

TTAB

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

In the Matter of Application No. 78/096284

Mark : LEIRGO

Filed : December 3, 2001

Published in the Official Gazette on July 16, 2002 at TM 698



08-16-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

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 :  
 KIRKBI AG, :  
 :  
 Opposer, :  
 :  
 - against - :  
 :  
 BRIAN VINCENT LEJEUNE, :  
 :  
 Applicant. :  
 -----X

Opposition No. \_\_\_\_\_

02 AUG 30 PM 8:44  
TRADEMARK TRIAL AND APPEAL BOARD

To: Box TTAB - Fee

NOTICE OF OPPOSITION

Kirkbi AG, a corporation organized and existing under the laws of Switzerland and located and doing business at Neuhofstrasse 21, CH-6340 Baar Switzerland ("Opposer"), believes that it will be damaged by the registration of the mark shown in the above application, and accordingly opposes the same.

As grounds for opposition, Opposer, by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., respectfully alleges as follows:

08/26/2002 TSMITH 00000132 78096284  
01 FC:377 300.00 DP

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on:

8/14/02 \_\_\_\_\_  
 (Date of Deposit) (Signature)

DAVID EHRLICH \_\_\_\_\_  
 (Printed name of person mailing paper or fee) (Date of Signature)

1. Opposer Kirkbi AG is the owner of the trademark LEGO in the U.S. Opposer, through licensees, since before December 3, 2001, has used and now uses LEGO in the U.S. for shirts and other clothing.

2. Kirkbi AG owns United States trademark Registration Numbers 1248936 and 2060284 for LEGO or LEGO & design covering clothing. Printouts are attached as Exhibit A.

3. Use of the LEGO trademark by licensees of Opposer predates the filing date of the opposed application, and any date on which Applicant may rely herein.

4. The opposed application is based on intent-to-use and covers the mark LEIRGO for "shirts, hats, pants, socks, shoes, gloves, jackets, coats and sweaters" in Class 25.

5. Applicant's mark is so similar to Opposer's famous prior trademark LEGO as to be likely to cause confusion, deception or mistake when used in respect of Applicant's goods, in violation of Lanham Act Section 2(d), 15 U.S.C. § 1052(d). This damages Opposer's goodwill in the mark LEGO.

WHEREFORE, it is respectfully prayed that the opposed application be rejected and this opposition be sustained.

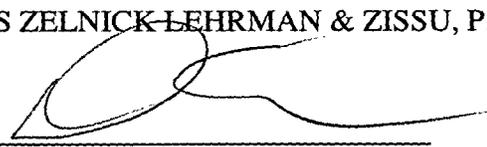
A check for the opposition fee in the sum of \$300.00 is attached.

This notice of opposition is filed in duplicate.

Dated: New York, New York  
August 14, 2002

Respectfully submitted,

FROSS ZELNICK-LEHRMAN & ZISSU, P.C.

By 

David Ehrlich  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
Attorney for Opposer  
Opposer's Ref: LEGO USA TC 02/05418

cc: Philip A. Kantor, Attorney for Applicant (by mail)

**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 08/14/2002 15:38:34 ET**

**Serial Number:** 73369522

**Registration Number:** 1248936

**Mark (words only):** LEGO

**Current Status:** Section 8 and 15 affidavits have been accepted and acknowledged.

**Date of Status:** 1989-07-12

**Filing Date:** 1982-06-14

**Registration Date:** 1983-08-23

**Law Office Assigned:** TMEO Law Office # 1

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**CURRENT APPLICANT(S)/OWNER(S)**

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1. Interlego A.G.

**Address:**

Interlego A.G.

Baar,

Switzerland

**State or Country of Incorporation:** Switzerland

**Legal Entity Type:** Corporation

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**GOODS AND/OR SERVICES**

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Series of Books and Number, Symbol and Letter Blocks for Instructional Use

**International Class:** 016

**First Use Date:** 19520000

**First Use in Commerce Date:** 19791025

**Basis:** 1(a)

Storage Cases, Play Tables with Chairs Attached and Including a Storage Box

**International Class:** 020

**First Use Date:** 19620000

**First Use in Commerce Date:** 19790504

**Basis:** 1(a)

Storage Bags Made of Cloth

**International Class:** 022

EXHIBIT A

**First Use Date:** 19760000  
**First Use in Commerce Date:** 19770810

**Basis:** 1(a)

T-Shirts  
**International Class:** 025  
**First Use Date:** 19770000  
**First Use in Commerce Date:** 19800903

**Basis:** 1(a)

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**ADDITIONAL INFORMATION**

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**Prior Registration Number(s):**

1145147

7727380

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**PROSECUTION HISTORY**

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1989-07-12 - Section 8 (6-year) accepted & Section 15 acknowledged

1989-04-06 - Section 8 (6-year) and Section 15 Filed

1983-08-23 - Registered - Principal Register

1983-05-31 - Published for opposition

1983-08-23 - Registered - Principal Register

1983-05-31 - Published for opposition

1983-05-12 - Notice of publication

1983-05-11 - Notice of publication

1983-05-10 - Notice of publication

1983-04-06 - Approved for Pub - Principal Register (Initial exam)

1982-11-18 - Non-final action mailed

1982-10-25 - Case file assigned to examining attorney

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**CONTACT INFORMATION**

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**Correspondent (Owner)**

ALLAN ZELNICK (Attorney of record)

ALLAN ZELNICK  
WEISS DAWID FROSS ZELNICK & LEHRMAN

633 THIRD AVENUE  
NEW YORK, NY 10017-6703  
United States

**Domestic Representative**  
WEISS DAWID FROSS ZELNICK & LEHRMAN

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**Thank you for your request. Here are the latest results from the TARR web server.**

**This page was generated by the TARR system on 08/14/2002 15:39:01 ET**

**Serial Number:** 74593028

**Registration Number:** 2060284

**Mark**



**(words only):** LEGO

**Current Status:** Registered.

**Date of Status:** 1997-05-13

**Filing Date:** 1994-10-31

**Registration Date:** 1997-05-13

**Law Office Assigned:** TMEG Law Office 103

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**CURRENT APPLICANT(S)/OWNER(S)**

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I. Interlego A.G.

**Address:**

Interlego A.G.  
Neuhofstrasse 21 CH-6340  
Baar,  
Switzerland

**State or Country of Incorporation:** Switzerland

**Legal Entity Type:** Corporation

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**GOODS AND/OR SERVICES**

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key rings of metal, money boxes of metal

**International Class:** 006

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

reflecting tags for wear for the prevention of traffic accidents; sun glasses; a series of souvenir tour video recordings; educational computer programs used for teaching mathematics, science and technology and for use in the computer-assisted design of toy models and structures; computer accessories, namely, computer cables, interface boxes used to connect model robots, model vehicles or other motorized building set constructions to a computer, through which the computer operator controls them, and slot cards used to adapt a computer therefor

**International Class:** 009

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

baby bottles and parts thereof, babies' pacifiers

**International Class:** 010

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

watches; clocks; jewelry; cuff-links; ornamental pins; ornamental lapel pins

**International Class:** 014

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

books, pamphlets; maps; playing cards; postcards, greeting cards, posters, photographs, writing paper and envelopes, writing and drawing pads, calendars, note books, bookmarks; pens and pencils, pen and pencil cases, pencil sharpeners, erasers; paper bibs; paper napkins, paper place mats and paper tablecloths; curriculum guides and activity cards for use in teaching pre-school program subjects, including problem solving, motor skills, language development, number concepts and the like; for use in teaching construction toy play and educational games involving construction toys and toy model figures; and for use in teaching reading, mathematics, geometry, science and technology; computer manuals for use of educational software

**International Class:** 016

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

bicycle bags, hand bags, shoulder bags, duffel bags, string bags, waist packs, school bags and satchels, toddler's bags, rucksacks, purses, wallets and umbrellas

**International Class:** 018

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

decorative mobiles; non-metal key rings; play tables; storage shelves; non-metallic storage bins; and money boxes of plastic

**International Class:** 020

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

lunch boxes; beverage ware; plates

**International Class:** 021

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

textile place mats and table cloths; bedspreads; bed linen; towels of textiles; and draperies

**International Class:** 024

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

clothing for men, women, children and babies, namely, T-shirts, sweatshirts, ponchos, scarves, bandanas, neckwear, tights, footwear and headwear

**International Class:** 025

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

plush toys, toy windmills and toy mobiles; construction toys and blocks; toy figures; toy furniture; toy screwdrivers for assembling construction toys; base plates and simulated road plates for construction toys; toy vehicles; toy model train sets; puzzles; toy friction motors for toy vehicles; toy electric motors; children's multiple activity toys; educational plastic blocks with numbers or geometric shapes; educational construction toy sets comprising gears, pulleys, beams, wheels, connectors, electric motors, sensors, and/or pneumatic cylinders; computer game software; Christmas tree decorations

**International Class:** 028

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

candy, frozen confections, flavored ices and chocolate

**International Class:** 030

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

theme park and amusement park services; entertainment services in the nature of providing facilities for playing computer games; conducting workshops for instruction in the use of computer software and educational toys in teaching; entertainment services, namely, providing exhibitions of models made of toy building elements, conducting model building contests and organizing clubs featuring the building of models

**International Class:** 041

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

hotel, motel, restaurant, cafe, cafeteria, snack bar and fast food stand services; retail toy, gift and souvenir store services; child care centers; retail mail order services in the field of toys, clothing, educational products, souvenirs and gifts

**International Class:** 042

**First Use Date:**

**First Use in Commerce Date:**

**Basis:** 44(d), 44(e)

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#### ADDITIONAL INFORMATION

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**Lining and Stippling:** The drawing is lined for the colors red and yellow.

**Prior Registration Number(s):**

1026871

1563848

1713101

**Foreign Application Number:** 5826/1994.0

**Foreign Registration Number:** 426855

**Foreign Registration Date:** 1994-08-25

**Country:** Switzerland

**Foreign Filing Date:** 1994-08-25

**Foreign Expiration Date:** 2004-08-25

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#### PROSECUTION HISTORY

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1997-05-13 - Registered - Principal Register

1997-02-18 - Published for opposition

1997-01-17 - Notice of publication

1996-12-02 - Approved for Pub - Principal Register (Initial exam)

1996-10-30 - Communication received from applicant

1996-10-30 - ITU claim deleted

1996-09-12 - Inquiry as to suspension mailed  
1996-01-11 - Letter of suspension mailed  
1995-12-04 - Communication received from applicant  
1995-06-02 - Non-final action mailed  
1995-05-18 - Case file assigned to examining attorney  
1995-05-09 - Case file assigned to examining attorney

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**CONTACT INFORMATION**

---

**Correspondent (Owner)**

David Ehrlich (Attorney of record)

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NEW YORK, NY 10017  
United States

**Domestic Representative**

WEISS DAWID FROSS ZELNICK & LEHRMAN, PC

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