

ESTTA Tracking number: **ESTTA640137**

Filing date: **11/20/2014**

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	LEGO Juris A/S		
Entity	Corporation	Citizenship	Denmark
Address	Koldingvej 2 Billund, DK-7190 DENMARK		

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES ehrllich-docket@fzllz.com Phone:212 813-5920		
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Applicant Information

Application No	86368302	Publication date	10/21/2014
Opposition Filing Date	11/20/2014	Opposition Period Ends	11/20/2014
Applicant	Sunrise Medical (US) LLC 2842 Business Park Avenue Fresno, CA 937271328 UNITED STATES		

Goods/Services Affected by Opposition

Class 012. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Wheelchair component, namely, a wheelchair footrest hanger

Grounds for Opposition

Dilution	Trademark Act section 43(c)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2245652	Application Date	11/21/1997
Registration Date	05/18/1999	Foreign Priority Date	NONE
Word Mark	LEGO		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 028. First use: First Use: 1934/00/00 First Use In Commerce: 1953/00/00 construction toys; toy construction blocks and connecting links therefor; toy construction kits; toy figures; toy vehicles; toy animals; toy foliage; toy cranes; toy road plates; kits for assembling toy Christmas tree decorations; children's multiple activity toys; baby multipleactivity toys; toy building blocks; infant's rattles; dolls; doll house furnishings; accessories for dolls; playsets for dolls; playset buildings; educational games; toy model train sets; toy railroad tracks; bath toys; ride-on toys; push toys; pull toys; infant's stacking toys;toy furniture; toy friction motors for toy vehicles; toy electric motors; boardgames; jigsaw puzzles; educational construction toys sets comprising gears, pulleys, beams, wheels, connectors, electric motors, sensors and/or pneumatic cylinders, with or without computer software for assembling and controlling the construction toys; construction toy sets and carrying cases or storage cases sold as a unit; motorized toy model constructionkits with or without remote controllers
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U.S. Registration No.	4395578	Application Date	01/17/2013
Registration Date	09/03/2013	Foreign Priority Date	NONE

Word Mark	LEGO
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Design Mark	
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Description of Mark	NONE
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Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 (Based on 44(e)) Cases for video game software</p> <p>Class 011. First use: First Use: 0 First Use In Commerce: 0 Desk lamps; flash lights; head lamps</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0 Watches; jewelry; clocks; alarm clocks</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Lunch bags made of textile; greeting cards; sketch books; notebooks; writing instruments; erasers; blank journals; bookcovers; folders; books on construction toys; books on construction toy character figures; children's books; graphic novels; books featuring construction toy building projects; stickers</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Backpacks; carrying cases</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 Plastic key chains; plastic key chains with built-in lights; chests of drawers;plastic containers for storage or transport; storage racks; toy boxes and chests; furniture; play tables</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 Comforters; bed linens</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p>
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	Headwear; footwear; sleepwear; T-shirts; hooded sweatshirts; shirts Class 028. First use: First Use: 2011/01/01 First Use In Commerce: 2011/01/01 Cases for handheld video game machines;game controllers for video games; protective carrying cases specially adapted for toy figures
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Attachments	85825507#TMSN.png(bytes) LEGO v. L.E.G.O. by Sunrise Medical (US) LLC - Notice of Opposition (F1580679x96B9E).pdf(97973 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	/dwe/
Name	David Ehrlich
Date	11/20/2014

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

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LEGO Juris A/S,	:	
	:	Opposition No.
Opposer,	:	
	:	
- v. -	:	NOTICE OF OPPOSITION
	:	
Sunrise Medical (US) LLC,	:	
	:	
Applicant.	:	
-----X	:	

Opposer, a Danish corporation, believes that it will be damaged by the issuance of a registration for the mark L.E.G.O. applied for in Application Serial No. 86/368302, filed on the basis of intent-to-use, on August 15, 2014, for “wheelchair component, namely, a wheelchair footrest hanger,” in Class 12, and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer and its predecessors, through licensees, have long used and continue to use, in commerce, its famous mark LEGO for toys and a wide variety of other products and services in the U.S.. The mark LEGO is extremely famous throughout the United States, since long before the filing date of the L.E.G.O. application.

2. The Trademark Trial and Appeal Board held LEGO to be a famous mark in Interlego AG v. Abrams/Gentile Entertainment, Inc. 63 USPQ 2d 1862 (TTAB 2002), where the Board stated, “LEGO is one of the most famous toy marks in the United States.” 63 USPQ 2d at 1864. The mark LEGO has only become more famous in the years since 2002, based on further large product sales and advertising and other fame-generating events, including the huge national popularity of the licensed “The LEGO Movie” theatrical film released in early 2014.

3. Opposer is the owner of many Federal trademark registrations for LEGO, including Reg. No. 2245652 for construction toys and many other Class 28 goods, Reg. No. 4395578 for goods in Classes 9, 11, 14, 16, 18, 20, 24, 25 and 28 and other registrations for services in Classes 35, 38, 41 and 42.

4. Applicant's mark L.E.G.O. is likely to cause dilution of the distinctive quality of the mark LEGO in violation of Sections 13 and 43(c) of the Lanham Act, 15 U.S.C. Sections 1063 and 1125(c).

5. By reason of the foregoing, Opposer is likely to be harmed by registration of L.E.G.O.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Applicant be denied.

Dated: New York, New York
November 20, 2014

Fross Zelnick Lehrman & Zissu, P.C.

By: 

David Ehrlich

Attorney for Opposer

866 United Nations Plaza

New York, New York 10017

(212) 813-5900

Opposer's Ref.: LEGJ 14/09180

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by First Class mail upon the Attorney for Applicant, Oliver E. Todd, Jr., at MacMillan Sobanski, 1 Maritime Plz Fl 5 Toledo, Ohio 43604-1879, on this date, November 20, 2014.



David Ehrlich