

ESTTA Tracking number: **ESTTA238687**

Filing date: **09/24/2008**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Hasbro, Inc.
Granted to Date of previous extension	09/24/2008
Address	1027 Newport Avenue Pawtucket, RI 02862 UNITED STATES

Attorney information	Kim J. Landsman Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas New York, NY 10036 UNITED STATES IPDOCKETING@PBWT.COM Phone:212-336-2000
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Applicant Information

Application No	77363504	Publication date	05/27/2008
Opposition Filing Date	09/24/2008	Opposition Period Ends	09/24/2008
Applicant	Forsberg, Larry G. 1004 Pine Tree Trail Stillwater, MN 55082 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 2007/04/01 First Use In Commerce: 2007/04/01 All goods and services in the class are opposed, namely: Educational books featuring Character Curriculum; Educational publications, namely, training manuals in the field of Character Curriculum; Printed instructional, educational, and teaching materials in the field of Character Curriculum

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1348237	Application Date	08/13/1984
Registration Date	07/09/1985	Foreign Priority	NONE

		Date	
Word Mark	THE TRANS FORMERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1982/10/04 First Use In Commerce: 1982/10/04 TOY ROBOTS CONVERTIBLE INTO OTHER VISUAL FORMS		

U.S. Registration No.	2455261	Application Date	05/18/2000
Registration Date	05/29/2001	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1992/10/15 First Use In Commerce: 1992/10/15 toy action figures, toy vehicles and toy robots convertible into other visual forms		

U.S. Registration No.	2654939	Application Date	02/20/2001
Registration Date	11/26/2002	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS ROBOTS IN DISGUISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/02/15 First Use In Commerce: 2000/02/15 Toy action figures, toy vehicles and accessories for use therewith		

U.S. Registration No.	2674678	Application Date	02/15/2002
Registration Date	01/14/2003	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS ROBOTS IN DISGUISE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2000/02/15 First Use In Commerce: 2000/02/15 toy action figures, toy vehicles and toy robots convertible into other visual forms		

U.S. Registration No.	2707856	Application Date	10/01/2001
Registration Date	04/15/2003	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS ARMADA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 028. First use: First Use: 2002/02/12 First Use In Commerce: 2002/02/12 toy action figures, toy vehicles and toy robots convertible into other visual forms		
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U.S. Registration No.	2787236	Application Date	02/14/2002
Registration Date	11/25/2003	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS ARMADA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2001/05/01 First Use In Commerce: 2001/05/01 toy action figures, toy vehicles and toy robots convertible into other visual forms		

U.S. Registration No.	2798576	Application Date	10/25/2001
Registration Date	12/23/2003	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2002/09/04 First Use In Commerce: 2002/09/04 playing cards		

U.S. Registration No.	2872403	Application Date	03/20/2003
Registration Date	08/10/2004	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS ENERGON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/05/06 First Use In Commerce: 2003/05/06 toy action figures, toy vehicles and toy robots convertible into other visual toy forms and accessories for use therewith		

U.S. Registration No.	2875462	Application Date	01/30/2003
Registration Date	08/17/2004	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS UNIVERSE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2002/10/04 First Use In Commerce: 2002/10/04 toy action figures, toy vehicles and toy robots convertible into other visual forms		

U.S. Registration No.	2900471	Application Date	05/13/2003
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Registration Date	11/02/2004	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS ALTERNATORS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/05/09 First Use In Commerce: 2003/05/09 toy action figures, toy vehicles and toy robots convertible into other visual toy forms and accessories for use therewith		

U.S. Registration No.	3080254	Application Date	07/15/2004
Registration Date	04/11/2006	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS CYBERTRON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2004/09/15 First Use In Commerce: 2004/09/15 toy action figures, toy vehicles and toy robots convertible into other visual toy forms and accessories for use therewith		

U.S. Application No.	76678468	Application Date	06/21/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: toy action figures, toy vehicles and toy robots convertible into other visual toy forms		

U.S. Application No.	76690677	Application Date	06/19/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	TRANSFORMERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 041. First use: entertainment services, namely, production and distribution of movies and on-going animated television series		

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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kim J. Landsman/
Name	Kim J. Landsman
Date	09/24/2008

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

In the Matter of Application Serial No. 77/363,504
Filed: January 3, 2008
For the Mark: TRANSFORMERS CREED TC & Design
Published in the Official Gazette on May 27, 2008

HASBRO, INC.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
LARRY G. FORSBERG	:	
	:	
Applicant.	:	
	:	

Commissioner for Trademarks
Trademark Assistance Center
600 Dulany Street
Alexandria, VA 22313
ATTN.: BOX TTAB - FEE

NOTICE OF OPPOSITION

Hasbro, Inc. (“Opposer”) believes that it will be damaged by the registration of the trademark covered by Application Serial No. 77/363,504 (the “Application”) filed on January 3, 2008, by Larry G. Forsberg (“Applicant”), and hereby opposes the registration of the trademark.

Opposer is a Rhode Island corporation having its headquarters and its principal place of business at 1027 Newport Avenue, Pawtucket, Rhode Island 02862-1059.

Applicant is, upon information and belief, an individual residing at 1004 Pine Tree Trail, Stillwater, Minnesota 55082.

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

As grounds of Opposition, Opposer alleges as follows:

1. As illustrated in the Official Gazette dated May 27, 2008, Applicant seeks to register and use the trademark "TRANSFORMERS CREED" and design in International Class 16, for "Educational books featuring Character Curriculum; Educational publications, namely training manuals in the field of Character Curriculum; Printed instructional, educational, and teaching materials in the field of Character Curriculum" alleging first use on April 1, 2007.

2. Opposer is the owner of numerous trademarks for which the word TRANSFORMERS is the principal element, including but not limited to:

A. Registration No. 1,348,237 for THE TRANS FORMERS (design):

Registered on July 9, 1985, in International Class 28 for "toy robots convertible into other visual forms."

B. Registration No. 2,455,261 for TRANSFORMERS:

Registered on May 29, 2001, in International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual forms."

C. Registration No. 2,654,939 for TRANSFORMERS ROBOTS IN DISGUISE:

Registered on November 26, 2002, in International Class 28 for "[t]oy action figures, toy vehicles and accessories for use therewith."

D. Registration No. 2,674,678 for TRANSFORMERS ROBOTS IN DISGUISE (design):

Registered on January 14, 2003, in International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual forms."

E. Registration No. 2,707,856 for TRANSFORMERS ARMADA:

Registered on April 15, 2003, International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual forms."

F. Registration No. 2,787,236 for TRANSFORMERS ARMADA (design):

Registered on November 25, 2003, International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual forms."

G. Registration No. 2,798,576 for TRANSFORMERS:

Registered on December 23, 2003, in International Class 16, for "playing cards."

H. Registration No. 2,872,403 for TRANSFORMERS ENERGON:

Registered on August 10, 2004, in International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual toy forms and accessories for use therewith."

I. Registration No. 2,875,462 for TRANSFORMERS UNIVERSE:

Registered August 17, 2004, in International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual forms."

J. Registration No. 2,900,471 for TRANSFORMERS ALTERNATORS:

Registered November 2, 2004, in International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual toy forms and accessories for use therewith."

K. Registration No. 3,080,254 for TRANSFORMERS CYBERTRON:

Registered April 11, 2006, in International Class 28 for "toy action figures, toy vehicles and toy robots convertible into other visual toy forms and accessories for use therewith."

3. Opposer continues to invest in and enhance the TRANSFORMERS marks.

Opposer has the following pending trademark applications:

A. Serial Number 76, 678, 468 for TRANSFORMERS:

Filed June 21, 2007, in International Class 28 for "[t]oy action figures, toy vehicles and toy robots convertible into other visual forms."

B. Serial Number 76,690,677 for TRANSFORMERS:

Filed June 19, 2008, in International Class 41 for "[e]ntertainment services, namely production and distribution of movies and on-going animated television series."

4. Opposer began using the TRANSFORMERS trademarks in commerce in 1982 and has continuously used the trademarks in the United States since then by marketing and

selling numerous toy action figures and toy vehicles and robots convertible into other visual forms.

5. For goods bearing TRANSFORMERS trademarks, Opposer has had total sales of over \$1 billion since 1984. In addition, Opposer has advertised its goods bearing TRANSFORMERS trademarks on national cable and network television, as well as on radio. Since 1984, Opposer has spent over \$100 million advertising its TRANSFORMERS marks. As a result, Opposer believes and alleges that the public has come to recognize TRANSFORMERS trademarks as emanating from a single source.

6. Additionally, Opposer has an extensive licensing program for the TRANSFORMERS brand.

7. No issue of priority exists between Opposer's TRANSFORMERS trademarks and the alleged "TRANSFORMERS CREED" and design. Opposer's date of adoption and first use of its trademarks was in 1982. Opposer's date of adoption and first use precedes Applicant's, as the Applicant's alleged first use is April 1, 2007.

8. Since adoption and first use of Opposer's TRANSFORMERS trademarks, Opposer has continuously marketed and is presently marketing its TRANSFORMERS toy action figures and toy vehicles and robots convertible into other visual forms throughout the United States. Opposer's action figures, vehicles, and robots are identified as originating from Opposer through the use of the Trademarks on the packaging for the toys.

9. The TRANSFORMERS products have been supported by extensive advertising and promotions, all of which typically feature the Trademarks. 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 goods bearing

TRANSFORMERS trademarks and has developed valuable goodwill with respect to those Trademarks.

10. By virtue of the widespread use by Opposer of the TRANSFORMERS trademarks, Opposer is entitled to a broad scope of protection for the marks.

11. Applicant's alleged "TRANSFORMERS CREED" trademark is confusingly similar to Opposer's famous TRANSFORMERS trademarks.

12. Registration of the alleged "TRANSFORMERS CREED" trademark will lead the public to incorrectly conclude that Applicant or its goods displaying the alleged "TRANSFORMERS CREED" trademark have been authorized, sponsored, or licensed by Opposer. Accordingly, issuance of any Registration to Applicant for the "TRANSFORMERS CREED" trademark and design is contrary to the provisions of 15 U.S.C. § 1052(a), and will result in damage to Opposer and the public.

13. The alleged "TRANSFORMERS CREED" trademark is nearly identical to the Opposer's TRANSFORMERS trademarks in the words used and the commercial impression it creates 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 said trademark is prohibited by 15 U.S.C. § 1052(d).

14. The alleged "TRANSFORMERS CREED" trademark is deceptively similar to and likely to dilute the distinctive quality of Opposer's famous marks and hamper their ability to function as source-identifying trademarks. Therefore, registration of said trademark is prohibited by 15 U.S.C. § 1125(c)(1).

15. Registration of the alleged "TRANSFORMERS CREED" 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.

16. Registration of the alleged “TRANSFORMERS CREED” 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 to Applicant for the “TRANSFORMERS CREED” trademark in International Class 16 be denied.

Please recognize Kim J. Landsman and Kristen K. Leibensperger, Patterson Belknap Webb & Tyler LLP, 1133 Avenue of the Americas, New York, New York 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 Kristen K. Leibensperger at the address identified above.

Opposer hereby files this Notice of Opposition electronically (“ESTTA”), and simultaneously electronically transmits \$300.00 to cover the statutory filing fee. If the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee is due during the prosecution of the opposition of this application, the Trademark Trial and Appeal Board (“TTAB”) and/or U.S. Patent and Trademark Office (“PTO”) is authorized to charge the underpayment to Deposit Account No. 16-0633.

Dated: September 24, 2008

Respectfully submitted,

PATTERSON BELKNAP WEBB & TYLER LLP

By 

Kim J. Landsman, Esq.

Kristen K. Leibensperger, Esq.

1133 Avenue of the Americas

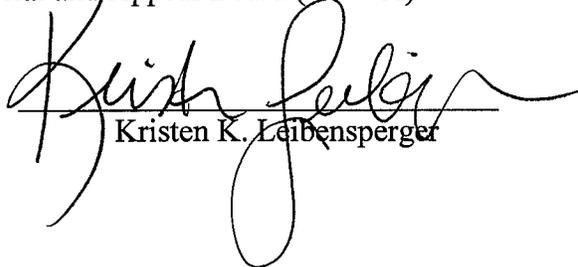
New York, New York 10036-6710

(212) 336-2000

Attorneys for Opposer Hasbro, Inc.

ELECTRONIC MAILING CERTIFICATE

I hereby certify that the foregoing NOTICE OF OPPOSITION is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (ESTTA) on September 24, 2008.


Kristen K. Leibensperger

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION is being deposited with the U.S. Postal Service with sufficient postage as first-class mail this 24th day of September, 2008 in an envelope addressed to the following person identified on the application as the representative of the Applicant:

Allison J. Gonzalez
Hamre, Shumann, Mueller & Larson, P.C.
PO Box 2902
Minneapolis, MN 55402-0902


Kristen K. Leibensperger