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

In the Matter of Application Serial No. 78/056093
Filed: March 31, 2001
For the Mark: VIRTUAL MONOPOLY
Published in the Official Gazette: April 23, 2002

U.S. Patent & TMO's/TM Mail Recd. Dt. #57



08-16-2002

HASBRO, INC.

Opposer,

v.

C.G. Pike & Co. Ltd.

Applicant.

Opposition No.

02 AUG 30 AM 12: 25

TRADEMARK TRIAL AND
APPEAL BOARD

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

BOX TTAB - FEE

NOTICE OF OPPOSITION

Hasbro, Inc. ("Opposer") believes that it will be damaged by the registration of the trademark covered by Application Serial No. 78/056093 (the "application") filed on March 31, 2001 by C.G. Pike & Co. Ltd. ("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.

08/28/2002 GTHOMAS2 00000018 78056093

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900.00 OP

Applicant is, upon information and belief, a foreign corporation whose address is 3 Klondyke, Marlow Bucks, United Kingdom SL7 2QQ. The domestic representative for Applicant is Mrs. Gabrielle Green, 9835 41st Ave NE, Seattle, WA 98115-2517.

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 April 23, 2002, at page TM 371, Applicant has submitted an application and seeks to register and use the trademark "VIRTUAL MONOPOLY" in the following International Classes:

International Class 16 for "printed books, magazines, journals and newsletters in the field of business management and strategy, intellectual property management and strategy; printed instructional and educational books in the field of business management and strategy, intellectual property management and strategy; but not including any such goods relating to toys, games or playthings (U.S. Cls. 2, 5, 22, 23, 29, 37, 38 and 50)";

International Class 35 for "business consultation services, namely providing information and advice in the field of intellectual property management and strategy, brand creation, management and strategy; monitoring, tracking and benchmarking the intellectual property management and strategy of others; strategic brand creation and management services for others (U.S. Cls. 100, 101 and 102)";

International Class 41 for "educational and informational services, namely, conducting classes, seminars, conferences and workshops in the field of law and management, intellectual property, management of intellectual property, law relating to brands and corporate identity, management of brands and corporate identity; distribution of course materials in connection with said services (U.S. Cls. 100, 101 and 107)."

2. Opposer markets and sells the famous MONOPOLY® property trading game. Opposer is the owner of certain trademarks for games that are the subject of the following federal registrations issued on the Principal Register, all of which are in full force and effect and incontestable pursuant to 15 U.S.C. §1065, as shown by the records of the U.S. Patent and Trademark Office (collectively, the "Trademarks"), including but not limited to:

<u>Registration No.</u>	<u>Mark</u>	<u>Date of Registration</u>
326,723	MONOPOLY®	July 30, 1935
338,834	MONOPOLY®	September 15, 1936

True and correct copies of these registrations are attached hereto as Exhibit A.

3. Opposer or the Opposer's predecessors in interest have continuously used the Trademarks above in United States commerce for more than 60 years in substantially identical form in connection with the famous MONOPOLY® property trading game.

4. In addition to the above Trademarks, Opposer is also the owner of the following trademarks that are the subject of the following federal registrations issued on the Principal Register, all of which are in full force and effect and incontestable, as shown by the records of the U.S. Patent and Trademark office (collectively the "Related Trademarks"), including but not limited to:

<u>Registration No.</u>	<u>Mark</u>	<u>Date of Registration</u>	<u>For:</u>
1,454,159	MONOPOLY	August 25, 1987	Watches and Travel Clocks
1,449,248	MONOPOLY	July 28, 1987	Keychains
1,430,400	MONOPOLY	February 24, 1987	Toy Banks
1,406,787	MONOPOLY	August 26, 1986	Towels, Oven Mitts and Pot-Holders

1,431,044	MONOPOLY	March 3, 1987	Greeting Cards, Stationery-type products
2,532,634	MONOPOLY JACKPOT	January 22, 2002	Hand Held Electronic Games

True and correct copies of these registrations are attached hereto as Exhibit B.

5. No issue of priority exists between Opposer's Trademarks and Related Trademarks and the alleged VIRTUAL MONOPOLY trademark. Opposer's date of adoption and first use of its Trademarks and Related Trademarks long precedes Applicant's application.

6. Since adoption and first use of Opposer's Trademarks, Opposer has continuously marketed and is presently marketing its MONOPOLY® property trading game throughout the United States. Opposer's game is identified as originating from Opposer through the use of the Trademarks on equipment for playing the game. The MONOPOLY® trademark is readily recognizable and closely associated in the mind of the public with the MONOPOLY® property trading game.

7. Since adoption and first use of Opposer's MONOPOLY® property trading game and the Trademarks and Related 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 game and other goods and services displaying these trademarks. Since 1935 hundreds of millions of sets of the game have been sold. As a result, Opposer believes and alleges that the public has come to recognize the MONOPOLY® trademark as emanating from a single source.

8. 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. For the single decade 1984 through 1993 alone, at least \$15 million was expended on such advertising and promotion

worldwide. 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, its Trademarks and its Related Trademarks and has developed valuable goodwill with respect to those trademarks.

9. Opposer also licenses or has licensed the use of its MONOPOLY® Trademarks and Related Trademarks on a wide variety of goods, including bank checks and checkbook covers, T-shirts, sweatshirts, adult jewelry and accessories, watches, high-end pens, pencils, pencil cups, business card holders, magnifying glasses, letter openers, tie clips and ties, tin and glass jar products containing food and/or confections, electric train sets and accessories, gift baskets, figurines, Christmas ornaments, food and beverage items in reusable tins, chairs, clocks, banks, pewter collectibles and ceramic gifts, picture frames, beach towels, inflatable furniture, computer games, signage, casino gaming tables, lottery tickets, electronic interactive slot machines, arcade pinball machines, books, adult non-fiction, educational activity books, key chains, specialty-themed games, card games, computer accessories, and greeting cards.

10. The “MONOPOLY” portion of Applicant’s alleged trademark is identical to a large, distinctive portion of Opposer’s famous MONOPOLY® trademark.

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

12. The VIRTUAL MONOPOLY trademark is sufficiently similar to the Opposer's famous mark in the word used and the commercial impression it creates so as to cause confusion, to cause mistake or to deceive the public as to the origin of Applicant's goods and services bearing that trademark. Therefore, registration of said trademark is prohibited by 15 U.S.C. § 1052(d).

13. The VIRTUAL MONOPOLY trademark is deceptively similar to and likely to dilute the distinctive quality of Opposer's famous mark and 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).

14. Registration of the alleged VIRTUAL MONOPOLY 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.

15. Registration of the alleged VIRTUAL MONOPOLY 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 and 1127.

WHEREFORE, Opposer prays that this Opposition be sustained, and that registration to Applicant for the VIRTUAL MONOPOLY trademark in International Classes 16, 35 and 41 be denied.

Opposer hereby files this Notice of Opposition in triplicate; the statutory filing fee of \$900.00 is submitted with this Notice.

Opposer hereby appoints the firm of Patterson, Belknap, Webb & Tyler LLP, Kim J. Landsman and Erika M. Heise, both members of the Bar of the State of New York, 1133 Avenue of the Americas, New York, New York, 10036, telephone number (212) 336-2000, 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.

Enclosed herewith is PBW&T Check No. 119367 in the amount of \$900.00 to cover the official government filing fee.

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

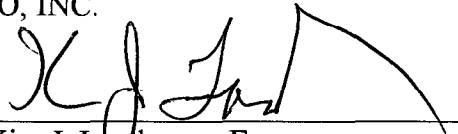
Dated: August 16, 2002
New York, New York

Respectfully Submitted,

PATTERSON, BELKNAP, WEBB & TYLER LLP

Attorneys for Opposer
HASBRO, INC.

By:



Kim J. Landsman, Esq.
Erika M. Heise, Esq.
1133 Avenue of the Americas
New York, New York 10036
Telephone: (212) 336-2000

Certificate of Express Mail Under 37 CFR § 1.10

Express Mail mailing label number: EV170697087US

Date of Deposit: August 16, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner for Trademarks, 2900 Crystal Drive, South Tower Building, 9th Floor, Arlington, Virginia 22202-3513.


Luwana Stanley

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 COR-
PORATION)
1027 NEWPORT AVENUE
PAWTUCKET, RI 02862, BY ASSIGN-
MENT, CHANGE OF NAME,
MERGER, CHANGE OF NAME,
CHANGE OF NAME, MERGER AND
ASSIGNMENT FROM PARKER
BROTHERS, INC. (MAINE CORPORA-
TION) SALEM, MA

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.

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

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

*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

Int. Cl.: 14

Prior U.S. Cl.: 27

United States Patent and Trademark Office

Reg. No. 1,454,159
Registered Aug. 25, 1987

TRADEMARK
PRINCIPAL REGISTER



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

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

SER. NO. 637,253, FILED 12-29-1986.

FOR: WATCHES AND TRAVEL CLOCKS, IN
CLASS 14 (U.S. CL. 27).

FIRST USE 4-1-1986; IN COMMERCE
4-1-1986.

ROBERT PEVERADA, EXAMINING ATTOR-
NEY

Int. Cl.: 6



Prior U.S. Cl.: 13

United States Patent and Trademark Office

Reg. No. 1,449,248

Registered July 28, 1987

**TRADEMARK
PRINCIPAL REGISTER**



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

OWNER OF U.S. REG. NOS. 326,723 AND
1,214,206.

SER. NO. 560,391, FILED 9-26-1985.

FOR: KEY CHAINS, IN CLASS 6 (U.S. CL. 13).
FIRST USE 4-10-1985; IN COMMERCE
4-10-1985.

STEPHEN J. KELLER, EXAMINING ATTOR-
NEY

Int. Cl.: 28

Prior U.S. Cl.: 22

United States Patent and Trademark Office

Reg. No. 1,430,400

Registered Feb. 24, 1987

TRADEMARK
PRINCIPAL REGISTER



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

OWNER OF U.S. REG. NOS. 338,834, 1,051,967,
AND 1,349,672.

SER. NO. 555,885, FILED 8-28-1985.

FOR: TOY BANKS, IN CLASS 28 (U.S. CL. 22).
FIRST USE 4-10-1985; IN COMMERCE
4-10-1985.

SUSAN A. RICHARDS, EXAMINING ATTOR-
NEY



Int. Cls.: 24 and 25

Prior U.S. Cls.: 39 and 42

United States Patent and Trademark Office Reg. No. 1,406,787
Registered Aug. 26, 1986

TRADEMARK
PRINCIPAL REGISTER



CPG PRODUCTS CORP. (DELAWARE CORPORATION)
9200 WAYZATA BOULEVARD
MINNEAPOLIS, MN 55426

FOR: TOWELS, OVEN MITTS AND POT-HOLDERS, IN CLASS 24 (U.S. CL. 42).
FIRST USE 2-7-1985; IN COMMERCE 2-7-1985.

FOR: APRONS AND HATS, IN CLASS 25 (U.S. CL. 39).
FIRST USE 2-7-1985; IN COMMERCE 2-7-1985.
OWNER OF U.S. REG. NO. 326,723.

SER. NO. 538,317, FILED 5-17-1985.

JUDITH BECKER, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cls.: 37, 38 and 50

United States Patent and Trademark Office

Reg. No. 1,431,044

Registered Mar. 3, 1987

**TRADEMARK
PRINCIPAL REGISTER**



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

FOR: GREETING CARDS; STATIONARY-
TYPE PRODUCTS, NAMELY, WRITING
PAPER, ENVELOPES, NOTE PADS AND AD-
DRESS BOOKS; MEMO BOARDS; PLASTIC PA-
PERWEIGHTS AND POSTCARDS, IN CLASS 16
(U.S. CLS. 37, 38 AND 50).

FIRST USE 4-10-1985; IN COMMERCE
4-10-1985.

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

SER. NO. 555,887, FILED 8-28-1985.

SUSAN A. RICHARDS, EXAMINING ATTOR-
NEY

Int. Cl.: 28

Prior U.S. Cls.: 22, 23, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,532,634

Registered Jan. 22, 2002

**TRADEMARK
PRINCIPAL REGISTER**

MONOPOLY JACKPOT

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

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

**FOR: HAND HELD ELECTRONIC GAMES, IN
CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).**

SN 75-733,566, FILED 6-17-1999.

FIRST USE 2-18-2000; IN COMMERCE 2-18-2000.

M. E. BODSON, EXAMINING ATTORNEY