

ESTTA Tracking number: **ESTTA562685**

Filing date: **10/02/2013**

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	10/09/2013
Address	1027 Newport Avenue Pawtucket, RI 02862 UNITED STATES

Correspondence information	Kim J. Landsman, Esq. Golenbock Eiseman Assor Bell & Peskoe LLP 437 Madison Avenue New York, NY 10022 UNITED STATES klandsman@golenbock.com, bnagalski@golenbock.com
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Applicant Information

Application No	85732284	Publication date	06/11/2013
Opposition Filing Date	10/02/2013	Opposition Period Ends	10/09/2013
Applicant	Future World Electronics, L.L.C. 6260 Vicksburg Street New Orleans, LA 70124 UNITED STATES		

Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Scratch-off games incorporated into the advertising material of others used for promoting the sale of goods and services of others

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.	326723	Application Date	03/30/1935
Registration Date	07/30/1935	Foreign Priority Date	NONE

Word Mark	MONOPOLY
Design Mark	
Description of Mark	NONE
Goods/Services	Class U022 (International Class 028). First use: First Use: 1935/03/20 First Use In Commerce: 1935/03/20 [BOARD GAME PLAYED WITH MOVABLE PIECES] * EQUIPMENT COMPRISING A BOARD AND MOVABLE PIECES FOR USE IN PLAYING A REAL ESTATE TRADING GAME *

U.S. Registration No.	3851967	Application Date	04/12/2010
Registration Date	09/28/2010	Foreign Priority Date	NONE
Word Mark	MONOPOLY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2008/10/01 First Use In Commerce: 2008/10/01 card games		

U.S. Registration No.	338834	Application Date	03/28/1936
Registration Date	09/15/1936	Foreign Priority Date	NONE
Word Mark	MONOPOLY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class U022 (International Class 028). First use: First Use: 1935/03/20 First Use In Commerce: 1935/03/20 TOY MONEY AND RACKS AND TILLS SUITABLE FOR HOLDING SAME FOR USE IN THE PLAY OF GAMES		

U.S. Registration No.	1349672	Application Date	04/30/1984
Registration Date	07/16/1985	Foreign Priority Date	NONE
Word Mark	MONOPOLY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 1984/03/26 First Use In Commerce: 1984/03/26 EQUIPMENT SOLD AS A UNIT FOR PLAYING A BOARD GAME		

U.S. Registration No.	1536501	Application Date	04/27/1987
Registration Date	04/25/1989	Foreign Priority Date	NONE
Word Mark	MONOPOLY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 1984/03/26 First Use In Commerce: 1984/03/26 EQUIPMENT SOLD AS A UNIT FOR PLAYING A BOARD GAME

Attachments	MONEYOPOLY opposition.pdf(1075265 bytes)
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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	/Beth E. Nagalski/
Name	Beth E. Nagalski
Date	10/02/2013

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

In the Matter of Application Serial No. 85/732284
Filed: September 18, 2012
For the Mark: MONEYOPOLY
Published in the Official Gazette on June 11, 2013

HASBRO, INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
FUTURE WORLD ELECTRONICS, L.L.C.,	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Hasbro, Inc. (“Opposer”) believes that it will be damaged by the registration of the trademark covered by Application Serial No. 85/732284 (the “Application”) filed on September 18, 2012, by Future World Electronics, L.L.C. (“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, a Louisiana limited liability company having its headquarters and its principal place of business at 6260 Vicksburg Street, New Orleans, Louisiana 70124.

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 June 11, 2013, Applicant seeks to register and use the trademark “MONEYOPOLY” in International Class 28, asserting a bona fide intent to use the mark in connection with “scratch-off games incorporated into the advertising material of others used for promoting the sale of goods and services of others.”

2. Opposer markets and sells the world famous MONOPOLY® property trading game and related products and is the owner of numerous federal registrations for that mark issued on the Principal Register, all of which are in full force and effect, as shown by the records of the U.S. Patent and Trademark Office (together, the “Trademarks”), including the following marks in International Class 28:

<u>Mark</u>	<u>Registration No.</u>	<u>Description of Goods</u>	<u>Date of Registration</u>
MONOPOLY	326,723	Equipment comprising a board and movable pieces for use in paying a real estate trading game	July 30, 1935
MONOPOLY	338,834	Toy money racks and tills suitable for holding same for use in the play of games	September 15, 1936
MONOPOLY & Design	1,349,672	Equipment sold as a unit for playing a board game	July 16, 1985
MONOPOLY & Design	1,536,501	Equipment sold as a unit for playing a board game	April 25, 1989
MONOPOLY	3,851,967	Card games	September 28, 2010

True and correct copies of these registrations are attached here to as Exhibit A. All but the last-referenced are incontestable.

3. Opposer or the Opposer's predecessors in interest have continuously used the Trademarks for more than 60 years by selling and promoting MONOPOLY® branded products in United States commerce.

4. No issue of priority exists between Opposer's Trademarks and the alleged MONEYOPOLY trademark. As set forth in the table above, and in the registration certificates attached as Exhibit A, Opposer's date of adoption and first use of its Trademarks long precede Applicant's filing for registration on an intent to use basis.

5. Since adoption and first use of Opposer's Trademarks, Opposer has continuously marketed and is presently marketing its MONOPOLY® property trading board game throughout the United States and in more than 80 foreign countries and has expanded to include, among other products, various specialized versions of the game, a card game and an internet-based game. Opposer also currently sells over 43 foreign language versions of the board game in over 111 countries. Opposer's game is identified as originating from Opposer through the use of the Trademarks on playing equipment for the game. The MONOPOLY® trademark is readily recognizable and closely associated in the mind of the public with the MONOPOLY® property trading board game and related products.

6. Since adoption and first use of Opposer's MONOPOLY® property trading board game and the Trademarks, Opposer has expended and continues to expend substantial time, money and effort in promoting its Trademarks to identify Opposer as the source of the games displaying these Trademarks. Since 1934 more than 200 million sets of the board game alone have been sold. As a result, the MONOPOLY® trademark is widely recognized by the general consuming public of the United States as a designation of

source of Hasbro's goods and is accordingly famous within the meaning of 15 U.S.C. § 1125(c)(2).

7. The immense sales of the MONOPOLY® property trading game have been supported by extensive print, television and in-store advertising and promotions as well as by special 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 product, Opposer has gained a valuable reputation for its MONOPOLY® property trading game and related Trademarks and has developed valuable goodwill with respect to those Trademarks.

8. Applicant's alleged MONEYOPOLY trademark is obviously intended to be, and would be perceived as, an imitation of Opposer's Trademarks. Specifically, the marks are identical other than the insertion of the syllable and sound "EY."

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

10. The alleged MONEYOPOLY trademark is deceptively similar to Opposer's Trademarks, and creates the same, or essentially the same, commercial impression. In addition, Applicant seeks to register the MONEYOPOLY mark in Class 28 for "scratch-off games," goods that are closely related to those covered by Opposer's

Trademarks. Accordingly, registration by Applicant of the MONEYOPOLY 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).

12. Furthermore, because applicant's MONEYOPOLY mark is substantially similar to Opposer's MONOPOLY mark and is proposed to be used on similar goods, it is likely to dilute the distinctive quality of Opposer's famous mark and to hamper its ability to function as a source-identifying trademark. Therefore, registration of said trademark is prohibited by 15 U.S.C. § 1125(c)(1).

13. Registration of the alleged MONEYOPOLY 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.

14. Registration of the alleged MONEYOPOLY 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, 1125(c)(1) and 1127.

WHEREFORE, Opposer prays that this Opposition be sustained, and that registration to Applicant for the MONEYOPOLY trademark in International Class 28 be denied.

Opposer hereby files this Notice of Opposition electronically, and simultaneously transmits the statutory filing fee of \$300.00.

Opposer hereby appoints the firm of Golenbock Eiseman Assor Bell & Peskoe LLP, Kim J. Landsman and Beth Nagalski, both members of the Bar of the State of New York, 437 Madison Avenue, New York, New York, 10022, telephone number (212) 907-7368, its attorneys with full power of substitution and revocation, to prosecute this Opposition, and to transact all business in the U.S. Patent and Trademark Office in connection with this Opposition.

All future communications concerning this Opposition should be directed to Opposer's attorneys identified above.

DATED: October 2, 2013

Respectfully Submitted,

GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP

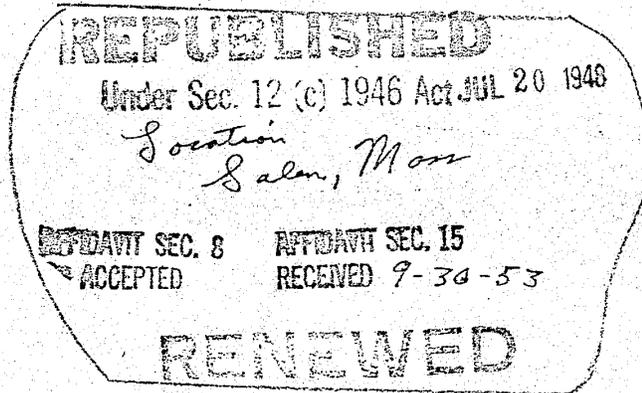
By: /Kim J. Landsman/
Kim J. Landsman, Esq.
Beth E. Nagalski, Esq.
437 Madison Avenue
New York, New York, 10022
Telephone: (212) 907-7368

Attorneys for Opposer
HASBRO, INC.

BEST AVAILABLE COPY

Registered July 30, 1935

Trade-Mark 326,723



UNITED STATES PATENT OFFICE

Parker Brothers, Inc., Portland, Maine, and
Salem, Mass.

Act of February 20, 1905

Application March 30, 1935, Serial No. 363,230

MONOPOLY

STATEMENT

To all whom it may concern:

Be it known that Parker Brothers, Inc., a corporation organized under the laws of the State of Maine, located at Portland, Maine, and having its principal place of business at 190 Bridge Street, Salem, county of Essex, State of Massachusetts, has adopted and used trade-mark shown in accompanying drawing, for a BOARD GAME PLAYED WITH MOVABLE PIECES, in Class 22, Toys, games, and sporting goods.

The trade-mark has been continuously used and applied to said goods in applicant's business since March 20, 1935.

The trade-mark is applied or affixed to the goods, or to the packages containing the same, by placing thereon a printed label on which the trade-mark is shown.

PARKER BROTHERS, INC.,
By ROBERT B. M. BARTON,
President.

BEST AVAILABLE COPY

Registered July 30, 1935

Amendment

Registration No. 326,723

Parker Brothers, Inc.

Application to amend having been made by Parker Brothers, Inc., owner of the registration above identified, said registration is hereby amended as follows:

In the statement, column 1, lines 7 and 8, "a board game played with movable pieces" is deleted and *equipment comprising a board and movable pieces for use in playing a real estate trading game* is inserted.

Such amendment has been entered upon the records of the Patent Office and the said original registration should be read as so amended.

Signed and sealed this 26th day of May 1939.

[SEAL]

MAURICE A. CREWS,
Assistant Commissioner of Patents.

Int. Cl.: 28

Prior U.S. Cl.: 22

United States Patent and Trademark Office

10 Year Renewal

Reg. No. 326,723

Registered July 30, 1935

Renewal Term Begins July 30, 1995

**TRADEMARK
PRINCIPAL REGISTER**

MONOPOLY

TONKA CORPORATION (MINNESOTA CORPORATION)
1027 NEWPORT AVENUE
PAWTUCKET, RI 02862, BY ASSIGNMENT, CHANGE OF NAME, MERGER, CHANGE OF NAME, CHANGE OF NAME AND MERGER WITH PARKER BROTHERS, INC. (MAINE CORPORATION) SALEM, MA

FOR: [BOARD GAME PLAYED WITH MOVABLE PIECES] * EQUIPMENT COMPRISING A BOARD AND MOVABLE PIECES FOR USE IN PLAYING A REAL ESTATE TRADING GAME *, IN CLASS 22 (INT. CL. 28).

FIRST USE 3-20-1935; IN COMMERCE 3-20-1935.

SER. NO. 71-363,230, FILED 3-30-1935.

In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Jan. 23, 1996.

COMMISSIONER OF PATENTS AND TRADEMARKS

Int. Cl.: 28

Prior U.S. Cl.: 22

United States Patent and Trademark Office
10 Year Renewal

Reg. No. 338,834

Registered Sep. 15, 1936

Renewal Term Begins Sep. 15, 1996

**TRADEMARK
PRINCIPAL REGISTER**

MONOPOLY

HASBRO, INC. (RHODE ISLAND CORPORATION)
1027 NEWPORT AVENUE
PAWTUCKET, RI 02862, BY ASSIGNMENT, CHANGE OF NAME, MERGER, CHANGE OF NAME, CHANGE OF NAME, MERGER AND ASSIGNMENT FROM PARKER BROTHERS, INC. (MAINE CORPORATION) SALEM, MA

OWNER OF U.S. REG. NO. 326,723.

FOR: TOY MONEY AND RACKS AND
TILLS SUITABLE FOR HOLDING SAME

FOR USE IN THE PLAY OF GAMES, IN
CLASS 22 (INT. CL. 28).

FIRST USE 3-20-1935; IN COMMERCE
3-20-1935.

SER. NO. 71-376,540, FILED 3-28-1936.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on July 30, 1996.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Registered Sept. 15, 1936

Trade-Mark 338,834

UNITED STATES PATENT OFFICE

Parker Brothers, Inc., Portland, Maine, and
Salem, Mass.

Act of February 20, 1905

Application March 28, 1936, Serial No. 376,540

MONOPOLY

STATEMENT

To whom it may concern:

Be it known that Parker Brothers, Inc., a corporation organized under the laws of the State of Maine, located at Portland, Maine, and having its principal place of business at 190 Bridge Street, Salem, county of Essex, State of Massachusetts, has adopted and used trade-mark shown in accompanying drawing, for TOY MONEY AND RACKS AND TILLS SUITABLE FOR HOLDING SAME FOR USE IN THE PLAY OF GAMES, in Class 22, Games, toys, and sporting goods.

This trade-mark has been used continuously and applied to said goods in applicant's business since March 20, 1935, the applicant being the owner of trade-mark No. 326,723 registered July 30, 1935. The trade-mark is applied by the use of a label bearing the mark "Monopoly" upon the individual packages of goods as supplied to the dealer.

PARKER BROTHERS, INC.,
By DONALD B. JELLY,
Vice President.

PUBLISHED BY THE
UNITED STATES PATENT OFFICE

MAR 28 1936

Int. Cl.: 28

Prior U.S. Cl.: 22

United States Patent and Trademark Office **Reg. No. 1,349,672**
Registered July 16, 1985

**TRADEMARK
PRINCIPAL REGISTER**



CPG PRODUCTS CORP. (DELAWARE CORPO-
RATION)
9200 WAYZATA BOULEVARD
MINNEAPOLIS, MN 55426

FIRST USE 3-26-1984; IN COMMERCE
3-26-1984.

OWNER OF U.S. REG. NOS. 326,723, 742,299
AND OTHERS.

FOR: EQUIPMENT SOLD AS A UNIT FOR
PLAYING A BOARD GAME, IN CLASS 28 (U.S.
CL. 22).

SER. NO. 478,214, FILED 4-30-1984.

DAVID A. GUTH, EXAMINING ATTORNEY

Int. Cl.: 28

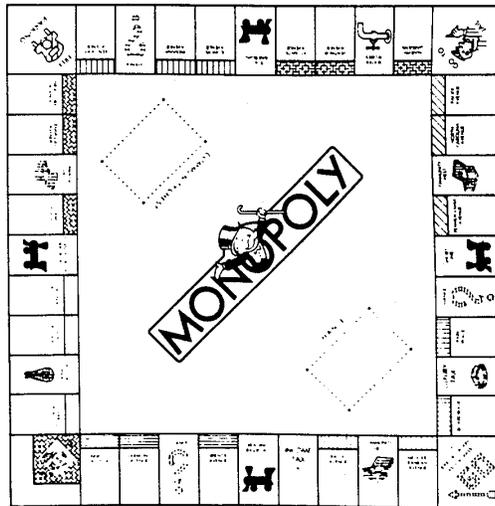
Prior U.S. Cl.: 22

United States Patent and Trademark Office

Reg. No. 1,536,501

Registered Apr. 25, 1989

TRADEMARK
PRINCIPAL REGISTER



KENNER PARKER TOYS INC. (DELAWARE CORPORATION)
50 DUNHAM ROAD
BEVERLY, MA 01915

FOR: EQUIPMENT SOLD AS A UNIT FOR PLAYING A BOARD GAME, IN CLASS 28 (U.S. CL. 22).

FIRST USE 3-26-1984, FIRST USED IN ANOTHER FORM ON MARCH 20, 1935; IN COMMERCE 3-26-1984, FIRST USED IN COMMERCE IN ANOTHER FORM ON MARCH 20, 1935.

OWNER OF U.S. REG. NOS. 326,723, 1,349,672 AND OTHERS.

WITHOUT WAIVING ANY COMMON LAW RIGHTS, APPLICANT DISCLAIMS EXCLUSIVE RIGHTS IN THE OVERALL SHAPE OF THE GAME BOARD APART FROM THE MARK AS SHOWN.

THE DRAWING IS LINED FOR THE COLORS PURPLE, BLUE, VIOLET, ORANGE, RED, YELLOW, PINK AND GREEN.

SEC. 2(F) AS TO THE DESIGN OF THE MARK.

SER. NO. 657,408, FILED 4-27-1987.

W. A. CONN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

MONOPOLY

Reg. No. 3,851,967

HASBRO, INC (RHODE ISLAND CORPORATION)
1027 NEWPORT AVENUE
PAWTUCKET, RI 02862

Registered Sep. 28, 2010

Int. Cl.: 28

FOR: CARD GAMES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

TRADEMARK

FIRST USE 10-1-2008; IN COMMERCE 10-1-2008.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 326,723, 338,834 AND OTHERS.

SER. NO. 76-702,450, FILED 4-12-2010.

DEBRA LEE, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

ELECTRONIC FILING 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 October 2, 2013.

/Beth E. Nagalski/

Beth E. Nagalski, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Future World Electronics, L.L.C. by mailing said copy on October 2, 2013 to its Attorney of Record via First Class Mail, postage prepaid at:

Raymond G. Areaux
Carver, Darden, Koretzky, Tessier, Finn, Blossman
1100 Poydras St., Ste 3100
New Orleans, Louisiana 70163-1102

/Beth E. Nagalski/

Beth E. Nagalski, Esq.