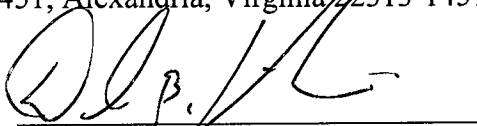


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

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 December 2, 2008.



David B. Jenkins
Reg. No. 46,805

The Lutheran Church – Missouri Synod	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	Application No. 77/487,948
Harry B. Madsen	:	
	:	
Applicant.	:	Attorney Docket: 46324-80132

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

TRANSMITTAL

Please find enclosed:

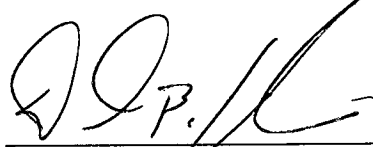
1. Notice of Opposition (in triplicate).
2. Authorization is hereby given to charge Deposit Account 20-0823 \$300.00 for the Notice of Opposition filing fee. A duplicate copy of this Letter is enclosed for that purpose.

Please file said Opposition.

Respectfully submitted,

THOMPSON COBURN LLP

By




David B. Jenkins
Thomas A. Polcyn
Matthew A. Braunel
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
E-mail: ipdocket@thompsoncoburn.com

Attorneys for Opposer
The Lutheran Church – Missouri Synod

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Transmittal has been served on Harry B. Madsen by mailing said copy on December 2, 2008 via First Class Mail, postage prepaid to:

Harry B. Madsen
1850 Surrey Park Lane
Arlington Heights, IL 60005

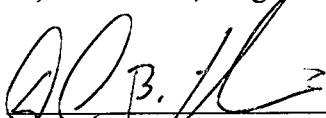


David B. Jenkins
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6304

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 December 2, 2008.



 David B. Jenkins
 Reg. No. 46,805

The Lutheran Church – Missouri Synod	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	Application No. 77/487,948
	:	
Harry B. Madsen	:	
	:	
Applicant.	:	Attorney Docket: 46324-80132

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

12/09/2008 14:00:00 00000000 000000 77487948
 01 FD:6400 12/02/08

NOTICE OF OPPOSITION

The Lutheran Church – Missouri Synod, a Missouri non-profit 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:


12-05-2008

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, you are hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,

THOMPSON COBURN LLP

By



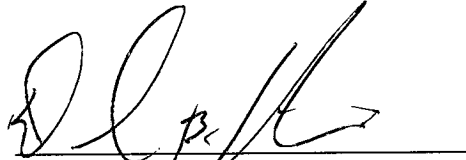
David B. Jenkins
Thomas A. Polcyn
Matthew A. Braunel
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
E-mail: ipdocket@thompsoncoburn.com

Attorneys for Opposer
The Lutheran Church – Missouri Synod

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Harry B. Madsen by mailing said copy on December 2, 2008 via First Class Mail, postage prepaid to:

Harry B. Madsen
1850 Surrey Park Lane
Arlington Heights, IL 60005

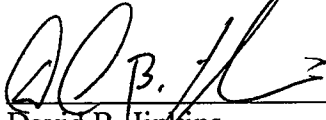
A handwritten signature in black ink, appearing to read 'D. B. Jenkins', written over a horizontal line.

David B. Jenkins
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6304

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 December 2, 2008.



David B. Jenkins
Reg. No. 46,805

The Lutheran Church – Missouri Synod	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	Application No. 77/487,948
Harry B. Madsen	:	
	:	
Applicant.	:	Attorney Docket: 46324-80132

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

NOTICE OF OPPOSITION

The Lutheran Church – Missouri Synod, a Missouri non-profit 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, you are hereby authorized to debit our Account 20-0823 or credit any excess thereto.

Respectfully submitted,

THOMPSON COBURN LLP

By



David B. Jenkins
Thomas A. Polcyn
Matthew A. Braunel
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6000
E-mail: ipdocket@thompsoncoburn.com

Attorneys for Opposer
The Lutheran Church – Missouri Synod

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Harry B. Madsen by mailing said copy on December 2, 2008 via First Class Mail, postage prepaid to:

Harry B. Madsen
1850 Surrey Park Lane
Arlington Heights, IL 60005

A handwritten signature in black ink, appearing to read 'D. B. Jenkins', written over a horizontal line.

David B. Jenkins
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
(314) 552-6304