



10-31-2001

U.S. Patent & TMOfo/TM Mail Rcpt. Dt. #40

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

Exhibit

In the Matter of Trademark Application Serial No. 75/524,850
Filed: July 24, 1998
For the mark: MY PONY in International Class 28
Published in the Official Gazette: July 3, 2001 at TM 342

HASBRO, INC.,

Opposer,

v.

LEDRAPLASTIC SPA.

Applicant.

Opposition No. _____

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NOTICE OF OPPOSITION

HASBRO, INC., a Rhode Island corporation, having a place of business at 1027
Airport Avenue, Pawtucket, Rhode Island 02862-1059 ("Opposer"), believes that it would be
damaged by registration of the above-identified application for the mark "MY PONY" in
International Class 28, Application Serial No. 75/524,850 filed by Ledraplastic SpA
("Applicant"), published in the Official Gazette of July 3, 2001 on page TM 342.

Opposer has obtained the necessary extensions of time to file this Notice of
Opposition and such Notice is timely made.

As grounds for opposition, it is alleged that:

- As illustrated in the Official Gazette dated July 3, 2001, at page TM 342,
Applicant seeks to register and use the trademark "MY PONY" for "toys, namely, child's
bouncing ride-on balls with handles." Applicant has not asserted a first use of the MY PONY

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mark in commerce in the United States.

2. Opposer is the owner of the following federal trademark registration for the MY LITTLE PONY® trademark issued on the Principal Register, which is in full force and effect (the "Trademark"): Registration No. 1,296,534, International Class 28, registered September 18, 1984. A true and correct copy of this registration is attached hereto as Exhibit 1.

3. Opposer markets and sells the world famous MY LITTLE PONY® toy ponies. Opposer began selling MY LITTLE PONY® toy ponies in the commerce of the United States in 1982 and has used the Trademark in United States commerce in substantially identical form in connection with the world famous MY LITTLE PONY® toy ponies. Opposer's toy ponies are identified as originating from Opposer through the use of the Trademark on the packaging for the toy ponies.

4. In addition to marketing and selling world famous MY LITTLE PONY® toy ponies, Opposer has licensed the right to use the MY LITTLE PONY® Trademark for related uses, including party supplies, costumes, children's clothing, stickers, toiletries, computer games, and pool inflatables. Opposer's licensees have continued to market and sell products bearing the MY LITTLE PONY® Trademark even during periods when Opposer has not sold new MY LITTLE PONY® toy ponies in the market. The use of the Trademark on the associated items that the licensees have sold has contributed to the growth of the wide-spread recognition of the MY LITTLE PONY® Trademark.

5. Furthermore, as a testament to the strength of the MY LITTLE PONY® Trademark, an active collectors' market has developed for the toy ponies that Opposer markets and sells. Accordingly, the MY LITTLE PONY® Trademark has developed as a strong brand that consumers recognize as flowing from a single source.

6. No issue of priority exists between Opposer's Trademark and the alleged MY PONY proposed trademark. As set out in Exhibit 1, Opposer's date of adoption and first use of the MY LITTLE PONY Trademark long precedes both the filing date for the intent-to-use application for the MY PONY mark and the Italian registration for the MY PONY mark, which was filed June 11, 1998.

7. Since adoption and first use of Opposer's MY LITTLE PONY® Trademark, Opposer has expended and continues to expend substantial time, money and effort in promoting its Trademark to identify Opposer as the source of the toys displaying that Trademark.

8. The immense sales of MY LITTLE PONY® goods have been supported by extensive advertising and promotions, all of which typically feature the Trademark. By virtue of its efforts and expenditure of considerable sums for promotional activities and by virtue of the excellence of its goods, Opposer has gained a valuable reputation for its MY LITTLE PONY® Trademark and has developed valuable goodwill with respect to that Trademark.

9. By virtue of the continuous and widespread use by Opposer and its licensees of the MY LITTLE PONY® Trademark, Opposer is entitled to a broad scope of protection for the Trademark.

10. Applicant's alleged MY PONY mark obviously was intended to be, and is, an imitation of Opposer's Trademark, and Applicant intends to trade on the fame and goodwill of Opposer's Trademark.

11. Specifically, Applicant's proposed mark contains two of the three words of Opposer's mark, "MY" and "PONY." Moreover, the Applicant uses the same type of serif-style block letters for its mark that Opposer uses for its MY LITTLE PONY mark, which gives the Applicant's alleged trademark a similar look. Thus, Applicant's mark and Opposer's mark would

create similar commercial impressions.

12. Moreover, Applicant intends to use the mark in the United States for a use that bears a marked similarity to the pool inflatables that a licensee of Opposer intends to manufacture. Because Applicant's bouncy ride-on balls would be used in a similar manner as a pool inflatable – both are inflated items on which a child can straddle and "ride" – Applicant's trademark would be used on goods similar to goods bearing the MY LITTLE PONY® Trademark.

13. Registration of the alleged MY PONY trademark will lead the public to conclude incorrectly that Applicant's goods displaying the alleged MY PONY trademark are or have been, authorized, sponsored or licensed by Opposer. Accordingly, issuance of any Registration to Applicant for the MY PONY trademark is contrary to the provisions of 15 U.S.C. § 1052(a), and will result in damage to Opposer and the public.

14. The alleged MY PONY trademark is deceptively similar to the Opposer's Trademarks so as to cause confusion, to cause mistake or to deceive the public as to the origin of Applicant's goods bearing that trademark. Therefore, registration of the alleged MY PONY trademark is prohibited by 15 U.S.C. §1052(d).

15. On information and belief, Applicant's goods displaying the alleged MY PONY trademark and Opposer's goods displaying the MY LITTLE PONY® Trademark would be offered for sale to the same, or essentially the same, purchasers or prospective purchasers. Accordingly, registration of the alleged MY PONY trademark is likely to cause confusion, to cause mistake or to deceive the public as to the origin of Applicant's goods displaying that trademark. Therefore, registration of said trademark is prohibited by 15 U.S.C. § 1052(d).

16. The alleged MY PONY trademark creates the same, or essentially the

same, commercial impression as Opposer's MY LITTLE PONY® Trademark. Accordingly, registration of Applicant's alleged MY PONY trademark is likely to cause confusion, deceive the public, or cause mistake as to the source of Applicant's goods, all to the harm and damage of Opposer and the public. Therefore, registration of said trademark is prohibited by 15 U.S.C. § 1052(d).

17. Customers familiar with Opposer's MY LITTLE PONY® Trademark and goods would be likely to purchase Applicant's goods believing them to be goods originating from or sponsored by Opposer. Any defect, objection, fault or adverse publicity in connection with Applicant's goods marketed under its alleged MY PONY mark, which is confusingly similar to Opposer's registered MY LITTLE PONY® Trademark, would necessarily reflect on and seriously injure the reputation which Opposer has established for its goods.

18. Registration of the alleged MY PONY trademark would constitute prima facie evidence of the validity of such Registration, of Applicant's ownership of that trademark, and of Applicant's exclusive right to use said trademark pursuant to the provisions of 15 U.S.C. § 1057(b). Such registration would be a source of damage and injury to the Opposer and to the public and would be contrary to the principles of registration set out in 15 U.S.C. § 1051, *et seq.*

19. Registration of the alleged MY PONY trademark would be incorrect and improper in view of the requirements of the Trademark Act of 1946, as amended, including specifically, but not limited to, the provisions of 15 U.S.C. §§ 1051, 1052 and 1127.

WHEREFORE, Opposer prays that this Opposition be sustained, and that registration Serial No. 75/524,850 to Applicant for the MY PONY mark for the uses specified above in International Class 28 be denied.

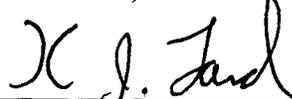
Please recognize Kim J. Landsman and Clare F. Saperstein, Patterson, Belknap, Webb & Tyler LLP, 1133 Avenue of the Americas, New York, NY 10036-6710, both members of the Bar of the State of New York, as the attorneys for the Opposer in this proceeding. All communications are to be directed to Clare F. Saperstein at the address identified above.

Opposer hereby files this Notice of Opposition in triplicate and enclosed herewith is PBW&T Check No. 111,954 in the amount of \$300.00 to cover the official statutory filing fee.

Dated: October 31, 2001

Respectfully submitted,

PATTERSON, BELKNAP, WEBB & TYLER LLP

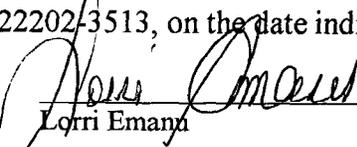
By 

Kim J. Landsman, Esq.
Clare F. Saperstein, Esq.

1133 Avenue of the Americas
New York, New York 10036
(212) 336-2000
Attorneys for Opposer

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Notice of Opposition is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service (mailing label # EL779697430US) in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Box TTAB - FEE, Arlington, VA 22202-3513, on the date indicated below.

By: 
Lorri Emanu

Date: October 31, 2001

11-01-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #01

Int. Cl.: 28

Prior U.S. Cl.: 22

Reg. No. 1,296,534

Registered Sep. 18, 1984

United States Patent and Trademark Office

TRADEMARK
Principal Register

My Little Pony

Hasbro Industries, Inc. (Rhode Island corporation)
1027 Newport Ave.
Pawtucket, R.I. 02861

For: TOY PONY, in CLASS 28 (U.S. Cl. 22).
First use Oct. 4, 1982; in commerce Oct. 4, 1982.
Owner of U.S. Reg. No. 1,210,742.
No claim is made to the exclusive right to use
"Pony", apart from the mark as shown.

Ser. No. 450,973, filed Nov. 2, 1983.

SUSAN A. RICHARDS, Examining Attorney



10-31-2001

U.S. Patent & TMO/c/TM Mail Rpt. Dt. #40

PBW&T File No.: H0286

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Applicant: Ledraplastic SpA.

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For the Mark: MY PONY in International Class 28

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Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
ATTN.: BOX - NO FEE

SUBSTITUTE POWER OF ATTORNEY

S I R:

It is respectfully requested that HASBRO, INC., a Rhode Island corporation having its principal place of business located at 1027 Newport Avenue, Pawtucket, Rhode Island hereby appoints Kim J. Landsman, Esq. and Clare F. Saperstein, Esq., and all other members of or associates with the law firm of **PATTERSON, BELKNAP, WEBB & TYLER LLP**, 1133 Avenue of the Americas, New York, New York 10036, (212) 336-2000, all attorneys admitted to practice law in the State of New York, to prosecute its opposition to the above-identified application for registration with full power of substitution and revocation and to transact all business in the Patent and Trademark Office's Trademark Trial and Appeal Board in connection therewith and simultaneously revoking all previous powers and appointments. Please address all correspondence to:

PATTERSON, BELKNAP, WEBB & TYLER LLP
1133 Avenue of the Americas
New York, New York 10036-6710
Attn.: IP Department

Please address all telephone inquiries to: Clare F. Saperstein, Esq. at (212) 336-2234

Hasbro, Inc.

October 30, 2001

[Dated]

By: 
Name: **Barry Nagler**
Title: **Senior Vice President**