

ESTTA Tracking number: **ESTTA419542**

Filing date: **07/13/2011**

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	Moggliden AB
Granted to Date of previous extension	07/13/2011
Address	PÅrönvången 8 SE-904 36 Umea, SWEDEN

Attorney information	Leigh Ann Lindquist Sughrue Mion, PLLC 2100 Pennsylvania Avenue NW Washington, DC 20037 UNITED STATES llindquist@sughrue.com, mwhite@sughrue.com, sherrera-gill@sughrue.com Phone:2026637409
----------------------	--

**Applicant Information**

Application No	85163126	Publication date	03/15/2011
Opposition Filing Date	07/13/2011	Opposition Period Ends	07/13/2011
Applicant	Wasp Enterprises 1445 American Pacific Drive # 110 - 377 Henderson, NV 89074 UNITED STATES		

**Goods/Services Affected by Opposition**


<p>Class 003. All goods and services in the class are opposed, namely: Colognes, perfumes and cosmetics; Cosmetics in general, including perfumes; Perfume</p>
<p>Class 009. All goods and services in the class are opposed, namely: Computer game software; Computer game software downloadable from a global computer network; Computer game software for gaming machines including slot machines or video lottery terminals; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; Computer screen saver software; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable electronic game programs; Electronic game programs; Electronic game software; Electronic game software for cellular telephones; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Game software; Gaming devices, namely, gaming machines, slot machines, bingo machines, with or without</p>

video output; Gaming machines including slot machines or video lottery terminals; Interactive game programs; Interactive game software; Interactive video game programs; Interactive video games of virtual reality comprised of computer hardware for use with an external monitor and software; Notebook computer carrying cases; Video and computer game programs; Video game cartridges and discs
Class 016. All goods and services in the class are opposed, namely: Cardboard; Gift wrap paper; Gift wrapping paper; Greeting cards; Greetings cards and postcards; Mounted posters; Musical greeting cards; Postcards and greeting cards; Posters; Posters made of paper; Printed greeting cards with electronic information stored therein; Unmounted posters; Vinyl letters and numbers for use in making signs and posters
Class 025. All goods and services in the class are opposed, namely: Belts; Belts made of leather; Footwear; Hats; Headgear, namely, hats and baseball caps; Jackets; Jerseys; Short-sleeved or long-sleeved t-shirts; T-shirts; Tops; Wearable garments and clothing, namely, shirts

### Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Void ab initio

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85337496	Application Date	06/03/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	THE GIRL WHO PLAYED WITH FIRE		
Design Mark	 <p>THE GIRL WHO PLAYED WITH FIRE</p>		
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices</p> <p>Class 009. First use: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; games adapted for use with external screens; computer games (programs); sound and/or image carriers; exposed films; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated</p>		

	<p>apparatus; cash registers, calculating machines, data processing equipment and computers; computer programs; fire-extinguishing apparatus</p> <p>Class 016. First use: Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks</p> <p>Class 025. First use: Clothing, footwear, headgear</p> <p>Class 028. First use: Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees</p> <p>Class 041. First use: Education; providing of training; entertainment; sporting and cultural activities; publication of books, newspapers and magazines; production and recording of television programmes, films and videos</p> <p>Class 044. First use: Hygienic and beauty care for human beings or animals; tattooing</p>
--	--

Attachments	<p>85337496#TMSN.jpeg ( 1 page )( bytes )</p> <p>Notice of Opposition (July 13, 2011) THE GIRL WHO PLAYED WITH FIRE.PDF ( 7 pages )(322220 bytes )</p>
-------------	--

### 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	/Leigh Ann Lindquist/
Name	Leigh Ann Lindquist
Date	07/13/2011

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

Moggliden AB,

Opposer,

v.

Wasp Enterprises, LLC,

Applicant.

Opposition No.:

**NOTICE OF OPPOSITION**

Moggliden AB, a corporation organized under the laws of Sweden, with an address at Pärönvägen 8, SE-904 36 Umeå, Sweden, believes that it will be damaged by registration of the mark THE GIRL WHO PLAYED WITH FIRE shown in Application Serial No. 85163126 and hereby opposes same.

As grounds for the opposition, it is alleged that:

1. Moggliden AB (hereinafter "Opposer") is the successor in interest to the estate of Stieg Larsson.
2. Stieg Larsson was the author of the widely popular The Girl With The Dragon Tattoo trilogy which details the life of Lisbeth Salander. The first book in the trilogy was published in Swedish in 2005. In 2008, the English version of the first book in the trilogy was published and given the title The Girl With The Dragon Tattoo.
3. The other books in the trilogy are titled: The Girl Who Played With Fire (published in Swedish in 2006 and in English in 2009) and The Girl Who Kicked The Hornet's Nest (published in Swedish in 2007 and in English in 2009).

4. Mr. Larsson's books have been very successful and the books are extremely well-known among the general public here in the United States and abroad:

- a. All three books have been listed for months on The New York Times Best Seller List and are currently listed in the top 35 best sellers on that List.
- b. The Girl With The Dragon Tattoo and The Girl Who Kicked The Hornet's Nest have spent 752 and 565 days, respectively, on the Amazon Bestsellers List.
- c. All three books have been made into Swedish films to rave reviews.
- d. The U.S. film version of The Girl With The Dragon Tattoo is scheduled for a December 2011 release and stars Daniel Craig and Rooney Mara.

5. Opposer is the owner of the pending Trademark Application Serial No. 85337496 for the mark THE GIRL WHO PLAYED WITH FIRE for the following goods and services in classes 3; 9; 16; 25, 28; 41; and 44, which was filed on June 3, 2011: "Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices" in Class 3; "Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; games adapted for use with external screens; computer games (programs); sound and/or image carriers; exposed films; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; computer programs; fire-extinguishing apparatus" in Class 9; "Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes;

artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks” in Class 16; “Clothing, footwear, headgear” in Class 25; “Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees” in Class 28; “Education; providing of training; entertainment; sporting and cultural activities; publication of books, newspapers and magazines; production and recording of television programmes, films and videos” in Class 41; and “Hygienic and beauty care for human beings or animals; tattooing” in Class 44.

6. Applicant has applied to register the mark THE GIRL WHO PLAYED WITH FIRE for goods in Classes 3; 9; 16; and 25. The goods are described as “Colognes, perfumes and cosmetics; Cosmetics in general, including perfumes; Perfume” in Class 3; “Computer game software; Computer game software downloadable from a global computer network; Computer game software for gaming machines including slot machines or video lottery terminals; Computer game software for personal computers and home video game consoles; Computer game software for use on mobile and cellular phones; Computer game software for use with personal computers, home video game consoles used with televisions and arcade-based video game consoles; Computer screen saver software; Computer software and firmware for games of chance on any computerized platform, including dedicated gaming consoles, video based slot machines, reel based slot machines, and video lottery terminals; Downloadable computer game programs; Downloadable computer game software via a global computer network and wireless devices; Downloadable electronic game programs; Electronic game programs; Electronic game software; Electronic game software for cellular telephones; Electronic game software for handheld electronic devices; Electronic game software for wireless devices; Game software; Gaming devices, namely, gaming machines, slot machines, bingo machines, with or without

video output; Gaming machines including slot machines or video lottery terminals; Interactive game programs; Interactive game software; Interactive video game programs; Interactive video games of virtual reality comprised of computer hardware for use with an external monitor and software; Notebook computer carrying cases; Video and computer game programs; Video game cartridges and discs” in class 9; “Cardboard; Gift wrap paper; Gift wrapping paper; Greeting cards; Greetings cards and postcards; Mounted posters; Musical greeting cards; Postcards and greeting cards; Posters; Posters made of paper; Printed greeting cards with electronic information stored therein; Unmounted posters; Vinyl letters and numbers for use in making signs and posters” in class 16; and “Belts; Belts made of leather; Footwear; Hats; Headgear, namely, hats and baseball caps; Jackets; Jerseys; Short-sleeved or long-sleeved t-shirts; T-shirts; Tops; Wearable garments and clothing, namely, shirts” in class 25.

7. While Applicant’s Application was filed on October 27, 2010 without asserting a filing basis, it was subsequently amended to claim a filing basis based on Applicant’s asserted bona fide intent to use the mark in commerce.

8. At the time Applicant filed its Application Serial No. 85163126, it averred in the declaration that it was the rightful owner of the mark and “no other person, firm, corporation, or association has the right to use the mark in commerce”.

9. At the time Applicant filed its Application Serial No. 85163126, Applicant did not have a bona fide intent to use the mark in commerce in connection with the goods identified in the Application.

10. Applicant knew that its declaration stating that it was the rightful owner of the mark and “no other person, firm, corporation, or association has the right to use the mark in commerce” was false.

11. Applicant knew that its declaration of a bona fide intent to use the mark on all of the goods in the Application was false.

12. The USPTO relied on the willful false statements in the Application and declarations to issue a filing date to Applicant and to maintain and publish the Application.

**COUNT I:**

**FRAUD**

13. Opposer repeats and realleges the allegations set forth in Paragraphs 1 through 12.

14. By filing of the false declaration averring to the truth of the statements in the Application and filing the false declaration in support of its intent to use basis, and knowing the statements were false with the intent that the USPTO rely on the false statements to issue a filing date for the Application and approve the Application for publication, Applicant committed fraud on the USPTO which fraud has resulted in damage to Opposer.

**COUNT II:**

**VOID AB INITIO**

15. Opposer repeats and realleges the allegations set forth in Paragraphs 1 through 14.

16. Applicant Application Serial No. 85163126 is *void ab initio* for the reason that Applicant, as of the application filing date, did not have a bona fide intent to use the mark in commerce in connection with any of the goods recited in the application.

**COUNT III:**

**FALSE SUGGESTION OF A CONNECTION**

17. Opposer repeats and realleges the allegations set forth in Paragraphs 1 through 16.

18. Applicant's THE GIRL WHO PLAYED WITH FIRE mark that is the subject of Application Serial No. 85163126 is identical to Opposer's title of its book and movie. Opposer's book and movie were published long before Applicant filed Application Serial No. 85163126.



19. Given the fame and renown of the books written by Stieg Larsson, consumers are likely to recognize that THE GIRL WHO PLAYED WITH FIRE points uniquely and unmistakably to Opposer.

20. Applicant is not connected to or affiliated with Opposer or any of Opposer's activities.

21. As set forth above, the book and movie titled THE GIRL WHO PLAYED WITH FIRE are well-known and famous such that consumers would presume a connection between Applicant and Opposer when they encounter Applicant's mark THE GIRL WHO PLAYED WITH FIRE for any goods or services including those listed in Application Serial No. 85163126.

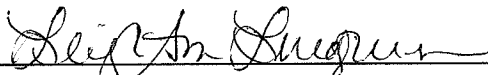
22. Accordingly, Applicant's mark in Application Serial No. 85163126 falsely suggests a connection with Opposer and its THE GIRL WHO PLAYED WITH FIRE book and movie, in violation of Section 2(a) of the Lanham Act.

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused and that this Opposition be sustained.

Please charge the \$1200 U.S. Patent and Trademark Office opposition filing fee to the undersigned's Deposit Account No. 19-4880. Please charge any deficiency or credit any overpayment to the undersigned's Deposit Account No. 19-4880.

Respectfully submitted,

MOGGLIDEN AB

By:   
Gary D. Krugman  
Leigh Ann Lindquist  
SUGHRUE MION, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, D.C. 20037-3202  
(202) 663-7484  
Attorneys for Opposer

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the foregoing NOTICE OF OPPOSITION has been mailed this 13<sup>th</sup> day of July, 2011, by first-class mail, postage prepaid to:

WASP ENTERPRISES  
1445 AMERICAN PACIFIC DR # 110-377  
HENDERSON, NV 89074-7402

  
\_\_\_\_\_  
Leigh Ann Lindquist