

ESTTA Tracking number: **ESTTA505551**

Filing date: **11/14/2012**

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	LEGO Juris A/S
Granted to Date of previous extension	11/14/2012
Address	Koldingvej 2 Billund, DK-7190 DENMARK

Attorney information	David Ehrlich Fross Zelnick 866 UN Plaza New York, NY 10017 UNITED STATES ehrllich-docket@fzlz.com Phone:212 813-5920
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### Applicant Information

Application No	85504990	Publication date	07/17/2012
Opposition Filing Date	11/14/2012	Opposition Period Ends	11/14/2012
Applicant	Best-Lock Group Ltd. Pacific House, Unit 801, 8th Floor 20 Queens's Road Central Hong Kong, HONG KONG		

### Goods/Services Affected by Opposition

Class 028. First Use: 2011/12/22 First Use In Commerce: 2011/12/22

All goods and services in the class are opposed, namely: military construction toy playsets

### Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
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Attachments	BATTLE OF THE BLOCKS and Design - Notice of Opposition (F1120608).PDF ( 4 pages )(116599 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.

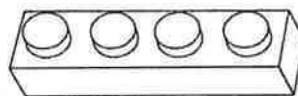
Signature	/dwe//
Name	David Ehrlich
Date	11/14/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
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LEGO Juris A/S,	X		
	:		
	:		
v.	:	Opposer,	Opposition No.
	:		
Best-Lock Group Ltd.,	:		
	:		
	:	Applicant.	<b>NOTICE OF OPPOSITION</b>
	X		

Opposer believes that it will be damaged by the issuance of a registration for the mark BATTLE OF THE BLOCKS & design applied for in Application Serial No. 85/504990 in Class 28 and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

1. Opposer and its predecessors, through licensees, have long sold and now sell, in commerce in the United States, construction toys and construction toy playsets containing interlocking plastic bricks in various configurations under the famous trademark LEGO. Opposer's LEGO bricks have been copied by various parties, including Applicant. One common type of LEGO brick, sold as part of Opposer's construction toys and constructions toy playsets, consists of four cylindrical studs in a row on a rectangle (a "1x4 brick"). The image of a brick, shown below, appearing on both sides of the words OF THE in the Applicant's mark, is a



realistic perspective drawing of such a 1x4 brick . Upon information and belief, such 1x4 bricks are also sold by Applicant as part of the military construction toy playsets

covered by the opposed application, and such brick of Applicant is accurately depicted in the brick design shown above in the mark of the opposed application.

2. The opposed application does not include a disclaimer of the designs of the two bricks. The accurate pictorial representations of the 1x4 bricks, contained in the mark of the opposed application, cannot function as part of a trademark because they are descriptive of components of the Applicant's goods and of components of competing construction toys of Applicant's competitors, including Opposer.


3. The proper procedure, in an application which includes an accurate pictorial representation of the goods or part of the goods, is to include a disclaimer of the exclusive right to use that design. TMEP 1213.03(c). The opposed application includes no such disclaimer.

4. Registration of the mark containing the designs of the 1x4 bricks without such a disclaimer would falsely imply that the Applicant has exclusive rights in that portion of the mark, and that Applicant, rather than Opposer, created that brick configuration, and could be misused by the Applicant to object to Opposer's continued sale of such 1x4 bricks, all to Opposer's damage.

WHEREFORE, it is respectfully requested that this opposition be sustained and that the registration sought by Applicant be denied.

Dated: New York, New York  
November 14, 2012


Fross Zelnick Lehrman & Zissu, P.C.

By: 

David Ehrlich  
Attorney for Opposer  
866 United Nations Plaza  
New York, New York 10017  
(212) 813-5900  
Opposer's Ref.: LEGJ 12/05450

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by First Class mail upon the Attorney for Applicants, Robert C. Faber, Ostrolenk Faber LLP, 1180 Avenue of the Americas, Seventh Floor, New York, New York 10036-8443, on this date, November 14, 2012.



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David Ehrlich