SURFBOARD) として発行されてきました。

1994 by Stephen M. Shaw

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TRANSMEDIA,)
Opposer,) In The Matter of Application) Serial No. 75-592278
vs. TRANSMEDIA COMMUNICATIONS INC., 20 Great Oaks Blvd., Suite 210, San Jose, CA 95119	CERTIFICATE OF SERVICE)))
CERTIFICA	TE OF SERVICE
I hereby certify that a copy of the f	foregoing document was served upon the
following party by U.S. Mail, postage pre-	paid, <u>2-26-99</u> to Barbara R
Shufro, Esq., Pillsbury Madison & Sutro I	LLP, 2550 Hanover Street, Palo Alto, CA
94304.	
DATED: Honolulu, Hawaii,	3-26-99

TRANSMEDIA P.O. Box 2353, Honolulu, Hawaii 96804 Tel: (808) 521-0800

Opposer

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

TRANSMEDIA,)	
, ,)	In The Matter Of Application
Opposer,)	Serial No. 75-592278
)	
VS.)	Published In The Official
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San Jose, CA 95119)	
)	02-26-1999
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NOTICE OF OPPOSITION

Transmedia, located and doing business at P.O. Box 2353, Honolulu, Hawaii 96804 believes that it will be damaged by registration of the above-identified mark in Application Serial No. 75-592277 and hereby opposes the same.

As grounds of opposition it is alleged that:

- 1. Opposer is a sole proprietorship engaged in the business of publishing under the trade name TRANSMEDIA. This trade name is well-known and famous. The trade name TRANSMEDIA is extensively advertised in connection with Opposer's products and services. Opposer has built up a valuable reputation and tremendous good-will in the trade name TRANSMEDIA, as applied to and in connection with Opposer's business.
- 2. Opposer is the owner of the trade name TRANSMEDIA, a name in use since prior to 1971. Additionally the owner(s) of TRANSMEDIA own copyrights bearing the trade name TRANSMEDIA as early as 1971. A copy of the 1971 copyright notice is attached as exhibit "A". A copy of the copyright notice of 1975 is attached as Exhibit

"B". Notice of copyright TX 3-812-536 (reg. 2-4-94) in TRANSMEDIA's product is attached as "C" and a copy of the 1994 certificate of registration is attached as "D". All such notices referred to Opposer's trade name.

- 3. Opposer's trade name has become incontestable.
- 4. Opposer believes that Applicant Transmedia Communications, Inc. is a Delaware Corporation whose business address is 20 Great Oaks Blvd., Suite 210, San Jose, CA 95119.
- 5. Applicant has filed an application Serial No. 75-59227% to register the mark TRANSMEDIA in International Class 9, claiming no use in commerce date.
- 6. Opposer believes it would be damaged by registration of the mark of Serial No. 75-592277 and Serial No. 75-592278 within the meaning of section 1063 of Title 15, United States Code.
- 7. Opposer has used the trade name in connection with its products and services long before Applicant's use of any of its classes listed including prints and publications.
- 8. Applicant's mark TRANSMEDIA is confusingly similar to Opposer's trade name TRANSMEDIA. Opposer's mark is used in commerce with published materials sold in many countries where Applicant's products and services will also be displayed to consumers and wholesalers alike. These consumers and others are likely to believe there is some association between goods sold in connection with the same or similar work.
- 9. The registration and use by Applicant for TRANSMEDIA is likely to cause members of the purchasing public, as well as members of the trade, to be confused and deceived as to source, origin, affiliation and sponsorship. Such member will believe that Applicant's use of the TRANSMEDIA mark is in some way associated with or connected with or sponsored by or authorized by or warranted by Opposer.
- 10. Opposer believes that Applicant's registration of the mark TRANSMEDIA for the services set forth in the application, has and will continue to damage Opposer's established goodwill and reputation.

- 11. Opposer believes that the contemporaneous registration by Applicant of the mark TRANSMEDIA will dilute and impair Opposer's trade name and trademark rights and will eventually result in lack of designation or indication of origin, and loss of distinctiveness and exclusivity, thereby damaging Opposer.
- 12. Registration of mark sought to be registered in application Serial No. 75-592277 or 75-592278 is barred by provisions of Section 2(d) of the Trademark Act, 15 U.S.C. Section 1052(d), for the reason that it consists of or comprises a mark which so resembles a mark previously used in the United States by Opposer on related services, and not abandoned, as to be likely to cause confusion, or to cause mistake or to deceive.

WHERERFORE, Opposer respectfully prays that the registration sought by the Applicant be refused and that this opposition be sustained.

Please direct all communications to:

Stephen M. Shaw, Esq. P.O. Box 2353 Honolulu, Hawaii 96804

A duplicate copy of the Notice of Opposition is filed herewith.

Respectfully submitted,

Dated: / /

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11. Opposer believes that the contemporaneous registration by Applicant of the mark TRANSMEDIA will dilute and impair Opposer's trade name and trademark rights and will eventually result in lack of designation or indication of origin, and loss of distinctiveness and exclusivity, thereby damaging Opposer.

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Respectfully submitted,

Dated: 2 126 199

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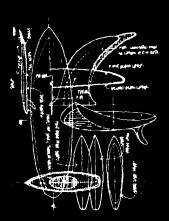


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Presently the shapes of surfboards vary according to fads, gimmicks, experiments and genuine improvement. The basic building methods remain the same. If, at some time in the future, wave machines crop up all-over the world and wave-vehicle demands exceed the supply, the technology of board building may shift drastically. No matter what conveyance is provided, waves will be ridden - from the small, crisp, fresh water curls of inland lakes to distant vortices of space and time.

For the time being . . . render the dream, cover it with permanence . . .



THE SURFBOARD BUILDERS' YEARBOOK

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TRADEMARK

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Published by Stephen M. Shaw 733 Bishop Street, Ste. 170-479 • Honolulu, HI 96813, USA.

This book was first published in 1963 under the title, Surfboard Builder's Manual; and from 1971 to 1979 under the title, Surfboard Builder's Yearbook; and from 1979 to 1983, Under the present title, Surfboard.

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

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Opposer,) Serial No. 75-592278
vs. TRANSMEDIA COMMUNICATIONS INC., 20 Great Oaks Blvd., Suite 210, San Jose, CA 95119) CERTIFICATE OF SERVICE))) .
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DATED: Honolulu, Hawaii,	2/3/19/9

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P.O. Box 2353,
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Tel: (808) 521-0800
Opposer

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As grounds of opposition it is alleged that:

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- 7. Opposer has used the trade name in connection with its products and services long before Applicant's use of any of its classes listed including prints and publications.
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- 11. Opposer believes that the contemporaneous registration by Applicant of the mark TRANSMEDIA will dilute and impair Opposer's trade name and trademark rights and will eventually result in lack of designation or indication of origin, and loss of distinctiveness and exclusivity, thereby damaging Opposer.
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WHERERFORE, Opposer respectfully prays that the registration sought by the Applicant be refused and that this opposition be sustained.

Please direct all communications to:

Stephen M. Shaw, Esq. P.O. Box 2353 Honolulu, Hawaii 96804

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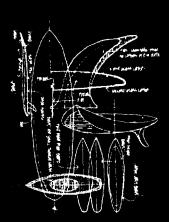


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TRANSMEDIA,)
Opposer,	In The Matter of ApplicationSerial No. 75-592277
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Enclosed please find an opposition and one copy for the respective Serial numbers. Attached to each opposition is a certificate of service.

Sincerely,

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