

ESTTA Tracking number: **ESTTA589190**

Filing date: **02/25/2014**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Entertainment One UK Ltd.
Granted to Date of previous extension	02/26/2014
Address	120 New Cavendish Street London, W1W 6XX UNITED KINGDOM
Party who filed Extension of time to oppose	Contender Limited Corporation
Relationship to party who filed Extension of time to oppose	A name change document was recorded with the PTO on January 28, 2014.

Name	Astley Baker Davies Ltd.		
Entity	Corporation	Citizenship	United Kingdom
Address	120 New Cavendish Street London, W1W 6XX UNITED KINGDOM		

Attorney information	Edmund J. Ferdinand, III Ferdinand IP, LLC 129 Post Road East Westport, CT 06880 UNITED STATES jferdinand@24iplg.com
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Applicant Information

Application No	85951055	Publication date	10/29/2013
Opposition Filing Date	02/25/2014	Opposition Period Ends	02/26/2014
Applicant	Hong Kong City Toys Factory Limited Silvercord Tower Kowloon, HKX VGX		


Goods/Services Affected by Opposition

Class 028. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Dolls and playsets therefor


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3663706	Application Date	06/09/2005
Registration Date	08/04/2009	Foreign Priority Date	NONE
Word Mark	PEPPA PIG		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 0 First Use In Commerce: 0 Computer game software and programs; pre-recorded video cassettes, DVDs, multi-media software, CD-ROMS, compact discs, and audio cassettes, all featuring pre-school aged children's educational and entertainment matter, games, music, images, and animated cartoons; sunglasses; spectacle frames; audiocassette players</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 Printed publications, namely, books, booklets, drawing and coloring books, comic books, magazines, activity books, songbooks, all in the field of pre-school aged children's education and entertainment; stationery, notebooks and writing pads, calendars, pens, pencils and crayons, pen and pencil cases; arts and craft finger paint kits; modeling compounds; re-usable and air-drying compounds for modeling; printed instructional and teaching material in the field of pre-school aged children's education and entertainment; printed paper napkins; printed paper tablecloths and printed paper mats; printed stickers and iron-on and plastic transfers; printed postcards and printed greetings cards</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing and headgear, namely, shirts, ties, pants, sweaters, jackets, coats, shorts, t-shirts, sweatshirts, sweatpants, undershirts, underwear, socks, pajamas, belts, caps, hats, vests, scarves, gloves; footwear, namely, shoes, slippers, and athletic shoes</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Games, travel games, handheld games, tabletop games, travel size electronic games, activity games, and playthings, namely, board games, role playing games, trivia and question and answer games, chessgames, card games, yo-yos, action skillgames, dice games, target games, hand held unit for playing electronic games, hand held unit for playing video games, hand held games with liquid crystal displays; electronic and non-electronic puzzles and puzzle games, hand-held, tabletop, and travel-size jigsaw puzzles; balloons; playground balls for games; dolls and toys, namely, articulated and non-articulated dolls, toy</p>		

	<p>figures, modeled plastic toy figurines, bendable toys and action figures; stuffed, plush, bean-bag and cloth toys; toy costume masks; puppets; corrugated playhouses; playing cards; roller-skates; toy scooters; scale model toy vehicles; wooden toy vehicles; diecast toy vehicles</p> <p>Class 041. First use: First Use: 0 First Use In Commerce: 0</p> <p>Education services, namely, providing courses of instruction at the pre-school level; entertainment in the nature of circuses and stage shows for pre-school aged children; television entertainment in the nature of a series of television shows in the field of pre-school aged children's entertainment; children's entertainment and amusement centers, namely, amusement parks and play areas; production of motion picture films and radio and television programs for pre-school aged children; arranging and conducting athletic competitions for pre-school aged children; publication of text and graphic works of others on books, CD-ROMS and online featuring cartoon characters</p>
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U.S. Registration No.	3506452	Application Date	06/09/2005
Registration Date	09/23/2008	Foreign Priority Date	NONE
Word Mark	PEPPA PIG		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2007/09/25 First Use In Commerce: 2007/09/25 DVDs featuring pre-school aged children's educational and entertainment matter, games, music, images, and animated cartoons		

Attachments	<p>78647153#TMSN.jpeg(bytes)</p> <p>78647159#TMSN.jpeg(bytes)</p> <p>Notice of Opposition to Pepper Pink-signed.pdf(243466 bytes)</p>
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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	/ejf/
Name	Edmund J. Ferdinand, III
Date	02/25/2014

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

In the Matter of Application Serial No. 85/951,055
For the Mark PEPPER PINK
Published in the *Official Gazette* on October 29, 2013

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Entertainment One UK Ltd. and	:	
Astley Baker Davies Ltd.,	:	
	:	
Opposers,	:	
	:	
v.	:	Opposition No.:
	:	
Hong Kong City Toys Factory Ltd.,	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

Entertainment One UK Ltd. and Astley Baker Davies Ltd., corporations located in the United Kingdom (collectively referred to as “Opposers”), believe that they will be damaged by registration of the mark shown in Application Serial No. 85/951,055 and hereby oppose the same. The grounds for opposition are as follows:

1. Upon information and belief, Applicant, Hong Kong City Toys Factory Ltd., a corporation of the British Virgin Islands (“Applicant”), filed a U.S. Trademark Application bearing Serial Number 85/951,055 for the mark PEPPER PINK for use in connection with “dolls and playsets therefor” in International Class 28 on June 5, 2013.

2. Opposers are the owners of the PEPPA PIG trademarks, including all common law rights and business goodwill related thereto. Opposers own U.S. Trademark Registration No. 3,663,706 for the mark PEPPA PIG for use in connection with a host of goods in International Class 028, including dolls and playhouses. The same Registration also covers a

wide range of goods and services in International Classes 009, 016, 025 and 041.

3. Opposers also own U.S. Trademark Registration No. 3,506,452 for the PEPPA PIG Logo Design Mark used in conjunction with goods in International Class 009.

4. PEPPA PIG is the name of a highly popular children's television program broadcasting in approximately 180 territories worldwide. PEPPA PIG premiered in the United States on August 22, 2005 and has been broadcast widely and continuously since that time. The show has been featured on several popular U.S. cable television networks, most recently on Nick Jr. The television show revolves around the character "Peppa," a female pig, and her family and friends. Episodes tend to feature the characters enjoying everyday activities such as going to the playground or riding bikes. The characters engage in human activities yet still display some characteristics of the animals on which they are based.

5. Based on the success of the children's television show, the brand has also inspired a successful merchandising program featuring PEPPA PIG licensed products in multiple categories. Opposers and its authorized licensees and sub-licensees use the PEPPA PIG trademark on products ranging from DVDs and video games to consumer products such as toys, playsets and vehicles. The line of licensed products has also been expanded to include household items such as bathroom products, bed linens, food, beverages, clothing and jewelry.

6. The PEPPA PIG trademarks are inherently distinctive as used in connection with products in International Class 028. Moreover, as a result of the widespread use in interstate commerce by Opposers and its licensees of the aforesaid PEPPA PIG trademarks, the marks have acquired extensive goodwill, and are well-known and are recognized as identifying high quality products which have their origin with, or have been authorized by, a single source.

7. Opposers' PEPPA PIG trademarks are famous marks that are entitled to the

broadest possible scope of protection against competing marks.

8. Applicant's mark "PEPPER PINK" is confusingly similar to Opposer's mark in appearance, sound, connotation and commercial impression.

9. Moreover, the parties' goods in Class 028 are identical and will be marketed to the same class of consumers.

10. Applicant's use of the mark "PEPPER PINK" in connection with dolls and toys is therefore likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods in that the public, the trade and others are likely to believe that Applicant's goods are: (a) the same as Opposers' goods; or (b) provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposers and/or their goods.

11. Finally, any doubt about the likelihood of confusion must be resolved in favor of Opposers because Applicant had a legal duty to select a mark that was totally dissimilar to a trademark already in use, and it knowingly and willfully failed to do so.

WHEREFORE, Opposers respectfully request that this Opposition be sustained and that Applicant's application to register PEPPER PINK as a mark for "dolls and playsets therefor" in International Class 028 be refused in all respects.

Dated: February 25, 2014

Respectfully submitted,

Edmund J. Ferdinand, III

Edmund J. Ferdinand, III, Esq.

jferdinand@24iplg.com

Ferdinand IP, LLC

A Member of the 24IP Law Group

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Attorneys for Opposers

CERTIFICATE OF SERVICE AND FILING

This certifies that a copy of the foregoing Notice of Opposition was served on the Applicant on the date indicated below by depositing the same with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to Applicant's counsel of record:

PATRICIA L. WERNER, ESQ.
BRYAN CAVE LLP
1290 AVENUE OF THE AMERICAS
NEW YORK, NY 10104

and further certifies that the aforementioned document was filed with the Trademark Trial and Appeal Board on the date indicated below via the Board's online electronic filing system.

Dated: February 25, 2014

Edmund J. Ferdinand, III

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