

ESTTA Tracking number: **ESTTA671777**

Filing date: **05/12/2015**

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	MBSC Securities Corporation
Granted to Date of previous extension	05/13/2015
Address	200 Park Avenue New York, NY 10166 UNITED STATES

Attorney information	Edward E. Vassallo/Jessica Hiney Fitzpatrick, Cella, Harper & Scinto 1290 Avenue of the Americas New York, NY 10104-3800 UNITED STATES jhiney@fchs.com,docting@fchs.com,khamilton@fchs.com
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Applicant Information

Application No	86168282	Publication date	01/13/2015
Opposition Filing Date	05/12/2015	Opposition Period Ends	05/13/2015
Applicant	Liontrust Asset Management PLC 2 Savoy Court London WC2R 0E2, UNITED KINGDOM		

Goods/Services Affected by Opposition

Class 036. First Use: 2001/12/31 First Use In Commerce: 2001/12/31 All goods and services in the class are opposed, namely: Financial services, namely, investment fund management, investment advisory services

Grounds for Opposition

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.	1871557	Application Date	11/04/1993
Registration Date	01/03/1995	Foreign Priority Date	NONE
Word Mark	LION SUBACCOUNTING SYSTEM		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1989/10/01 First Use In Commerce: 1989/10/01 financial and investment services in the field of mutual funds and other investment products

U.S. Registration No.	2796913	Application Date	07/10/2002
Registration Date	12/23/2003	Foreign Priority Date	NONE

Word Mark	LION EXPRESS
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Design Mark	LION EXPRESS
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 2002/05/00 First Use In Commerce: 2002/05/00 Financial services, namely, a voice activated automated account access line that provides the ability for brokerage account owners to obtain account information, namely, the ability to create a personal portfolio with information that can be regularly accessed including market quotes, transaction history and help assistance, effect purchases and sales and speak to customer and account representatives
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U.S. Registration No.	3634753	Application Date	11/03/2008
Registration Date	06/09/2009	Foreign Priority Date	NONE

Word Mark	1-800-THE-LION
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Design Mark	1-800-THE-LION
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Description of Mark	NONE
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Goods/Services	Class 036. First use: First Use: 1997/02/01 First Use In Commerce: 1997/02/01 Providing financial information and brokerage services via a voice activated automated customer service account access line that provides the ability for brokerage account owners to obtain account information, namely, the ability to create a personal portfolio with information that can be regularly accessed including market quotes, transaction history and help assistance, effect purchases and sales and speak to customer and account representatives
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U.S. Registration No.	3619909	Application Date	04/23/2007
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	THE DREYFUS LION ACCOUNT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 2007/07/01 First Use In Commerce: 2007/07/01 Financial and investment services, namely, the offering of mutual funds to others and mutual fund investment services for others; providing brokerage and trading services with respect to individual stocks, bonds, options, and other individual securities; investment advisory and financial planning services for others; providing check writing for others, namely, checking account services and automatic bill paying services; providing an ATM and debit transaction card to others for making cash and securities redemption transactions; and credit card services		

U.S. Registration No.	1729327	Application Date	03/11/1992
Registration Date	11/03/1992	Foreign Priority Date	NONE
Word Mark	LETTER FROM THE LION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 1980/09/00 First Use In Commerce: 1980/09/00 publications; namely, a financial newsletter		

Attachments	76430974#TMSN.png(bytes) 77605823#TMSN.png(bytes) 77163438#TMSN.png(bytes) Liontrust notice of opposition.pdf(768854 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	/Jessica Hiney/
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Name	Edward E. Vassallo/Jessica Hiney
Date	05/12/2015

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

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MBSC SECURITIES CORPORATION	:	
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	:	
Opposer,	:	
	:	
v.	:	Opposition No.: N.Y.A.
	:	Serial No.: 86/168282
LIONTRUST ASSET MANAGEMENT PLC	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

In the matter of pending trademark application Serial No. 86/168282, for the mark "Liontrust" (hereinafter "Applicant's Mark") in International class 36 for "Financial services, namely, investment fund management, investment advisory services" (hereinafter "Applicant's services"), filed by Liontrust Asset Management PLC (hereinafter "Applicant"), 2 Savoy Court London WC2R 0E2 and published in the Trademark Official Gazette on January 13, 2015, Opposer MBSC Securities Corporation, a New York corporation with an office at 200 Park Avenue, New York, New York 10166 believes it will be damaged by the registration of Applicant's Mark, and having been granted extensions of time to oppose up to and including May 13, 2015, hereby oppose same.

As grounds for its opposition, MBSC Securities Corporation alleges as follows:

1. Opposer MBSC Securities Corporation is a New York corporation with an office at 200 Park Avenue, New York, New York 10166.

2. MBSC Securities Corporation is a subsidiary of The Dreyfus Corporation. MBSC Securities Corporation is the distributor of The Dreyfus Family of Funds and The Dreyfus Fund Incorporated (MBSC Securities Corporation, The Dreyfus Corporation, The Dreyfus Family of Funds and The Dreyfus Fund Incorporated, collectively referred to herein as "Dreyfus").

3. Dreyfus, since the 1950s, has been using, and to this day continues to use, throughout the United States, the term and name "Lion," as well as distinctive images of lions ("the lion images") as registered and common law trademarks and service marks, in connection with a wide range of investment and financial services.. Since 1980, Dreyfus has been using "Lion" as a trade name, as in "Letter From The Lion." The services offered by Dreyfus under the term and name Lion and the lion image include, *inter alia*, financial and investment services.

4. Dreyfus is the owner of a number of United States trademark and service mark registrations covering marks that include the lion images and the term lion. Many of Dreyfus' trademarks and service marks are registered for use in connection with financial and investment services, including but not limited to: Reg. No. 1,871,557 (LION SUBACCOUNTING SYSTEM) claiming use since 1989; Reg. No. 2,796,913 (LION EXPRESS) claiming use since 2002; Reg. No. 3634753 (1-800-THE-LION) claiming use since 1997; Reg. No. 3619909 (THE DREYFUS LION ACCOUNT) claiming use since 2007; and Reg. No. 1,729,327 (LETTER FROM THE LION) claiming use since 1980. Certified status and title copies of these and any other pertinent

registrations will be made part of the record herein during Dreyfus' Testimony Period.

The trademarks, trade names and service marks referred to in this paragraph and the preceding paragraph hereinafter are collectively referred to as the "Dreyfus Trademarks,"

and the products and services covered by the Dreyfus Trademarks are hereinafter referred to as the "Dreyfus Services."

5. Over the many decades that Dreyfus has used the various Dreyfus Trademarks in connection with the Dreyfus Services, Dreyfus has invested substantially in the advertising and promotion of these distinctive marks. Moreover, over those many decades, Dreyfus has enjoyed substantial sales of the Dreyfus Services offered for sale and sold under the Dreyfus Trademarks, and consumers and the trade have come to recognize and associate these exclusively with Dreyfus.

6. By virtue of Dreyfus' aforesaid common law and registered marks and its advertising, promotion, and extensive sales, Dreyfus has acquired valid and enforceable trademark and service mark rights in the Dreyfus Trademarks for the Dreyfus Services, and these trademarks and service marks have come to represent extremely valuable goodwill of Dreyfus. Further, as a result of the registrations and the foregoing sales, advertising and promotion, the Dreyfus Trademarks have become famous and exclusively associated with Dreyfus, and Dreyfus has acquired an eminent reputation therein. Such use, fame and eminent reputation pre-date the filing date of the intent-to-use application opposed herein.

7. Applicant's alleged "Liontrust" mark is substantially the same as and is confusingly similar to the Dreyfus Trademarks in appearance, sound and meaning and in the overall commercial impression it imparts to consumers. Indeed, Applicant's

mark begins with the distinctive term LION and with the descriptive term TRUST, as applied to financial services.

8. In addition, the services listed in the application are the same as the Dreyfus Services.

9. Because the Dreyfus Trademarks and the various goods and services advertised, promoted and sold by Dreyfus under those trademarks, trade names and service marks (including, *inter alia*, financial and investment services), are exclusively associated with Dreyfus, the registration and use by Applicant of the alleged mark “Liontrust” – a mark that appropriates Dreyfus’ famous LION mark for the Class 36 services identified in the opposed application, will inevitably cause confusion in the minds of the public, leading the public to believe that Applicant is Dreyfus, that Applicant’s services emanate from Dreyfus, that Dreyfus has sponsored or approved of such services, and/or that Applicant is in some way associated with or connected to Dreyfus, when, in fact, no such relationship exists.

10. Further still, in view of the fame of the Dreyfus Trademarks and the similarities between the mark shown in the opposed application and the distinctive Dreyfus Trademarks, registration of Applicant’s Mark is likely to dilute the distinctive and famous Dreyfus Trademarks by lessening the capacity of the Dreyfus Trademarks to designate and distinguish the products and services offered by Dreyfus under such marks.

11. For the foregoing reasons, Dreyfus will be damaged by the registration of Applicant’s alleged “Liontrust” mark because, *inter alia*, (i) the public and the trade are likely to believe that Applicant is Dreyfus through their false designation of origin, the services to be offered and sold under Applicant’s Mark – a mark that

incorporates the famous LION trademark and name, a key source-identifying element of the Dreyfus Trademarks -- are sponsored or approved by Dreyfus, or are licensed or otherwise offered by Applicant under a mark confusingly similar to the Dreyfus Trademarks with the authorization or permission of Dreyfus; and (ii) the registration and use by Applicant of Applicant's Mark is likely to dilute the distinctive nature of the Dreyfus Trademarks.

12. For the foregoing reasons, Applicant is not entitled to registration of its alleged "Liontrust" mark for Applicant's Services, and is not entitled to the exclusive use thereof.

WHEREFORE, MBSC Securities Corporation respectfully requests that this opposition be sustained, and that registration of the alleged "Liontrust" mark (Serial No. 86/168282), be refused.

Dated: May 12, 2015

Respectfully submitted,

By:



Edward E. Vassallo

Jessica Hiney

FITZPATRICK, CELLA, HARPER
& SCINTO

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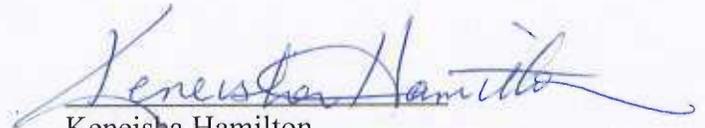
Attorneys for Opposers

MBSC Securities Corporation

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2015, the foregoing Notice of Opposition was served on applicant's counsel via First Class Mail:

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