

ESTTA Tracking number: **ESTTA441711**

Filing date: **11/17/2011**

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	Peter J. Haselhurst		
Entity	Individual	Citizenship	AUSTRALIA
Address	2 Walba Way Swanbourne, WA 6010 AUSTRALIA		

Attorney information	David P. Gordon Gordon & Jacobson, PC 60 Long Ridge Road Suite 407 Stamford, CT 06902 UNITED STATES davidg@gordonjacobson.com, pto@gordonjacobson.com Phone:203-323-1800		
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### Applicant Information

Application No	85331521	Publication date	10/18/2011
Opposition Filing Date	11/17/2011	Opposition Period Ends	11/17/2011
Applicant	Spin Master Ltd. 450 Front Street West Toronto, Ontario, M5V1B6 CANADA		

### Goods/Services Affected by Opposition

Class 028. All goods and services in the class are opposed, namely: Toys, games and playthings, namely toy aircraft, toy helicopters
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### Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

### Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2661698	Application Date	12/13/2000
Registration Date	12/17/2002	Foreign Priority Date	NONE
Word Mark	GRYPHON		

Design Mark	<b>GRYPHON</b>
Description of Mark	NONE
Goods/Services	Class 028. First use: Hockey equipment, namely, hockey sticks, hockey balls, hockey equipment bags, gloves, protective shin guards and leg guards; and goal keeping equipment, namely, pads, kickers, chest guards and body guards

Attachments	76180339#TMSN.gif ( 1 page )( bytes ) Opposition-080-TM-VER.pdf ( 4 pages )(112321 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	/David P. Gordon/
Name	David P. Gordon
Date	11/17/2011

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

_____	:	Application No. 85/331,521
Peter James Haselhurst	:	
an individual from Australia	:	<b>Opposition No.</b> _____
Opposer	:	
v.	:	
Spin Master Ltd.	:	
a company from Canada,	:	
Applicant	:	I hereby certify that this correspondence and all marked
	:	Attachments are being electronically filed with the
	:	Trademark Trial and Appeal Board through their web
	:	site located at <a href="http://esta.uspto.gov">http://esta.uspto.gov</a> on Nov. 17, 2011.
	:	
	:	
_____	:	David P. Gordon

**NOTICE OF OPPOSITION**

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

Dear Sir or Madam,

Peter James Haselhurst (“Opposer”), an Australian individual, having an address of 2 Walba Way, Swanbourne, Western Australia 6010 Australia believes that he will be damaged by the registration of the mark shown in Application Serial No. 85/331,521 (“Application”), and hereby opposes the same.

A description of the Application is as follows:

Mark: GRYPHON  
Serial No.: 85/331,521  
Filing Date: 5/26/2011  
Publication Date: Oct. 18, 2011

Goods: Toys, games and playthings, namely toy aircraft, toy helicopters in International class 028

Owner: Spin Master Ltd. (“Applicant”)

As grounds for opposition, it is alleged that:

1. Opposer is the owner of U.S. Trademark Registration No. 2,661,698 GRYPHON for “Hockey Equipment, namely, hockey sticks, hockey balls, hockey equipment bags, gloves, protective shin guards and leg guards; and goal keeping equipment, namely, pads, kickers, chest guards and body guards in Class 028.
2. U.S. Trademark Registration No. 2,661,698 was registered on Dec. 17, 2002.
3. A Section 8 and Section 15 Affidavit was filed and accepted for U.S. Trademark Registration No. 2,661,698.
4. Opposer continues to sell hockey equipment under the trademark GRYPHON in the United States.
5. Opposer has developed good will associated with the trademark GRYPHON for a wide range of hockey equipment.
6. The public has come to associate hockey equipment sold under the trademark GRYPHON with a single source; Opposer.
7. The target customers or users for Applicant’s goods to be sold with the GRYPHON mark is the same or overlaps the target customers or users of Opposer’s goods sold under the registered GRYPHON trademark, U.S. Trademark Registration No. 2,661,698.

8. Applicant's trademark for GRYPHON in international class 028 for toy aircraft and toy helicopters so resembles Opposer's U.S. Trademark Registration No. 2,661,698 for GRYPHON in international class 028 for hockey equipment so as to be likely to cause confusion, or to cause mistake, or to deceive.

9. Applicant's trademark for GRYPHON in international class 028 will cause dilution of Opposer's U.S. Trademark Registration No. 2,661,698 for GRYPHON.

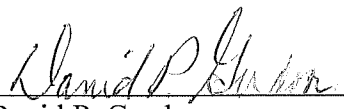
10. Based on the foregoing, if Applicant is permitted to register the trademark GRYPHON for toy aircraft and toy helicopters in International Class 028, Opposer will be damaged.

WHEREFORE, Opposer prays that Application No. 85/331,521 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Respectfully submitted,

GORDON & JACOBSON, P.C.

Dated: November 17, 2011

By:   
David P. Gordon  
60 Long Ridge Road, Suite 407  
Stamford, CT 06902  
(203) 323-1800  
Attorney for Opposer

**CERTIFICATE OF SERVICE**

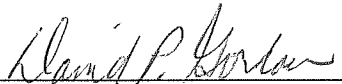
I hereby certify that I served a copy of the foregoing **NOTICE OF OPPOSITION** upon Applicant's counsel of record by depositing a copy thereof in the United States Mail, first-class postage prepaid on November 17, 2011, addressed as follows:

Sujata Chaudhri, Esq.

Cowan, Liebowitz & Latman, P.C.

1133 Avenue of the Americas

New York, New York 10036-6799

  
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David P. Gordon