

ESTTA Tracking number: **ESTTA703288**

Filing date: **10/20/2015**

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	Universal City Studios LLC
Granted to Date of previous extension	10/21/2015
Address	100 Universal City Plaza Universal City, CA 91608 UNITED STATES

Attorney information	Steven J. Nataupsky Knobbe, Martens, Olson & Bear, LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com Phone:949 760 0404
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Applicant Information

Application No	86512465	Publication date	06/23/2015
Opposition Filing Date	10/20/2015	Opposition Period Ends	10/21/2015
Applicant	LASTAR CAPITAL GROUP INC. 1800 W 68th Street, Suite 118 Hialeah, FL 33014 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Action figure toys; Baby multiple activity toys; Battery operated action toys; Bendable toys; Caps for toy pistols; Carrying bags specially adapted for toy vehicles; Cases for toy structures; Cases for toy vehicles; Children's activity tables containing manipulative toys which convert to easels; Children's dress up accessories, namely, toy helmets for play; Children's multiple activity toys; Children's multiple activity toys sold as a unit with printed books; Children's toy bicycles other than for transport; Children's wire construction and art activity toys; Clockwork toys; Collectable toy figures; Construction toys; Construction toys incorporating magnets; Disc toss toys; Dog toys; Drawing toys; Educational toy for the purpose of the demonstration of alternative energy sources; Educational toys for teaching and testing knowledge relating to the politics, political process, and political history of the United States; Educational toys for teaching math principles to children, namely, manipulative blocks for displaying patterns and groupings; Educational toys for teaching music principles to children, namely, hand-held music notation symbols and music related figures, such as individual hand-held piano keys; Educational toys in the nature of an illustrated wall map; Electric action toys; Electric educational toy used to demonstrate alternative energy sources; Electric toy train transformers; Electronic action toys; Electronic novelty toys, namely, toys that electronically record, play back, and distort or manipulate voices and sounds; Electronic toy building blocks that light up as a night light; Electronic toy vehicles; Electronically operated toy motor</p>
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vehicles; Fantasy character toys; Flying saucers; Flying toys using electrostatic levitation; Infant toys; Inflatable bath toys; Inflatable ride-on toys; Inflatable thin rubber toys; Inflatable toys; Lever action toys; Mechanical action toys; Mechanical toys; Miniature toy helmets; Model toy steam engines; Model toy vehicles; Modeled plastic toy figurines; Molded toy figures; Non-electronic toy vehicles; Non-riding transportation toys; Pet toys; Pet toys made of rope; Plastic toy hoops; Play mats containing infant toys; Play mats for use with toy vehicles; Plush toys; Pop up toys; Positionable printed toy figures for use in games; Positionable printed toy figures for use in puzzles; Positionable three dimensional toys for use in games; Positionable toy figures; Positionable two dimensional toys for use in games; Printed positionable toys for use in children's board games; Printing toys; Pull toys; Punching toys; Push toys; PVC toy figures; Racks and stands specifically designed to hold toy scooters; Racks and stands specifically designed to hold toy vehicles; Radio controlled toy vehicles; Radio transmitters for use with radio-controlled toys; Ride-on toys; Ride-on toys and accessories therefor; Rideable toy vehicles; Rideable toys and accessories therefor; Role playing toys in the nature of playsets for children to imitate real life occupations; Rubber character toys; Sand toys; Sandbox toys; Scale model kits; Sketching toys; Soft sculpture plush toys; Soft sculpture toys; Squeezable squeaking toys; Squeeze toys; Stacking toys; Stands for rideable toys; Stress relief exercise toys; Stuffed and plush toys; Stuffed toy animals; Stuffed toy bears; Talking electronic press-down toy; Talking toys; Toy action figures; Toy action figures and accessories therefor; Toy airplanes; Toy and novelty face masks; Toy animals; Toy animals and accessories therefor; Toy armor; Toy artificial fingernails; Toy banks; Toy boats; Toy building blocks; Toy building blocks capable of interconnection; Toy building structures and toy vehicle tracks; Toy buildings and accessories therefor; Toy butterfly nets; Toy figures; Toy film cartridges and viewers; Toy gliders; Toy guns; Toy mobiles; Toy model cars; Toy model hobby craft kits for constructing toy model landscapes, scenery, and action figures; Toy model kit cars; Toy model train sets; Toy models; Toy noisemakers; Toy pistols; Toy record players; Toy robots; Toy rockets; Toy vehicles; Toy vehicles and accessories therefor; Toy vehicles with transforming parts; Toy vehicles, namely, caster boards; Toy watches; Toy xylophones; Toy, namely, battery-powered computer game with LCD screen which features animation and sound effects; Toys for domestic pets; Toys, namely, a disk to toss in playing a game wherein other disks are flipped and collected; Toys, namely, bean bag animals; Toys, namely, children's dress-up accessories; Toys, namely, detonating caps; Toys, namely, kites and accessories for kites, namely, kite handles, kite lines, kite reels, kite string and kite tails; Toys, namely, percussion caps; Toys, namely, puppets and accessories therefor; Transforming robotic toy vehicles; Transforming robotic toys; Two and three dimensional positionable figures sold as an integral component of toys; Two and three dimensional positionable toy figures sold as a unit with educational books; Two and three dimensional positionable toy figures sold as a unit with memory training equipment; Two and three dimensional positionable toy figures sold as a unit with other toys; Wind-up walking toys

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
Other	Common law rights as asserted in the Notice of Opposition

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	THE SIX MILLION DOLLAR MAN		
Goods/Services	Merchandise relating to the famous THE SIX MILLION DOLLAR MAN television series and television movies such as games, toys, apparel, accessories and collectibles.		

Attachments	Notice of Opposition.pdf(455959 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	/SJN/
Name	Steven J. Nataupsky
Date	10/20/2015

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

Universal City Studios LLC,)	Opposition No.: _____
Opposer,)	
v.)	Serial No. 86/512465
Lastar Capital Group Inc.,)	Mark: THE BILLION DOLLAR MAN
Applicant.)	

NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Opposer, Universal City Studios LLC, a Delaware limited liability company, located and doing business at 100 Universal City Plaza, Universal City, California 91608, ("Opposer") believes it will be damaged by registration of the mark shown in Application Serial No. 86/512,465 ("Applicant's Application") filed January 23, 2015 by Lastar Capital Group Inc. ("Applicant"), and hereby opposes the same. A description of Applicant's Application is as follows:

Mark	:	THE BILLION DOLLAR MAN
Serial No.	:	86/512,465
Filed	:	January 23, 2015
Published	:	June 23, 2015
Class	:	28
Goods	:	Action figure toys; Baby multiple activity toys; Battery operated action toys; Bendable toys; Caps for toy pistols; Carrying bags specially adapted for toy vehicles; Cases for toy structures; Cases for toy vehicles; Children's activity tables containing manipulative toys which convert to easels; Children's dress up accessories, namely, toy

helmets for play; Children's multiple activity toys; Children's multiple activity toys sold as a unit with printed books; Children's toy bicycles other than for transport; Children's wire construction and art activity toys; Clockwork toys; Collectable toy figures; Construction toys; Construction toys incorporating magnets; Disc toss toys; Dog toys; Drawing toys; Educational toy for the purpose of the demonstration of alternative energy sources; Educational toys for teaching and testing knowledge relating to the politics, political process, and political history of the United States; Educational toys for teaching math principles to children, namely, manipulative blocks for displaying patterns and groupings; Educational toys for teaching music principles to children, namely, hand-held music notation symbols and music related figures, such as individual hand-held piano keys; Educational toys in the nature of an illustrated wall map; Electric action toys; Electric educational toy used to demonstrate alternative energy sources; Electric toy train transformers; Electronic action toys; Electronic novelty toys, namely, toys that electronically record, play back, and distort or manipulate voices and sounds; Electronic toy building blocks that light up as a night light; Electronic toy vehicles; Electronically operated toy motor vehicles; Fantasy character toys; Flying saucers; Flying toys using electrostatic levitation; Infant toys; Inflatable bath toys; Inflatable ride-on toys; Inflatable thin rubber toys; Inflatable toys; Lever action toys; Mechanical action toys; Mechanical toys; Miniature toy helmets; Model toy steam engines; Model toy vehicles; Modeled plastic toy figurines; Molded toy figures; Non-electronic toy vehicles; Non-riding transportation toys; Pet toys; Pet toys made of rope; Plastic toy hoops; Play mats containing infant toys; Play mats for use with toy vehicles; Plush toys; Pop up toys; Positionable printed toy figures for use in games; Positionable printed toy figures for use in puzzles; Positionable three dimensional toys for use in games; Positionable toy figures; Positionable two dimensional toys for use in games; Printed positionable toys for use in children's board games; Printing toys; Pull toys; Punching toys; Push toys; PVC toy figures; Racks and stands specifically designed to hold toy scooters; Racks and stands specifically designed to hold toy vehicles; Radio controlled toy vehicles; Radio transmitters for use with radio-controlled toys; Ride-on toys; Ride-on toys and accessories therefor; Rideable toy vehicles; Rideable toys and accessories therefor; Role playing toys in the nature of play sets for children to imitate real life occupations; Rubber character toys; Sand toys; Sandbox toys; Scale model kits; Sketching toys; Soft sculpture plush toys; Soft sculpture toys; Squeezable squeaking toys; Squeeze toys; Stacking toys; Stands for rideable toys; Stress relief exercise toys; Stuffed and plush toys; Stuffed toy animals; Stuffed toy bears; Talking electronic press-down toy; Talking toys; Toy action figures;

Toy action figures and accessories therefor; Toy airplanes; Toy and novelty face masks; Toy animals; Toy animals and accessories therefor; Toy armor; Toy artificial fingernails; Toy banks; Toy boats; Toy building blocks; Toy building blocks capable of interconnection; Toy building structures and toy vehicle tracks; Toy buildings and accessories therefor; Toy butterfly nets; Toy figures; Toy film cartridges and viewers; Toy gliders; Toy guns; Toy mobiles; Toy model cars; Toy model hobby craft kits for constructing toy model landscapes, scenery, and action figures; Toy model kit cars; Toy model train sets; Toy models; Toy noisemakers; Toy pistols; Toy record players; Toy robots; Toy rockets; Toy vehicles; Toy vehicles and accessories therefor; Toy vehicles with transforming parts; Toy vehicles, namely, caster boards; Toy watches; Toy xylophones; Toy, namely, battery-powered computer game with LCD screen which features animation and sound effects; Toys for domestic pets; Toys, namely, a disk to toss in playing a game wherein other disks are flipped and collected; Toys, namely, bean bag animals; Toys, namely, children's dress-up accessories; Toys, namely, detonating caps; Toys, namely, kites and accessories for kites, namely, kite handles, kite lines, kite reels, kite string and kite tails; Toys, namely, percussion caps; Toys, namely, puppets and accessories therefor; Transforming robotic toy vehicles; Transforming robotic toys; Two and three dimensional positionable figures sold as an integral component of toys; Two and three dimensional positionable toy figures sold as a unit with educational books; Two and three dimensional positionable toy figures sold as a unit with memory training equipment; Two and three dimensional positionable toy figures sold as a unit with other toys; Wind-up walking toys

Alleged Date
of First Use : ITU

As grounds for opposition, it is alleged:

1. Since at least as early as the 1970's, long before the filing date of Applicant's Application, Opposer has been, and still is, using THE SIX MILLION DOLLAR MAN mark in connection with, among other things, merchandise relating to the famous THE SIX MILLION DOLLAR MAN television series such as games, toys, apparel, accessories and collectibles.

2. Opposer relies on its extensive common law rights in its THE SIX MILLION DOLLAR MAN mark throughout the United States. Opposer, through its affiliates, is the owner

of the mark THE SIX MILLION DOLLAR MAN in connection with merchandise such as games, toys, apparel, accessories and collectibles. Millions of people throughout the U.S. have seen the famous THE SIX MILLION DOLLAR MAN television series and television movies, and thus are familiar with Opposer's merchandise associated with this famous television program.

3. By virtue of Opposer's continuous and substantial use, Opposer has developed strong common law rights and Opposer's THE SIX MILLION DOLLAR MAN mark became famous for Opposer's merchandise such as games, toys, apparel, accessories and collectibles long before the filing date of Applicant's Application. Opposer's famous THE SIX MILLION DOLLAR MAN mark has been seen by millions of people. As a result, Opposer has built up, at great expense and effort, valuable goodwill in its THE SIX MILLION DOLLAR MAN mark.

4. Since at least prior to the filing date of Applicant's Application, Opposer has continuously used and promoted its THE SIX MILLION DOLLAR MAN mark in interstate commerce in connection with its goods and services.

5. Applicant's Application was filed on January 23, 2015 and is based on Applicant's alleged intent to use THE BILLION DOLLAR MAN mark pursuant to Section 1(b) of the Trademark Act.

6. Applicant seeks an unrestricted federal registration for THE BILLION DOLLAR MAN mark covering goods such as toys and games in International Class 28 as set forth in Applicant's Application. As such, if registration issues for Applicant's Application, such registration will constitute prima facie evidence of Applicant's exclusive right to use the registered mark in commerce or in connection with these goods throughout the United States with no limitation.

7. Opposer will be damaged by registration of Applicant's Application because THE BILLION DOLLAR MAN mark so resembles Opposer's THE SIX MILLION DOLLAR MAN mark as to be likely, when used on or in connection with the goods identified in Applicant's Application, to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

8. Opposer will be damaged by registration of Applicant's Application in that THE BILLION DOLLAR MAN mark will dilute the distinctive qualities of Opposer's THE SIX MILLION DOLLAR MAN mark within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c), and will lessen the ability of Opposer's THE SIX MILLION DOLLAR MAN mark to distinguish Opposer's goods and services.

9. In view of Opposer's prior rights in its THE SIX MILLION DOLLAR MAN mark, Applicant is not entitled to federal registration of THE BILLION DOLLAR MAN pursuant to Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer prays that Applicant's Application be rejected and stricken, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer.

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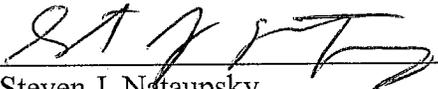
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Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 10/20/15

By: 

Steven J. Nataupsky
Nicole Rossi Townes
2040 Main Street, 14th Floor
Irvine, CA 92614
efiling@knobbe.com
Attorneys for Opposer,
Universal City Studios LLC

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant by a depositing copy thereof in the United States Mail, first-class postage prepaid on October 20, 2015 addressed as follows:

Michael D. Stewart
LASTAR CAPITAL GROUP INC.
1800 W 68TH ST STE 118
Suite 701
HIALEAH, FLORIDA 33014-4407

Natalie B. Rodriguez

Natalie Rodriguez

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Mark: THE BILLION DOLLAR MAN

THE BILLION DOLLAR MAN

US Serial Number: 86512465

Application Filing Date: Jan. 23, 2015

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: A request for an extension of time to file an opposition has been filed with the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jul. 22, 2015

Publication Date: Jun. 23, 2015

Mark Information

Mark Literal Elements: THE BILLION DOLLAR MAN

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "*" identify additional (new) wording in the goods/services.

For: Action figure toys; Baby multiple activity toys; Battery operated action toys; Bendable toys; Caps for toy pistols; Carrying bags specially adapted for toy vehicles; Cases for toy structures; Cases for toy vehicles; Children's activity tables containing manipulative toys which convert to easels; Children's dress up accessories, namely, toy helmets for play; Children's multiple activity toys; Children's multiple activity toys sold as a unit with printed books; Children's toy bicycles other than for transport; Children's wire construction and art activity toys; Clockwork toys; Collectable toy figures; Construction toys; Construction toys incorporating magnets; Disc toss toys; Dog toys; Drawing toys; Educational toy for the purpose of the demonstration of alternative energy sources; Educational toys for teaching and testing knowledge relating to the politics, political process, and political history of the United States; Educational toys for teaching math principles to children, namely, manipulative blocks for displaying patterns and groupings; Educational toys for teaching music principles to children, namely, hand-held music notation symbols and music related figures, such as individual hand-held piano keys; Educational toys in the nature of an illustrated wall map; Electric action toys; Electric educational toy used to demonstrate alternative energy sources; Electric toy train transformers; Electronic action toys; Electronic novelty toys, namely, toys that electronically record, play back, and distort or manipulate voices and sounds; Electronic toy building blocks that light up as a night light; Electronic toy vehicles; Electronically operated toy motor vehicles; Fantasy character toys; Flying saucers; Flying toys using electrostatic levitation; Infant toys; Inflatable bath toys; Inflatable ride-on toys; Inflatable thin rubber toys; Inflatable toys; Lever action toys; Mechanical action toys; Mechanical toys; Miniature toy helmets; Model toy steam engines; Model toy vehicles; Modeled plastic toy figurines; Molded toy figures; Non-electronic toy vehicles; Non-riding transportation toys; Pet toys; Pet toys made of rope; Plastic toy hoops; Play mats containing infant toys; Play mats for use with toy vehicles; Plush toys; Pop up toys; Positionable printed toy figures for use in games; Positionable printed toy figures for use in puzzles; Positionable three dimensional toys for use in games; Positionable toy figures; Positionable two dimensional toys for use in games; Printed positionable toys for use in children's board games; Printing toys; Pull toys; Punching toys; Push toys; PVC toy figures; Racks and stands specifically designed to hold toy scooters; Racks and stands specifically designed to hold toy vehicles; Radio controlled toy vehicles; Radio transmitters for use with radio-controlled toys; Ride-on toys; Ride-on toys and accessories therefor; Rideable toy vehicles; Rideable toys and accessories therefor; Role playing toys in the nature of play sets for children to imitate real life occupations; Rubber character toys; 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Toy record players; Toy robots; Toy rockets; Toy vehicles; Toy vehicles and accessories therefor; Toy vehicles with transforming parts; Toy vehicles, namely, caster boards; Toy watches; Toy xylophones; Toy, namely, battery-powered computer game with LCD screen which features animation and sound effects; Toys for domestic pets; Toys, namely, a disk to toss in playing a game wherein other disks are flipped and collected; Toys, namely, bean bag animals; Toys, namely, children's dress-up accessories; Toys, namely, detonating caps; Toys, namely, kites and accessories for kites, namely, kite handles, kite lines, kite reels, kite string and kite tails; Toys, namely, percussion caps; Toys, namely, puppets and accessories therefor; Transforming robotic toy vehicles; Transforming robotic toys; Two and three dimensional positionable figures sold as an integral component of toys; Two and three dimensional positionable toy figures sold as a unit with educational books; Two and three dimensional positionable toy figures sold as a unit with memory training equipment; Two and three dimensional positionable toy figures sold as a unit with other toys; Wind-up walking toys

International Class(es): 028 - Primary Class

U.S Class(es): 022, 023, 038, 050

Class Status: ACTIVE

Basls: 1(b)

TM Staff Information

TM Attorney: AWRICH, ELLEN

Law Office Assigned: LAW OFFICE 116

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: May 15, 2015

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Extension of Time

Proceeding Number: 86512465

Filing Date: Jul 22, 2015

Status: Not Instituted

Status Date: Jul 22, 2015

Interlocutory Attorney:

Defendant

Name: LASTAR CAPITAL GROUP INC.

Correspondent Address: LASTAR CAPITAL GROUP INC.
LASTAR CAPITAL GROUP INC.
1800 W 68TH ST STE 118
HIALEAH FL , 33014-4407

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE BILLION DOLLAR MAN	Request For Extension of Time to File Opposition	86512465	
	Potential Opposer(s)		

Name: Universal City Studios LLC

Correspondent Address: David B. Hazlehurst
Universal City Studios LLC
100 Universal City PlazaL,RW/6
Universal City CA , 91608
UNITED STATES

Correspondent e-mail: trademarks@nbcuni.com , rita.rozen@nbcuni.com

Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 22, 2015	
2	EXTENSION OF TIME GRANTED	Jul 22, 2015	