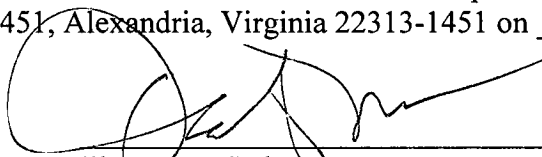


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on NOVEMBER 20, 2008.



Thomas A. Polcyn
Reg. No. 41,256

Attorney Docket: 46324-55406

The Lutheran Church – Missouri Synod :

Opposer, :

v. :

Harry B. Madsen :

Applicant. :

Opposition No. _____

Application No. 77/487,948

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

TRANSMITTAL

Please find enclosed:

1. Notice of Opposition (in triplicate)
2. Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition filing fee. A duplicate copy of this Letter is enclosed for that purpose.

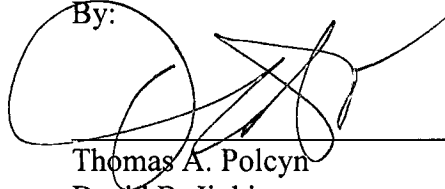


11-24-2008

Please file said Opposition.

Respectfully submitted,
THOMPSON COBURN LLP

By:

A handwritten signature in black ink, appearing to be "Thomas A. Polcyn", written over a horizontal line. The signature is stylized and somewhat illegible.

Thomas A. Polcyn
David B. Jinkins
Matthew A. Braunel

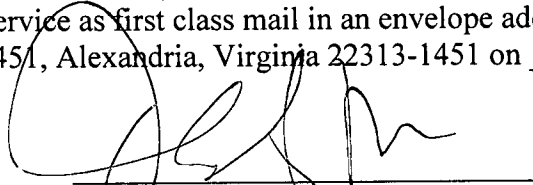
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000

Attorneys for Opposer
The Lutheran Church – Missouri Synod

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

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on NOVEMBER 20, 2008.



Thomas A. Polcyn
Reg. No. 41,256

Attorney Docket: 46324-55406

The Lutheran Church – Missouri Synod :

Opposer, :

Opposition No. _____

v. :

Application No. 77/487,948

Harry B. Madsen :

Applicant. :

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

11/26/2008 00000134 000823 77487948

01 FC:3402 300.00 00

NOTICE OF OPPOSITION

The Lutheran Church – Missouri Synod, a Missouri corporation with an address of 1333 South Kirkwood Road, Kirkwood, Missouri 63122 (“Opposer”), believes that it will be damaged by registration of the mark ISSUES, ETC. for *production and distribution of radio programs*, as shown in application Serial No. 77/487,948, filed by Harry B. Madsen, a U.S. citizen with an

address of 1850 Surrey Park Lane, Arlington Heights, Illinois 60005 ("Applicant"), and hereby opposes the same.

As grounds for its opposition, Opposer hereby alleges as follows:

1. Applicant seeks to register ISSUES, ETC. as a trademark for *production and distribution of radio programs* in International Class 41, alleging an intent to use the mark in commerce under Lanham Act Section 1(b), as shown by publication in the Official Gazette on November 4, 2008.

2. Since at least as early as 1992, Opposer has used the mark ISSUES, ETC. as a trademark in interstate commerce in connection with *entertainment services in the nature of a radio program series*. Through such use, Opposer has acquired protectable common law trademark rights in the ISSUES, ETC. mark.

3. Opposer has promoted and provided the services identified in Paragraph 2 in interstate and intrastate commerce under Opposer's ISSUES, ETC. mark prior to any use by Applicant of the mark for which it seeks registration.

4. As a result of the use, promotion, and advertising of Opposer's ISSUES, ETC. mark, said mark has become well known to the relevant trade and to the public, and has accordingly acquired significant goodwill. Opposer's ISSUES, ETC. mark identifies and distinguishes Opposer's services from the goods and services of others, and identifies the source and origin thereof to both the relevant trade and the public.

5. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, in connection with the services identified in U.S. Trademark Application No. 77/487,948, prior to the first use by Opposer of its mark as claimed herein.

6. Applicant's registration and use of the ISSUES, ETC. mark is likely to cause confusion in the minds of the trade and of the public that Applicant's services emanate from or are licensed, sponsored, endorsed or otherwise authorized by Opposer, whereas in fact they are not.

7. Applicant's mark for which it seeks registration so resembles Opposer's ISSUES, ETC. mark previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's services, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

8. Prior to Applicant's adoption of its mark, if any, Opposer's ISSUES, ETC. mark was distinctive and became "famous" within the meaning of 15 U.S.C. §1125(c).

9. Registration and use of the mark for which Applicant's seeks registration would cause dilution to Opposer's ISSUES, ETC. trademark.

10. Opposer will be injured and damaged by the registration of Applicant's mark, because such mark, when applied to the goods of Applicant:

(a) is likely to cause confusion, or to cause mistake, or to deceive;

(b) falsely suggests a connection with Opposer;

(c) will cause dilution of the distinctive quality of Opposer's ISSUES, ETC. mark;

and

(d) will damage Opposer's valuable goodwill in its ISSUES, ETC. mark.

11. Upon information and belief, Applicant never had or no longer has a bona fide intention to use the mark shown in U.S. Trademark Application No. 77/487,948 in commerce in connection with any of the services listed in the application.

12. Applicant was not the person or entity with a bona fide intention to use the mark in commerce at the time the application was filed.

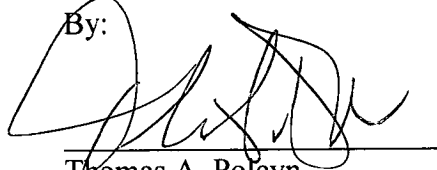
13. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,
THOMPSON COBURN LLP

By:



Thomas A. Polcyn
David B. Jinkins
Matthew A. Braunel

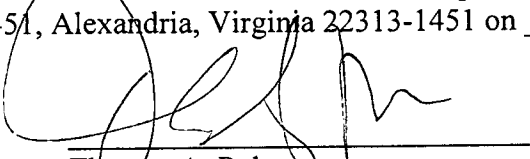
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000

Attorneys for Opposer
The Lutheran Church – Missouri Synod

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

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on NOVEMBER 20, 2008.



Thomas A. Polcyn
Reg. No. 41,256

Attorney Docket: 46324-55406

The Lutheran Church – Missouri Synod :
:
Opposer, :
:
v. :
:
Harry B. Madsen :
:
Applicant. :

Opposition No. _____
Application No. 77/487,948

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

The Lutheran Church – Missouri Synod, a Missouri corporation with an address of 1333 South Kirkwood Road, Kirkwood, Missouri 63122 (“Opposer”), believes that it will be damaged by registration of the mark ISSUES, ETC. for *production and distribution of radio programs*, as shown in application Serial No. 77/487,948, filed by Harry B. Madsen, a U.S. citizen with an

address of 1850 Surrey Park Lane, Arlington Heights, Illinois 60005 ("Applicant"), and hereby opposes the same.

As grounds for its opposition, Opposer hereby alleges as follows:

1. Applicant seeks to register ISSUES, ETC. as a trademark for *production and distribution of radio programs* in International Class 41, alleging an intent to use the mark in commerce under Lanham Act Section 1(b), as shown by publication in the Official Gazette on November 4, 2008.

2. Since at least as early as 1992, Opposer has used the mark ISSUES, ETC. as a trademark in interstate commerce in connection with *entertainment services in the nature of a radio program series*. Through such use, Opposer has acquired protectable common law trademark rights in the ISSUES, ETC. mark.

3. Opposer has promoted and provided the services identified in Paragraph 2 in interstate and intrastate commerce under Opposer's ISSUES, ETC. mark prior to any use by Applicant of the mark for which it seeks registration.

4. As a result of the use, promotion, and advertising of Opposer's ISSUES, ETC. mark, said mark has become well known to the relevant trade and to the public, and has accordingly acquired significant goodwill. Opposer's ISSUES, ETC. mark identifies and distinguishes Opposer's services from the goods and services of others, and identifies the source and origin thereof to both the relevant trade and the public.

5. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, in connection with the services identified in U.S. Trademark Application No. 77/487,948, prior to the first use by Opposer of its mark as claimed herein.

6. Applicant's registration and use of the ISSUES, ETC. mark is likely to cause confusion in the minds of the trade and of the public that Applicant's services emanate from or are licensed, sponsored, endorsed or otherwise authorized by Opposer, whereas in fact they are not.

7. Applicant's mark for which it seeks registration so resembles Opposer's ISSUES, ETC. mark previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's services, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

8. Prior to Applicant's adoption of its mark, if any, Opposer's ISSUES, ETC. mark was distinctive and became "famous" within the meaning of 15 U.S.C. §1125(c).

9. Registration and use of the mark for which Applicant's seeks registration would cause dilution to Opposer's ISSUES, ETC. trademark.

10. Opposer will be injured and damaged by the registration of Applicant's mark, because such mark, when applied to the goods of Applicant:

(a) is likely to cause confusion, or to cause mistake, or to deceive;

(b) falsely suggests a connection with Opposer;

(c) will cause dilution of the distinctive quality of Opposer's ISSUES, ETC. mark;

and

(d) will damage Opposer's valuable goodwill in its ISSUES, ETC. mark.

11. Upon information and belief, Applicant never had or no longer has a bona fide intention to use the mark shown in U.S. Trademark Application No. 77/487,948 in commerce in connection with any of the services listed in the application.

12. Applicant was not the person or entity with a bona fide intention to use the mark in commerce at the time the application was filed.

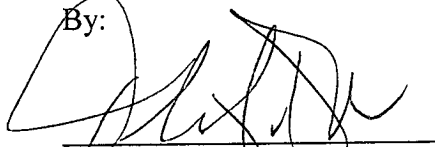
13. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,
THOMPSON COBURN LLP

By:



Thomas A. Polcyn
David B. Jinkins
Matthew A. Braunel

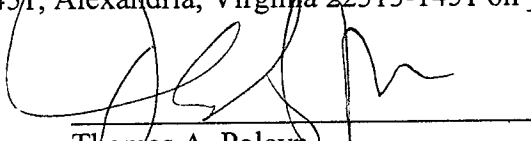
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000

Attorneys for Opposer
The Lutheran Church – Missouri Synod

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

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451 on NOVEMBER 20, 2008.



Thomas A. Polcyn
Reg. No. 41,256

Attorney Docket: 46324-55406

The Lutheran Church – Missouri Synod	:	
	:	
Opposer,	:	
	:	Opposition No. _____
v.	:	
	:	Application No. 77/487,948
Harry B. Madsen	:	
	:	
Applicant.	:	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

NOTICE OF OPPOSITION

The Lutheran Church – Missouri Synod, a Missouri corporation with an address of 1333 South Kirkwood Road, Kirkwood, Missouri 63122 (“Opposer”), believes that it will be damaged by registration of the mark ISSUES, ETC. for *production and distribution of radio programs*, as shown in application Serial No. 77/487,948, filed by Harry B. Madsen, a U.S. citizen with an

address of 1850 Surrey Park Lane, Arlington Heights, Illinois 60005 ("Applicant"), and hereby opposes the same.

As grounds for its opposition, Opposer hereby alleges as follows:

1. Applicant seeks to register ISSUES, ETC. as a trademark for *production and distribution of radio programs* in International Class 41, alleging an intent to use the mark in commerce under Lanham Act Section 1(b), as shown by publication in the Official Gazette on November 4, 2008.

2. Since at least as early as 1992, Opposer has used the mark ISSUES, ETC. as a trademark in interstate commerce in connection with *entertainment services in the nature of a radio program series*. Through such use, Opposer has acquired protectable common law trademark rights in the ISSUES, ETC. mark.

3. Opposer has promoted and provided the services identified in Paragraph 2 in interstate and intrastate commerce under Opposer's ISSUES, ETC. mark prior to any use by Applicant of the mark for which it seeks registration.

4. As a result of the use, promotion, and advertising of Opposer's ISSUES, ETC. mark, said mark has become well known to the relevant trade and to the public, and has accordingly acquired significant goodwill. Opposer's ISSUES, ETC. mark identifies and distinguishes Opposer's services from the goods and services of others, and identifies the source and origin thereof to both the relevant trade and the public.

5. Upon information and belief, Applicant has made no use of the mark for which it seeks registration, nor of any word, letter or design confusingly similar thereto as a trademark or service mark, in connection with the services identified in U.S. Trademark Application No. 77/487,948, prior to the first use by Opposer of its mark as claimed herein.

6. Applicant's registration and use of the ISSUES, ETC. mark is likely to cause confusion in the minds of the trade and of the public that Applicant's services emanate from or are licensed, sponsored, endorsed or otherwise authorized by Opposer, whereas in fact they are not.

7. Applicant's mark for which it seeks registration so resembles Opposer's ISSUES, ETC. mark previously used in the United States by Opposer and not abandoned, as to be likely, when applied to Applicant's services, to cause confusion or to cause mistake or to deceive, and is an attempt to deceive the public and to benefit from the reputation and goodwill developed by Opposer.

8. Prior to Applicant's adoption of its mark, if any, Opposer's ISSUES, ETC. mark was distinctive and became "famous" within the meaning of 15 U.S.C. §1125(c).

9. Registration and use of the mark for which Applicant's seeks registration would cause dilution to Opposer's ISSUES, ETC. trademark.

10. Opposer will be injured and damaged by the registration of Applicant's mark, because such mark, when applied to the goods of Applicant:

(a) is likely to cause confusion, or to cause mistake, or to deceive;

(b) falsely suggests a connection with Opposer;

(c) will cause dilution of the distinctive quality of Opposer's ISSUES, ETC. mark;

and

(d) will damage Opposer's valuable goodwill in its ISSUES, ETC. mark.

11. Upon information and belief, Applicant never had or no longer has a bona fide intention to use the mark shown in U.S. Trademark Application No. 77/487,948 in commerce in connection with any of the services listed in the application.

12. Applicant was not the person or entity with a bona fide intention to use the mark in commerce at the time the application was filed.

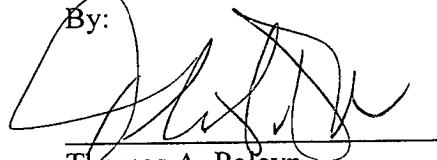
13. By reason of the foregoing, Applicant is not entitled to the registration of the trademark sought by its application.

WHEREFORE, Opposer respectfully prays that this opposition be sustained and the application for registration denied.

Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition fee. This is believed to be the correct fee, but if it is not, please be hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,
THOMPSON COBURN LLP

By:



Thomas A. Polcyn
David B. Jinkins
Matthew A. Braunel

One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000

Attorneys for Opposer
The Lutheran Church – Missouri Synod