

ESTTA Tracking number: **ESTTA934146**

Filing date: **11/09/2018**

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	Marvel Characters, Inc.
Granted to Date of previous extension	11/14/2018
Address	500 South Buena Vista Street Burbank, CA 91521 UNITED STATES

Attorney information	David M. Kelly Kelly IP, LLP 1300 19th St, NW, Suite 300 Washington, DC 20036 UNITED STATES linda.mcleod@kelly-ip.com, jason.joyal@kelly-ip.com, lit-docketing@kelly-ip.com, david.kelly@kelly-ip.com no phone number provided
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### Applicant Information

Application No	87812210	Publication date	07/17/2018
Opposition Filing Date	11/09/2018	Opposition Period Ends	11/14/2018
Applicant	Wilsonom LLC 562 Haskins Dr. Lexington, KY 40508 UNITED STATES		

### Goods/Services Affected by Opposition


Class 036. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Financial services, namely, providing avirtual currency for use by members of an on-line community via a global computer network; Financial services, namely, providing electronic transfer of a virtual currency for use by members of an on-line community via a global computer network; Issue of tokens of value
Class 041. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Education services, namely, providing live and on-line classes in the field of cryptocurrency; Educational services, namely, conducting programs in the field of cryptocurrency; Educational services, namely, providing educational speakers in the field of cryptocurrency


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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Dilution by blurring	Trademark Act Sections 2 and 43(c)
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## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	5292524	Application Date	07/28/2016
Registration Date	09/19/2017	Foreign Priority Date	NONE
Word Mark	WORLD OF WAKANDA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 016. First use: First Use: 2016/11/09 First Use In Commerce: 2016/11/09 Comic books; printed periodicals in the field of comic book stories and artwork		

U.S. Application No.	87675039	Application Date	11/07/2017
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WAKANDA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 0 First Use In Commerce: 0 Action skill games; action figures and accessories therefor; board games; card games; children's multiple activity toys; badminton sets; balloons; basketballs; bath toys; baseball bats; baseballs; beach balls; bean bags; bean bag dolls; bobblehead dolls; bowling balls; bubble making wand and solution sets; chess sets; toy imitation cosmetics; Christmas stockings; Christmas tree ornaments and decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; equipment sold as a unit for playing card games; fishing tackle; fishing rods; footballs; golf balls; golf gloves; golf ball markers; hand-held units for playing electronic games for use with or without an external display screen or monitor; hock-		

	eypucks; hockey sticks; infant toys; inflatable toys; inflatable pool toys; jigsaw puzzles; jump ropes; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; paper party favors; paper party hats; party games; playing cards; plush toys; puppets; roller skates; rubber balls; skateboards; snow boards; snow globes; soccer balls; spinning tops; squeeze toys; stuffed toys; table tennis balls; table tennis paddles and rackets; table tennis tables; talking toys; target games; teddy bears; tennis balls; tennis rackets; toy action figures and accessories therefor; toy boats; toy bucket and shovel sets in the nature of sand toys; toy building blocks; toy mobiles; toy vehicles; toy scooters; toy cars; toy figures; toy banks; toy vehicles in the nature of toy trucks; toy watches; toy weapons; toy building structures and toy vehicle tracks; video game machines for use with televisions; volley balls; wind-up toys; yo-yos; toy trains and parts and accessories therefor; toy aircraft; fitted plastic films known as skins for covering and protecting electronic game playing apparatus, namely, video game consoles, and hand-held video game units; balls for games; battery operated action toys; bendable toys; construction toys; game tables; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; pinatas; radio controlled toy vehicles; role playing games; snow sleds for recreational use; stacking toys; surf boards; swim fins; toy furniture; toy gliders; toy masks; toy model train sets; water slides
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U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WAKANDA		
Goods/Services	entertainment services, television programs, motion picture films, comic books, magazines, graphic novels, trading cards, stationery, calendars, school supplies, sporting goods, toys, bags, linens, towels, apparel, headwear, footwear, clothing accessories, eyewear, food and beverages, beverage and drinkware, charitable services, educational services and programs, interactive and online games, computer games, computer game software, video games, music, and all other goods and services identified in the Notice of Opposition.		

Attachments	87120339#TMSN.png( bytes ) 87675039#TMSN.png( bytes ) WACOINDA Notice of Opposition.pdf(2372334 bytes )
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Signature	/David M. Kelly/
Name	David M. Kelly
Date	11/09/2018

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

<p>MARVEL CHARACTERS, INC.,</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>WILSONDOM LLC,</p> <p style="text-align: center;">Applicant.</p>	<p>Opposition No.:</p> <p>Mark: WACOINDA</p> <p>Application No.: 87812210</p> <p>Filed: February 27, 2018</p>
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**NOTICE OF OPPOSITION**

Opposer, Marvel Characters, Inc., a corporation of the State of Delaware, having a principal place of business at 500 South Buena Vista Street, Burbank, California, 91521 believes that it is being and will be damaged by the registration of the mark WACOINDA shown in Application Serial No. 87812210, and hereby opposes the same. As grounds for opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Marvel and Its Business**

1. Opposer, by and through its predecessors-in-interest and related companies (collectively “Marvel” or “Opposer”), is one of the world’s most prominent character-based entertainment companies, with a library of more than 8,000 characters featured in a variety of media for more than seventy years.
2. Marvel’s character-based entertainment franchises include the well-known and famous AVENGERS, SPIDER-MAN, IRON MAN, CAPTAIN AMERICA, THOR, GUARDIANS OF THE GALAXY, and BLACK PANTHER franchises, just to name a few.
3. Marvel has for many years engaged in a vast licensing program of

characters, character names, and other elements from its character-based entertainment properties, including the entertainment franchises listed in Paragraph 2 above, under which it licenses and has licensed the use of its properties in connection with a wide variety of products and services including, but not limited to, entertainment services, television programs, motion picture films, comic books, trading cards, collectible figures, stationery, calendars, school supplies, sporting goods, toys, bags, linens, towels, apparel, headwear, footwear, eyewear, food and beverages, beverage and drinkware, charitable services, educational services, interactive and online games, computer games, computer game software, video games, music, theme parks, and/or mobile applications.

**Marvel's BLACK PANTHER Entertainment Franchise**

4. For decades, Marvel has used its BLACK PANTHER mark, name, and character in commerce in connection with a variety of products and services featuring a character known as the BLACK PANTHER.

5. BLACK PANTHER is the ceremonial title given to the protector of the people of the fictional, technologically-advanced nation of WAKANDA. For much of the modern era, the character known as T'CHALLA has worn the mantle of the BLACK PANTHER, acting as both WAKANDA champion and King of WAKANDA.

6. Though possessing no innate super powers, the BLACK PANTHER wields enhanced strength and senses by ceremonially consuming a mystical, heart-shaped herb reserved solely for the victor of a ritual combat tournament. Over the years, the BLACK PANTHER character has been identified by his distinctive black suit that features enhancements made from the fictional, indestructible metal VIBRANIUM (found

only in WAKANDA) and which absorbs impact, making the BLACK PANTHER less susceptible to physical blows or gunshots. A representative image of Marvel's BLACK PANTHER character is shown below.



7. The BLACK PANTHER character first appeared in *The Fantastic Four* comic book series, issue #52 in July 1966. Since then, the BLACK PANTHER character has over the years been featured in *Black Panther* publications as well as various other publications in connection with the *Avengers*, *Captain America*, and *Daredevil* franchises, among others. The BLACK PANTHER character has been ranked as one of the best comic book characters of all time by several sources.

8. On February 16, 2018, Marvel released in the United States the feature film *Black Panther* (shown below), starring Chadwick Boseman as T'CHALLA, the BLACK PANTHER and the king of WAKANDA, and other acclaimed actors including, among others, Academy Award winners Lupita Nyong'o and Forest Whitaker, Angela Bassett, and Michael B. Jordan. The *Black Panther* film went on to become one of the highest-grossing live-action films of all time, earning more than \$700 million in domestic revenues to date and is universally acclaimed by both critics and fans alike.



9. The BLACK PANTHER character has also been featured over the years in connection with a wide variety of other creative works, including other feature blockbuster films such as *Captain America: Civil War* (2016) and *Avengers: Infinity War* (2018), various television series, video games, and related entertainment properties. (Collectively, the films, television series, books, comic books and other publications, and video games in which the BLACK PANTHER character has appeared are referred to as the “BLACK PANTHER Entertainment Franchise.”)

10. Since prior to the filing date of the opposed application and any date of first use that Applicant may prove, Marvel has also used its BLACK PANTHER character in connection with financial product offerings, including as part of a special-edition *Marvel Mastercard*, as shown below.



11. Marvel is known for using and licensing its elements, marks, and characters from its BLACK PANTHER Entertainment Franchise in connection with a wide variety of products and services, including various entertainment services, sound recordings, live entertainment programs, amusement parks, clothing, toys, games, jewelry, bags, and various other consumer products.

12. Marvel, through licensees, has also long been active in a wide variety of educational programs and services, including its *Super Hero Challenge & Awareness Programs* as well as its special-edition publications (in partnership with Visa, Inc.'s *Practical Money Skills* program) that educate others on financial planning and money management. Marvel's educational programs often feature Marvel's famous characters, elements, and brands from its various film franchises as shown in the representative images below.





### **Marvel's Rights In Its WAKANDA Mark**

13. A central and significant element of the BLACK PANTHER Entertainment Franchise is WAKANDA (the “WAKANDA Mark”). As noted above, WAKANDA is the fictional, secretive, and technologically-advanced African nation that is the native homeland of the BLACK PANTHER character and the fictional, impenetrable metal VIBRANIUM.

14. The WAKANDA Mark was coined and first used by Marvel in 1966 in the

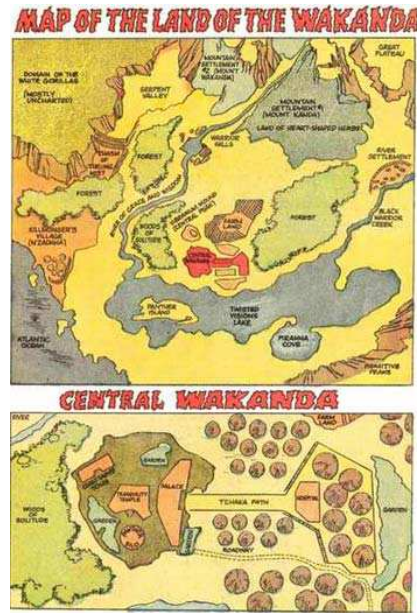
same *Fantastic Four* #52 in which the BLACK PANTHER character debuted, as shown below.



15. Since its first appearance in 1966, the WAKANDA Mark has continued to be used and featured as a central element in the BLACK PANTHER Entertainment Franchise, as well as other Marvel character-based franchises.

16. The WAKANDA Mark, for example, has been featured in numerous comic books and other publications from 1966 through the present in connection with Marvel's BLACK PANTHER character and mark, including in or as part of Marvel's *Avengers*, *Captain America*, *Fantastic Four*, *Jungle Action*, *Wolverine*, and *X-Men* story entertainment franchises. A representative image of the WAKANDA Mark from the September 1973 *Jungle Action* #6 comic book is shown below.





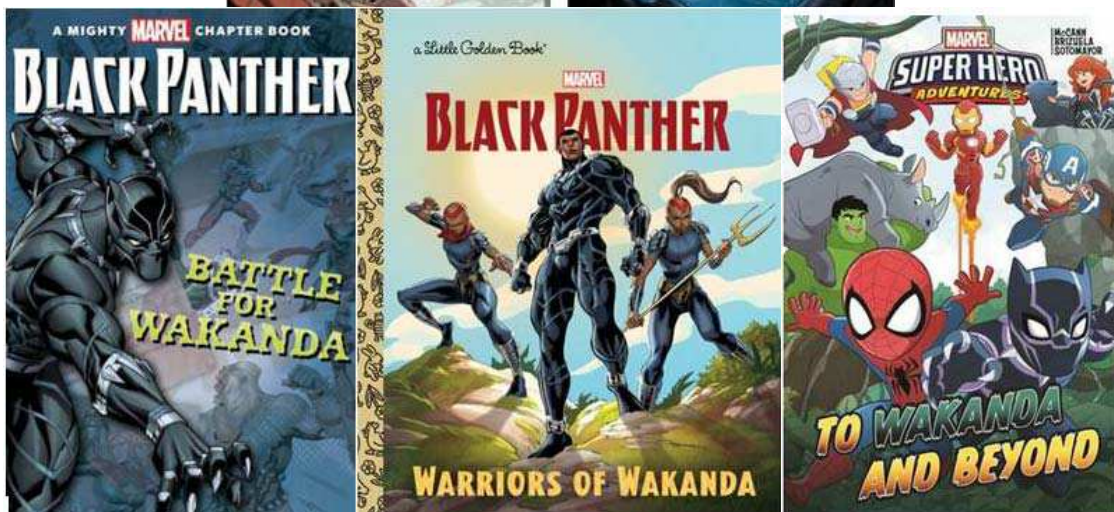
The WAKANDA Mark is also featured in the 1983 original *Official Handbook of the Marvel Universe*, as shown in the representative images below.



17. Since 2016 and continuing through the present, the WAKANDA Mark has also been used for two different comic book series titled *WORLD OF WAKANDA* and *WAKANDA FOREVER*, and for various books and graphic novels, including *The Mighty Marvel Chapter Books: Battle For Wakanda*, *Warriors of Wakanda*, *To Wakanda* and



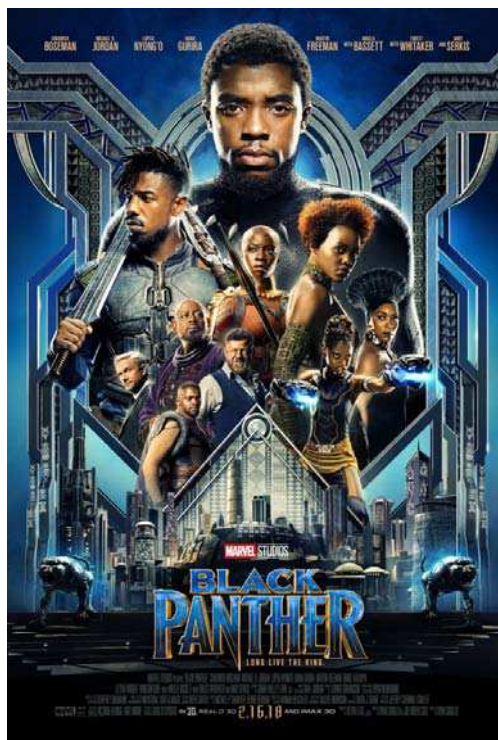
*Beyond*, and *Black Panther: The Most Dangerous Man Alive – The Kingpin of Wakanda*, to name a few, as shown in the representative examples below to name a few, as shown in the representative examples below.



18. As the homeland of the BLACK PANTHER character, the WAKANDA Mark is used prominently, and is a pivotal element, in Marvel's February 2018 blockbuster *Black Panther* film. As shown in the representative examples below, the palatial, technologically-advanced WAKANDA nation serves as the main backdrop of the *Black Panther* film. The WAKANDA skyline, technology, and architecture has been promoted heavily in teaser trailers, promotional materials, and billboards that have been displayed throughout the country, reinforcing a connection in the minds of consumers between the WAKANDA Mark and Marvel and its BLACK PANTHER Entertainment Franchise. In addition to the ubiquitous use of WAKANDA by itself, the WAKANDA element is further emphasized in the battle cry "WAKANDA FOREVER!," which is cried out many times in the *Black Panther* film. During the *Black Panther* film, WAKANDA is stated numerous times either as WAKANDA per se or as part of the battle cry WAKANDA FOREVER!







19. In the *Black Panther* film, the WAKANDA Mark is used in a distinctive font as shown below. This font is a custom design that was developed specifically for Marvel for the *Black Panther* film.



20. Shortly after the release of the *Black Panther* film, WAKANDA was again prominently featured in another massively successful feature film. WAKANDA is the setting of the epic, final battle scene in the record-breaking *Avengers: Infinity War* film, as shown in the representative screenshot below.



Both films—*Black Panther* and *Avengers: Infinity War*—were tremendous successes and are among the highest-grossing feature films of all time. These films have also received significant unsolicited media attention including from, among other sources, *The New York Times*, *Newsday*, *USA Today*, *The Boston Herald*, *The Chicago Tribune*, *The New York Post*, *The Houston Chronicle*, *The Detroit News*, *The Chicago Sun Times*, and *The Washington Post*.

21. WAKANDA is also referenced in the 2016 Marvel film *Captain America: Civil War*. The *Captain America: Civil War* film was also an enormously-successful film, including one of the top-grossing films of 2016.

22. In addition to comic books, publications, and feature films, the WAKANDA Mark has also been used since as early as 1994 in connection with various television series and episodes, including the *Fantastic Four* animated series (1994), the *Black Panther* animated television series (2010), and in the “Welcome to Wakanda” episode of *The Avengers: Earth’s Mightiest Heroes* animated series (2010).

23. The WAKANDA Mark has also been used and featured in animated films. WAKANDA serves as a central location and the focal point of an alien invasion in the 2006 animated feature *Ultimate Avengers 2*. The WAKANDA Mark is also used in the title of the 2018 computer-animated *Lego film Black Panther: Trouble in Wakanda*, as shown below.



24. The WAKANDA Mark and element has also appeared over the years in connection with a variety of video games, including *Marvel: Ultimate Alliance 2* (2009); *Marvel vs. Capcom 3: Fate of Two Worlds* (2011); *Lego Marvel Super Heroes* (2013); *Disney Infinity 3.0* (2015); and *Lego Marvel Super Heroes 2* (2017). A screenshot of the WAKANDA Mark from the *Lego Marvel Super Heroes 2* video game is shown below.





25. Consistent with Marvel's long history of using and licensing its entertainment properties, character names, and elements, Marvel, has used and licensed the WAKANDA Mark in connection with a wide variety of consumer products including, but not limited to, beverage and drinkware, clothing, accessories, bags, and toys. Representative examples of such products are shown below.





**Marvel's Registration and Prior-Filed Application for its WAKANDA Mark**

26. In addition to its long-standing common law rights in the WAKANDA Mark, Marvel owns the following valid and subsisting United States trademark registration for the mark WORLD OF WAKANDA and the prior-filed application for the WAKANDA Mark (printouts from the USPTO TESS/TSDR databases are attached as Exhibit A).

Mark	Reg./App. No. Reg./App. Date	Goods and Services
WORLD OF WAKANDA	5292524 Sep. 19, 2017	Comic books; printed periodicals in the field of comic book stories and artwork in Class 16.

Mark	Reg./App. No. Reg./App. Date	Goods and Services
WAKANDA	87675039 Nov. 7, 2017	Action skill games; action figures and accessories therefor; board games; card games; children's multiple activity toys; badminton sets; balloons; basketballs; bath toys; baseball bats; baseballs; beach balls; bean bags; bean bag dolls; bobblehead dolls; bowling balls; bubble making wand and solution sets; chess sets; toy imitation cosmetics; Christmas stockings; Christmas tree ornaments and decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; equipment sold as a unit for playing card games; fishing tackle; fishing rods; footballs; golf balls; golf gloves; golf ball markers; hand-held units for playing electronic games for use with or without an external display screen or monitor; hockey pucks; hockey sticks; infant toys; inflatable toys; inflatable pool toys; jigsaw puzzles; jump ropes; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; paper party favors; paper party hats; party games; playing cards; plush toys; puppets; roller skates; rubber balls; skateboards; snow boards; snow globes; soccer balls; spinning tops; squeeze toys; stuffed toys; table tennis balls; table tennis paddles and rackets; table tennis tables; talking toys; target games; teddy bears; tennis balls; tennis rackets; toy action figures and accessories therefor; toy boats; toy bucket and shovel sets in the nature of sand toys; toy building blocks; toy mobiles; toy vehicles; toy scooters; toy cars; toy figures; toy banks; toy vehicles in the nature of toy trucks; toy watches; toy weapons; toy building structures and toy vehicle tracks; video game machines for use with televisions; volley balls; wind-up toys; yo-yos; toy trains and parts and accessories therefor; toy aircraft; fitted plastic films known as skins for covering and protecting electronic game playing apparatus, namely, video game consoles, and hand-held video game units; balls for games; battery operated action toys; bendable toys; construction toys; game tables; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; piñatas; radio controlled toy vehicles; role playing games; snow sleds for recreational use; stacking toys; surf boards; swim fins; toy furniture; toy gliders; toy masks; toy model train sets; water slides in Class 28.

27. The registration identified above is valid and subsisting and constitutes prima facie evidence of Marvel's ownership of and exclusive right to use the WAKANDA Mark in connection with the goods identified in the registration.

28. The goods and services described in Paragraphs 7 - 26 above are collectively referred to as the “Marvel Products and Services.”

29. Marvel and/or its licensees and related companies have spent considerable effort and resources advertising and promoting the WAKANDA Mark in connection with Marvel’s BLACK PANTHER Entertainment Franchise and Marvel’s Products and Services. As a result of these efforts, Marvel has established a strong association and identification in the minds of the public between Marvel, Marvel’s Products and Services, and the WAKANDA Mark.

30. Through its long use of the WAKANDA Mark, including for more than 50 years as a central element of the BLACK PANTHER Entertainment Franchise, enormous commercial success of the BLACK PANTHER Entertainment Franchise, substantial advertising and promotion, and extensive media attention and publicity, Marvel has developed substantial and valuable goodwill in its WAKANDA Mark, and it has long been well-known and famous.

**Applicant and Its WACOINDA Mark**

31. Wilsondom, LLC (“Applicant”) is a Kentucky limited liability company with an address of 562 Haskins Drive, Lexington, Kentucky 40508.

32. Applicant is the current listed owner of U.S. Application Serial No. 87812210 (the “Application”), filed on February 27, 2018 under Section 1(b), 15 U.S.C. § 1051(b), for the mark WACOINDA (“Applicant’s Mark”).


33. The Application covers the following services in Classes 36 and 41 (“Applicant’s Services”):

Financial services, namely, providing a virtual currency for use by members of an on-line community via a global computer network;

Financial services, namely, providing electronic transfer of a virtual currency for use by members of an on-line community via a global computer network; Issue of tokens of value in **Class 36**;

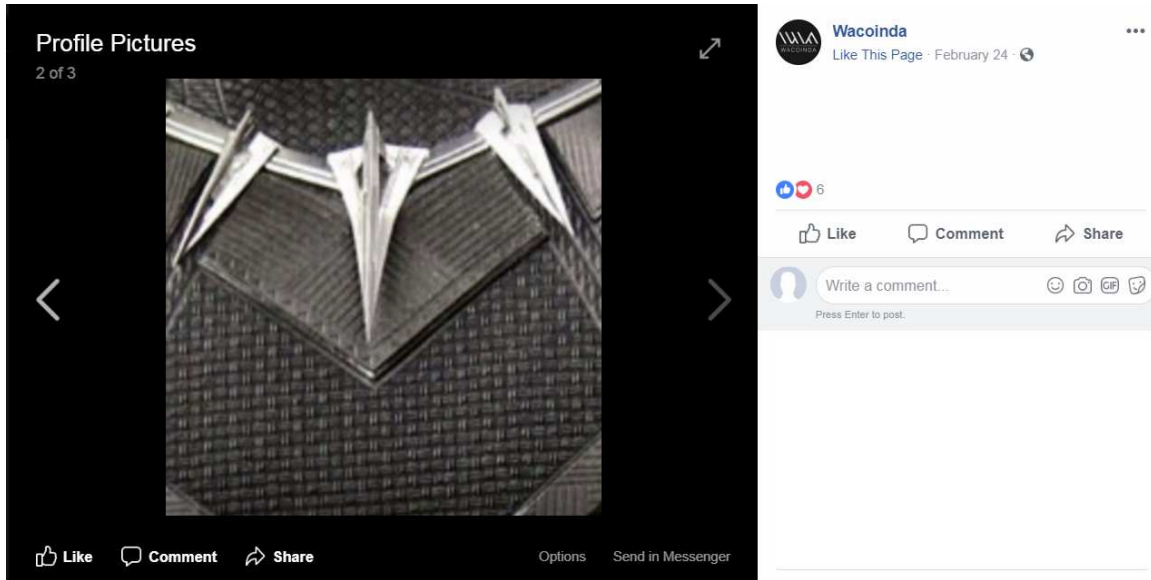
Education services, namely, providing live and on-line classes in the field of cryptocurrency; Educational services, namely, conducting programs in the field of cryptocurrency; Educational services, namely, providing educational speakers in the field of cryptocurrency in **Class 41**.

34. The Application was filed *11 days* after the February 16, 2018 release of Marvel's *Black Panther* film.

35. Applicant has promoted and advertised Applicant's Services on its website and social media using a font highly similar in style to the custom font that Marvel uses for its WAKANDA Mark in its *Black Panther* film——as shown below in the screen capture from Applicant's website wallet.wacoinda.com.



36. Applicant has also promoted and advertised Applicant's Services under Applicant's Mark using references to the BLACK PANTHER Entertainment Franchise and Marvel's WAKANDA Mark. For example, Applicant calls one of its products the "Wacoinda Fa'Eva Wallet," which is a reference to the WAKANDA FOREVER! battle cry from the *Black Panther* film. Applicant also refers to its members as "Wacoindans" and "citizens of Wacoinda" which are both obvious references to WAKANDA. In addition, Applicant's first Facebook post after adopting Applicant's Mark included a prominent image of the VIBRANIUM suit that the BLACK PANTHER character wears in Marvel's *Black Panther* film, as shown below.



37. Applicant has also stated in press interviews that Applicant's Mark is derived from Marvel's WAKANDA Mark, including the following statements (emphasis added):

We started a group on facebook that was initially called "The Black Coin Group" and the whole idea around it was economic collaboration...**and then of course *Black Panther* took off, it was a big movie, and one of our members...she coined the group WACOINDA...in response to WAKANDA so we actually changed the name of the group....and we're now the Wacoinda Group...**January 17 [2018] is when we launched. (<https://soundcloud.com/mindtomatter/ltb-366-outside-perspectives>)

Wacoinda is a group that was started on Facebook . . . on January the 17<sup>th</sup> [2018]. . . and it was called "the Black Coin Group." **After the movie the *Black Panther* came out somebody came into the group and was like "welcome to Wacoinda" and we all laughed at it and we just changed the name to it . . . so . . . it was really cool.** (<https://player.fm/series/the-lando-cal-experience-2370441/wakandacon-wacoinda-interview>)

#### **Count I: Likelihood of Confusion, 15 U.S.C. § 1052(d)**

38. Marvel repeats and realleges each and every allegation set forth above.

39. Marvel has priority based on its prior use in commerce of its WAKANDA

Mark for many of the Marvel Products and Services since before the February 19, 2018 filing date of the Application and any dates of first use that may be proven by Applicant. Marvel also has priority based on its pleaded valid and subsisting prior-issued registration for its WORLD OF WAKANDA mark and its prior-filed application for the WAKANDA Mark.

40. Applicant's Mark is confusingly similar to Marvel's WAKANDA Mark in overall appearance, connotation, and commercial impression.

41. Applicant's Services are identical and/or related to Marvel's Products and Services advertised, promoted, offered, and/or sold by Marvel in connection with Marvel's WAKANDA Mark.

42. In addition, Applicant adopted Applicant's Mark in bad faith based on, among other things: (a) Applicant's adoption of a mark Applicant admits is intended to evoke the unique WAKANDA mark coined by Marvel for the BLACK PANTHER Entertainment franchise; (b) the filing of the Application shortly after the release of the *Black Panther* film and prior publicity for that film; (c) use of a font that is highly-similar to the identical, distinctive, custom font created by Marvel for the *Black Panther* film; and (d) Applicant's use of BLACK PANTHER indicia in connection with promoting and advertising Applicant's Services.

43. Applicant currently displays the following statement on its website [www.wacoinda.com](http://www.wacoinda.com): "[Wacoinda] is not an imaginary country from a comic book," which shows that Applicant recognizes Marvel's WAKANDA brand and admits that there is a likelihood of confusion between Applicant's Mark and Marvel's WAKANDA Mark.



44. Accordingly, Applicant's Mark so resembles Marvel's prior used, registered, and applied-for WAKANDA Mark as to be likely, when used in connection with Applicant's Services, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, as amended, 15 U.S.C. § 1052(d).

**Count II: Dilution by Blurring, 15 U.S.C. § 1125(c)(1)**

45. Marvel repeats and realleges each and every allegation set forth above.

46. Marvel has engaged in extensive, nationwide advertising, promotion, and use of the WAKANDA Mark. Further, Marvel has had massive sales of Marvel's Products and Services in connection with the WAKANDA Mark and BLACK PANTHER Entertainment Franchise nationwide for many years.

47. The WAKANDA Mark is a strong and inherently distinctive mark that became famous and distinctive before the filing date of the Application and before any date of first use that Applicant may allege or prove.

48. The WAKANDA Mark has received extensive unsolicited media attention nationwide. Such extensive and frequent media attention has had a substantial impact on the public, and has created an association in the minds of consumers between the WAKANDA Mark and Marvel and the BLACK PANTHER Entertainment Franchise.

49. In view of the similarities of the parties' marks and the fame of Marvel's WAKANDA Mark, Applicant's Mark so closely resembles Marvel's famous WAKANDA Mark that it is likely to dilute the distinctive quality of the WAKANDA Mark in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Marvel believes that it is being damaged, and will be damaged, by the registration of the mark shown in Application No. 87812210 and respectfully



requests that the notice of opposition be sustained, and that registration to Applicant be refused.

The filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 506154.

Respectfully submitted,

Dated: November 9, 2018

By: /David M. Kelly/

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Attorneys for Opposer  
Marvel Characters, Inc.

# **EXHIBIT A**

**Generated on:** This page was generated by TSDR on 2018-11-06 16:14:14 EST

**Mark:** WORLD OF WAKANDA

WORLD OF WAKANDA

**US Serial Number:** 87120339

**Application Filing Date:** Jul. 28, 2016

**US Registration Number:** 5292524

**Registration Date:** Sep. 19, 2017

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.

**Status Date:** Sep. 19, 2017

**Publication Date:** Dec. 20, 2016

**Notice of Allowance Date:** Feb. 14, 2017

## Mark Information

**Mark Literal Elements:** WORLD OF WAKANDA

**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:** Comic books; printed periodicals in the field of comic book stories and artwork

**International Class(es):** 016 - Primary Class

**U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 09, 2016

**Use in Commerce:** Nov. 09, 2016

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** Yes

**Amended Use:** No

**Filed ITU:** Yes

**Currently ITU:** No

**Amended ITU:** No

**Filed 44D:** No

**Currently 44D:** No

**Amended 44D:** No

**Filed 44E:** No

**Currently 44E:** No

**Amended 44E:** No

**Filed 66A:** No

**Currently 66A:** No

**Filed No Basis:** No

**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Marvel Characters, Inc.

**Owner Address:** 500 South Buena Vista Street  
Burbank, CALIFORNIA 91521  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Steve Ackerman

Attorney Primary Email Address: [trademarks@disney.com](mailto:trademarks@disney.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Marvel Characters, Inc.  
500 South Buena Vista Street  
Burbank, CALIFORNIA 91521  
UNITED STATES

Fax: 818-848-6424

Correspondent e-mail: [trademarks@disney.com](mailto:trademarks@disney.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 13, 2017	CERTIFICATE OF CORRECTION ISSUED	76873
Dec. 05, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Nov. 02, 2017	TEAS SECTION 7 REQUEST RECEIVED	
Nov. 02, 2017	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 19, 2017	REGISTERED-PRINCIPAL REGISTER	
Aug. 15, 2017	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Aug. 14, 2017	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Aug. 11, 2017	STATEMENT OF USE PROCESSING COMPLETE	30013
Jul. 18, 2017	USE AMENDMENT FILED	30013
Aug. 11, 2017	CASE ASSIGNED TO INTENT TO USE PARALEGAL	30013
Jul. 18, 2017	TEAS STATEMENT OF USE RECEIVED	
Feb. 14, 2017	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 20, 2016	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 20, 2016	PUBLISHED FOR OPPOSITION	
Nov. 30, 2016	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 07, 2016	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 07, 2016	ASSIGNED TO EXAMINER	76509
Aug. 03, 2016	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 01, 2016	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the statement, line 5, "; posters" should be deleted.

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMO LAW OFFICE 110

Date in Location: Dec. 13, 2017

**Generated on:** This page was generated by TSDR on 2018-11-06 16:10:53 EST

**Mark:** WAKANDA

WAKANDA

**US Serial Number:** 87675039

**Application Filing Date:** Nov. 07, 2017

**Filed as TEAS RF:** Yes

**Currently TEAS RF:** Yes

**Register:** Principal

**Mark Type:** Trademark

**TM5 Common Status Descriptor:**



LIVE/APPLICATION/Published for Opposition

A pending trademark application has been examined by the Office and has been published in a way that provides an opportunity for the public to oppose its registration.

**Status:** Application has been published for opposition. The opposition period begins on the date of publication.

**Status Date:** Sep. 18, 2018

**Publication Date:** Sep. 18, 2018

## Mark Information

**Mark Literal Elements:** WAKANDA

**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 skill games; action figures and accessories therefor; board games; card games; children's multiple activity toys; badminton sets; balloons; basketballs; bath toys; baseball bats; baseballs; beach balls; bean bags; bean bag dolls; bobblehead dolls; bowling balls; bubble making wand and solution sets; chess sets; toy imitation cosmetics; Christmas stockings; Christmas tree ornaments and decorations; collectable toy figures; crib mobiles; crib toys; disc toss toys; dolls; doll clothing; doll accessories; doll playsets; electric action toys; equipment sold as a unit for playing card games; fishing tackle; fishing rods; footballs; golf balls; golf gloves; golf ball markers; hand-held units for playing electronic games for use with or without an external display screen or monitor; hockey pucks; hockey sticks; infant toys; inflatable toys; inflatable pool toys; jigsaw puzzles; jump ropes; kites; magic tricks; marbles; manipulative games; mechanical toys; music box toys; musical toys; parlor games; party favors in the nature of small toys; paper party favors; paper party hats; party games; playing cards; plush toys; puppets; roller skates; rubber balls; skateboards; snow boards; snow globes; soccer balls; spinning tops; squeeze toys; stuffed toys; table tennis balls; table tennis paddles and rackets; table tennis tables; talking toys; target games; teddy bears; tennis balls; tennis rackets; toy action figures and accessories therefor; toy boats; toy bucket and shovel sets in the nature of sand toys; toy building blocks; toy mobiles; toy vehicles; toy scooters; toy cars; toy figures; toy banks; toy vehicles in the nature of toy trucks; toy watches; toy weapons; toy building structures and toy vehicle tracks; video game machines for use with televisions; volley balls; wind-up toys; yo-yos; toy trains and parts and accessories therefor; toy aircraft; fitted plastic films known as skins for covering and protecting electronic game playing apparatus, namely, video game consoles, and hand-held video game units; balls for games; battery operated action toys; bendable toys; construction toys; game tables; inflatable inner tubes for aquatic recreational use; inflatable swimming pools; piñatas; radio controlled toy vehicles; role playing games; snow sleds for recreational use; stacking toys; surf boards; swim fins; toy furniture; toy gliders; toy masks; toy model train sets; water slides

**International Class(es):** 028 - Primary Class

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

**Class Status:** ACTIVE

**Basis:** 1(b)

## Basis Information (Case Level)

**Filed Use:** No  
**Filed ITU:** Yes  
**Filed 44D:** No  
**Filed 44E:** No  
**Filed 66A:** No  
**Filed No Basis:** No

**Currently Use:** No  
**Currently ITU:** Yes  
**Currently 44E:** No  
**Currently 66A:** No  
**Currently No Basis:** No

## Current Owner(s) Information

**Owner Name:** Marvel Characters, Inc.  
**Owner Address:** 500 South Buena Vista Street  
Burbank, CALIFORNIA UNITED STATES 91521  
**Legal Entity Type:** CORPORATION  
**State or Country Where Organized:** DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Steve Ackerman  
**Attorney Primary Email Address:** [trademarks@disney.com](mailto:trademarks@disney.com)  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** STEVE ACKERMAN  
THE WALT DISNEY COMPANY  
500 SOUTH BUENA VISTA STREET  
IP DEPARTMENT - TRADEMARK GROUP  
BURBANK, CALIFORNIA UNITED STATES 91521  
**Phone:** 818-560-1000  
**Fax:** 818-848-6424  
**Correspondent e-mail:** [trademarks@disney.com](mailto:trademarks@disney.com) [cpinkus@marvel.com](mailto:cpinkus@marvel.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Sep. 18, 2018	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 18, 2018	PUBLISHED FOR OPPOSITION	
Aug. 29, 2018	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 10, 2018	ASSIGNED TO LIE	70468
Jul. 31, 2018	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 12, 2018	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 11, 2018	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 11, 2018	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 21, 2018	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 21, 2018	NON-FINAL ACTION E-MAILED	6325
Feb. 21, 2018	NON-FINAL ACTION WRITTEN	93417
Feb. 20, 2018	ASSIGNED TO EXAMINER	93417
Nov. 17, 2017	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 10, 2017	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

**TM Attorney:** RADCLIFF, BRENT MARCUS  
**Law Office Assigned:** LAW OFFICE 123

### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION  
**Date in Location:** Aug. 10, 2018