

ESTTA Tracking number: **ESTTA644755**

Filing date: **12/16/2014**

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 party opposes registration of the indicated application.

Opposer Information

Name	Garan Services Corp.
Granted to Date of previous extension	01/21/2015
Address	200 Madison Avenue, 4th Floor New York, NY 10016 UNITED STATES

Attorney information	Robert L. Epstein 60 East 42nd Street, Suite 2410 New York, NY 10016 UNITED STATES mail@ipcounselors.com
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Applicant Information

Application No	86323057	Publication date	09/23/2014
Opposition Filing Date	12/16/2014	Opposition Period Ends	01/21/2015
Applicant	DreamWorks Animation L.L.C. 1000 Flower Street Glendale, CA 91201 UNITED STATES		


Goods/Services Affected by Opposition


<p>Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: SHIRTS AND TOPS, DRESSES, SKIRTS, PANTS, TROUSERS, JEANS, SHORTS, ROMPERS, OVERALLS, SWEATSHIRTS AND SWEAT PANTS, SWEATSUITS, CAPS AND HATS, GLOVES, SUSPENDERS, TIES, COATS AND JACKETS, HOSIERY, SHOES, BOOTS, SLIPPERS, PAJAMAS, ROBES, SLEEPSHIRTS, SLEEPWEAR, UNDERWEAR, HALLOWEENCOSTUMES, AND CLOTH BABY BIBS</p>
<p>Class 028. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: ACTION FIGURES AND ACCESSORIES THEREFOR, BATHTUB TOYS, KITES, TOY BUILDING BLOCKS, BOARD GAMES, COSTUME MASKS, HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR; HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES OTHER THAN THOSE ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR, DIE CAST MINIATURE TOY VEHICLES, DOLLS, DOLL ACCESSORIES, DOLL CLOTHING, BEAN BAG DOLLS, BENDABLE PLAY FIGURES, FLYING DISCS, INFLATABLE VINYL PLAY FIGURES, JIGSAW PUZZLES, MARBLES, PLUSH TOYS, PUPPETS, RIDE-ON TOYS, SKATEBOARDS, BALLOONS, ROLLERSKATES, TOY BANKS, WATER SQUIRTING TOYS, STUFFED TOYS, TOY VEHICLES, CHRISTMAS TREE ORNAMENTS; PINBALL MACHINES; AND PLAYING CARDS</p>

Grounds for Opposition

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

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1162044	Application Date	02/13/1980
Registration Date	07/21/1981	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1979/10/04 First Use In Commerce: 1979/10/04 Clothing-Namely, Pants, Tops, Coveralls, Overalls, Sun Suits, Jumpers, Smocks, Shirts, Blouses, Shorts, Skirts and Jeans		

U.S. Registration No.	1393357	Application Date	10/07/1985
Registration Date	05/13/1986	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1984/10/00 First Use In Commerce: 1984/10/00 CLOTHING -- NAMELY SHIRTS, PANTS, TOPS,COVERALLS, OVERALLS, SUNSUITS, JUMPERS,SMOCKS, BLOUSES, SHORTS, SKIRTS, JEANS,DRESSES, SUNDRESSES AND SWEATERS		

U.S. Registration No.	1393358	Application Date	10/07/1985
Registration Date	05/13/1986	Foreign Priority Date	NONE
Word Mark	GARANIMALS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1972/03/28 First Use In Commerce: 1972/03/28 CLOTHING -- NAMELY SHIRTS, PANTS, TOPS,COVERALLS, OVERALLS, SUNSUITS, JUMPERS,MOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUNDRESSES, SWEATERS, SLEEPWEARAND HOSIERY

U.S. Registration No.	3803956	Application Date	09/16/2008
Registration Date	06/15/2010	Foreign Priority Date	NONE

Word Mark	GARANIMALS
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2009/04/06 First Use In Commerce: 2009/04/06 Footwear
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U.S. Registration No.	3706928	Application Date	09/19/2007
Registration Date	11/03/2009	Foreign Priority Date	NONE

Word Mark	GARANIMALS
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Design Mark	
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Description of Mark	The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I" and antenna appearing over the letter "L".
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Goods/Services	Class 025. First use: First Use: 2009/07/27 First Use In Commerce: 2009/07/27 Clothing, namely, tops and bottoms, sweatshirts, pants, jeans, sweatpants, shorts, leggings, Capris, dresses, hoods, creepers; and footwear, namely, shoes, boots, sandals, sneakers
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U.S. Registration No.	3994760	Application Date	09/19/2007
Registration Date	07/12/2011	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark			
Description of Mark	The mark consists of the wording "GARANIMALS" with a paw print design appearing over the letter "I", some whiskers appearing on the back of the third letter "A" and an antenna appearing over the letter "L".		
Goods/Services	Class 025. First use: First Use: 2007/11/00 First Use In Commerce: 2007/11/00 Sweaters, jeans, bathing suits, swimwear, sleepwear, leotards, tights, rompers, underwear, hosiery, outerwear, namely, coats, jackets, scarves; headwear, namely, hats, earmuffs, ski masks; gloves, belts, socks		

U.S. Registration No.	4430103	Application Date	11/28/2012
Registration Date	11/05/2013	Foreign Priority Date	NONE
Word Mark	365 KIDS FROM GARANIMALS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2013/06/00 First Use In Commerce: 2013/06/00 Clothing, namely, tops, bottoms, footwear, hosiery, underwear, outerwear, namely, coats, jackets, parkas, sweatshirts and hoodies; sleepwear, hats, caps, scarves, gloves, belts, and rainwear		

U.S. Registration No.	4467507	Application Date	09/24/2012
Registration Date	01/14/2014	Foreign Priority Date	NONE
Word Mark	GARANIMALS EVERYDAY		

Design Mark	GARANIMALS EVERYDAY		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2013/09/00 First Use In Commerce: 2013/09/00 Clothing, namely, tops and bottoms		

U.S. Registration No.	4472043	Application Date	09/24/2012
Registration Date	01/21/2014	Foreign Priority Date	NONE
Word Mark	EVERYDAY GARANIMALS		
Design Mark	EVERYDAY GARANIMALS		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2013/09/00 First Use In Commerce: 2013/09/00 Clothing, namely, tops and bottoms		

U.S. Registration No.	3823199	Application Date	09/18/2008
Registration Date	07/20/2010	Foreign Priority Date	NONE
Word Mark	GARANIMALS		
Design Mark	GARANIMALS		

Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2009/09/00 First Use In Commerce: 2009/09/00 Toys, games and playthings, namely, stuffed toys, plush toys, bean bag plush, puppets, toy plastic figures, plastic playsets for use in the bath or at the beach, plastic playsets, namely, plastic shape sorters, plastic stacking blocks, learning toys, pull toys, musical toys, board games, card games, matching games, puzzles, toy building blocks, toy soft blocks

U.S. Application/ Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
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Word Mark	Registration #:4191352 Mark:GARANIMALS
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Goods/Services	Class 025, . First use: 20090800 in commerce 20090800 Goods and Services: Footwear; shoes, athletic shoes, sandals, slippers, hosiery, socks, tights, legwarmers, leggings; children's and infants' cloth bibs Class 028, . First use: 20101113 in commerce 20101113 Goods and Services: Jigsaw and manipulative puzzles; Puzzlegames; Puzzles; Puzzles; Toys, namely, wooden puzzles with and without sound, toy wooden vehicles, toy wooden activity trunk, toy wood shape sorter, toy woodenbead learning cube, toy wooden blocks, wood and bead maze, wood stacking ring with plush, wood stacking ring without plush, toy wooden work bench, toy wooden Noah's Ark with plush animals, toys made with a combination of wood and plush; toy plastic blocks, toy soft blocks, toy plastic blocks which connect to form a chain, toy sort and squirt tugboat, toy plastic stacking and nesting blocks, toy plastic stacking ring sets, toy soft bowling set including pins and ball, toy plastic pull-apart shape sorters, toy plastic animals, toy baseball set with bat and balls, toy jack-in-a-box, inflatable bop bags, toy fishing net, toy interlocking blocks, board games, card games, dominoes, plush toys, plush toys with rattleand sound components, rattles, teethers, toy flip phones, toy plastic key rings, musical toys, namely, pianos, plastic play gyms, toy fabric activity mats, finger puppets; Toys, namely, toy squirters, toy foam letters, numbers and shapes, plastic tea sets, bath toys, namely, carwash playset, basketball hoop with net and ball, toy fishing net with plastic fish, toy plastic slides with plastic animals, floating shape sorting toy, plastic squirting ducks, plastic ducks, plastic ducks that indicate when bath water istoo hot, plastic floating toys, plasticstacking cups, toy plastic watering cans, toy animals made of terrycloth, toy animals made of terrycloth with sound; toy mobiles, crib mobiles, yard sheets forplay purposes
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Attachments	73250046#TMSN.png(bytes) 73561825#TMSN.png(bytes) 77570759#TMSN.png(bytes) 77978022#TMSN.png(bytes) 77981916#TMSN.png(bytes) 85980144#TMSN.png(bytes) 85736979#TMSN.png(bytes) 85736972#TMSN.png(bytes) 77979530#TMSN.png(bytes) Notice of Opposition - DREAMWORKS MECHANICALS.pdf(847798 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	/robert l. epstein/
Name	Robert L. Epstein
Date	12/16/2014

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

In the Matter of Trademark Application for DREAMWORKS MECHANIMALS,
Ser. No. 86323057, in the name of DreamWorks Animation L.L.C.

GARAN SERVICES CORP.,)	
)	
Opposer,)	Opp. No. _____
)	
)	
v.)	
)	
DREAMWORKS ANIMATION L.L.C.)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

GARAN SERVICES CORP. (hereinafter "Opposer") believes that it is or will be damaged by the issuance of a trademark registration based on Application Serial No. 86323057 for the trademark DREAMWORKS MECHANIMALS in International Class Nos. 025 and 028, filed by DREAMWORKS ANIMATION L.L.C. (hereinafter "Applicant") and hereby opposes the same.

As grounds therefor, it is alleged that:

1. Opposer Garan Services Corp. ("Garan") is a corporation organized and existing under the laws of Delaware, located and having a place of business at 200 Madison Avenue, New York, NY 10116.

2. Garan is a nationally known distributor of children's products, including a line of children's clothing and toys under the trademark GARANIMALS.

3. The trademark GARANIMALS has been in continuous use by Registrant in commerce in the United States on children's clothing since the 1970's.

4. The trademark GARANIMALS has been in continuous use by Registrant in commerce in the United States on toys since September 2009.

5. Opposer is the owner of the entire right, title and interest in and to the trademark GARANIMALS for clothing and toys ("Opposer's Goods").

6. Opposer sells its children's products including clothing and toys under the trademark GARANIMALS to adults for use by their children, the same consumers and end users that Applicant sells or will sell its SHIRTS AND TOPS, DRESSES, SKIRTS, PANTS, TROUSERS, JEANS, SHORTS, ROMPERS, OVERALLS, SWEATSHIRTS AND SWEAT PANTS, SWEATSUITS, CAPS AND HATS, GLOVES, SUSPENDERS, TIES, COATS AND JACKETS, HOSIERY, SHOES, BOOTS, SLIPPERS, PAJAMAS, ROBES, SLEEPSHIRTS, SLEEPWEAR, UNDERWEAR, HALLOWEEN COSTUMES, AND CLOTH BABY BIBS in class 025, and ACTION FIGURES AND ACCESSORIES THEREFOR, BATHTUB TOYS, KITES, TOY BUILDING BLOCKS, BOARD GAMES, COSTUME MASKS, HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR; HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES OTHER THAN THOSE ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR, DIE CAST MINIATURE TOY VEHICLES, DOLLS, DOLL ACCESSORIES, DOLL CLOTHING, BEAN BAG DOLLS, BENDABLE PLAY FIGURES, FLYING DISCS, INFLATABLE VINYL PLAY

FIGURES, JIGSAW PUZZLES, MARBLES, PLUSH TOYS, PUPPETS, RIDE-ON TOYS, SKATEBOARDS, BALLOONS, ROLLERSKATES, TOY BANKS, WATER SQUIRTING TOYS, STUFFED TOYS, TOY VEHICLES, CHRISTMAS TREE ORNAMENTS; PINBALL MACHINES; AND PLAYING CARDS in class 028, bearing the trademark DREAMWORKS MECHANIMALS.

7. For many years and long prior to Applicant's filing date, Opposer has continuously used the trademark GARANIMALS in interstate commerce throughout the United States for the purpose of identifying Opposer's Goods and to distinguish those goods from the products of others.

8. Ever since the adoption and use of the aforementioned trademark GARANIMALS, Opposer has widely and extensively supplied, distributed, marketed and sold Opposer's Goods, bearing the trademark GARANIMALS. As a consequence of same, the consuming public and trade have come to recognize and do recognize the trademark GARANIMALS as being used by Opposer, or by a single source, and associate and identify the trademark GARANIMALS with Opposer or with a single source, and Opposer derives substantial goodwill and value from the aforesaid identification by the consuming public and trade.

9. By virtue of the long, continuous, and extensive use of the trademark GARANIMALS, said mark has become and is a famous trademark with respect to children's products including clothing and toys.

10. Opposer is the owner of the following U.S. Trademark registrations:
- a. GARANIMAL, Reg. No. 0954125, for “children's shirts and pants”, dated February 27, 1973;
 - b. GARANIMALS (Stylized), Reg. No. 1162044, for “clothing-namely, pants, tops, coveralls, overalls, sun suits, jumpers, smocks, shirts, blouses, shorts, skirts and jeans”, dated July 21, 1981;
 - c. GARANIMALS and Design, Reg. No. 1393357, for “clothing -- namely shirts, pants, tops, coveralls, overalls, sunsuits, jumpers, smocks, blouses, shorts, skirts, jeans, dresses, sundresses and sweaters, dated May 13, 1986;
 - d. GARANIMALS, Reg. No. 1393358, for “clothing -- namely shirts, pants, tops, coveralls, overalls, sunsuits, jumpers, mocks, blouses, shorts, skirts, jeans, dresses, sundresses, sweaters, sleepwear and hosiery, dated May 13, 1986;
 - e. GARANIMALS, Reg. No. 3803956, for “footwear”, dated June 15, 2010;
 - f. GARANIMALS and Design, Reg. No. 3706928, for “clothing, namely, tops and bottoms, sweatshirts, pants, jeans, sweatpants, shorts, leggings, capris, dresses, hoods, creepers; and footwear, namely, shoes, boots, sandals, sneakers, dated November 3, 2009;
 - g. GARANIMALS and Design, Reg. No. 3994760, for “sweaters, jeans, bathing suits, swimwear, sleepwear, leotards, tights, rompers, underwear, hosiery, outerwear, namely, coats, jackets, scarves; headwear, namely, hats, earmuffs, ski masks; gloves, belts, socks”, dated July 12, 2011;

- h. 365 KIDS FROM GARANIMALS, Reg. No. 4430103, for “clothing, namely, tops, bottoms, footwear, hosiery, underwear, outerwear, namely, coats, jackets, parkas, sweatshirts, and hoodies, sleepwear, hats, scarves, gloves, belts, and rainwear”, dated November 5, 2013;
- i. GARANIMALS EVERYDAY, Reg. No. 4467507, for “clothing, namely, tops and bottoms, dated January 14, 2014;
- j. EVERYDAY GARANIMALS, Reg. No. 4472043, for “clothing, namely, tops and bottoms, dated January 21, 2014;
- k. GARANIMALS, Reg. No. 3823199, for “toys, games and playthings, namely, stuffed toys, plush toys, bean bag plush, puppets, toy plastic figures, plastic playsets for use in the bath or at the beach, plastic playsets, namely, plastic shape sorters, plastic stacking blocks, learning toys, pull toys, musical toys, board games, card games, matching games, puzzles, toy building blocks, toy soft blocks”, dated July 20, 2010; and
- l. GARANIMALS, Reg. No. 4191352, for “Footwear; shoes, athletic shoes, sandals, slippers, hosiery, socks, tights, leg warmers, leggings; children's and infants' cloth bibs” in class 025 and “Jigsaw and manipulative puzzles; Puzzle games; Puzzles; Puzzles; Toys, namely, wooden puzzles with and without sound, toy wooden vehicles, toy wooden activity trunk, toy wood shape sorter, toy wooden bead learning cube, toy wooden blocks, wood and bead maze, wood stacking ring with plush, wood stacking ring without plush, toy wooden work bench, toy wooden Noah's Ark with plush animals, toys made with a combination of wood and plush; toy plastic blocks, toy soft blocks, toy plastic blocks which connect to form a chain, toy sort and squirt tugboat, toy plastic stacking and nesting blocks, toy plastic stacking ring sets, toy

soft bowling set including pins and ball, toy plastic pull-apart shape sorters, toy plastic animals, toy baseball set with bat and balls, toy jack-in-a-box, inflatable bop bags, toy fishing net, toy interlocking blocks, board games, card games, dominoes, plush toys, plush toys with rattle and sound components, rattles, teething rings, toy flip phones, toy plastic key rings, musical toys, namely, pianos, plastic play gyms, toy fabric activity mats, finger puppets; Toys, namely, toy squirters, toy foam letters, numbers and shapes, plastic tea sets, bath toys, namely, car wash playset, basketball hoop with net and ball, toy fishing net with plastic fish, toy plastic slides with plastic animals, floating shape sorting toy, plastic squirting ducks, plastic ducks, plastic ducks that indicate when bath water is too hot, plastic floating toys, plastic stacking cups, toy plastic watering cans, toy animals made of terrycloth, toy animals made of terrycloth with sound; toy mobiles, crib mobiles, yard sheets for play purposes”, in class 028, dated August 14, 2012.

11. All of the above registrations are valid and subsisting and copies of the certificates of registration are enclosed herewith.

12. Applicant, DreamWorks Animation L.L.C., upon information and belief, is a limited liability company organized under the laws of Delaware, having an address of 1000 Flower Street, Glendale, California 91201.

13. On June 27, 2014, Applicant filed an ITU application to register the trademark DREAMWORKS MECHANIMALS, Serial No. 86323057, in part for SHIRTS AND TOPS, DRESSES, SKIRTS, PANTS, TROUSERS, JEANS, SHORTS, ROMPERS, OVERALLS, SWEATSHIRTS AND SWEAT PANTS, SWEATSUITS, CAPS AND HATS, GLOVES, SUSPENDERS, TIES, COATS AND JACKETS, HOSIERY, SHOES, BOOTS, SLIPPERS, PAJAMAS, ROBES, SLEEPSHIRTS, SLEEPWEAR, UNDERWEAR, HALLOWEEN COSTUMES, AND CLOTH BABY BIBS in class 025, and ACTION FIGURES AND ACCESSORIES THEREFOR, BATHTUB TOYS, KITES, TOY BUILDING BLOCKS, BOARD GAMES, COSTUME MASKS, HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR; HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES OTHER THAN THOSE ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR, DIE CAST MINIATURE TOY VEHICLES, DOLLS, DOLL ACCESSORIES, DOLL CLOTHING, BEAN BAG DOLLS, BENDABLE PLAY FIGURES, FLYING DISCS, INFLATABLE VINYL PLAY FIGURES, JIGSAW PUZZLES, MARBLES, PLUSH TOYS, PUPPETS, RIDE-ON TOYS, SKATEBOARDS, BALLOONS, ROLLERSKATES, TOY BANKS, WATER SQUIRTING TOYS, STUFFED TOYS, TOY VEHICLES, CHRISTMAS TREE ORNAMENTS; PINBALL MACHINES; AND PLAYING CARDS in class 028.

14. Opposer's trademark GARANIMALS, and Applicant's trademark DREAMWORKS MECHANIMALS, are confusingly similar in appearance, sound and meaning, and create confusingly similar commercial impressions, and are therefore likely to cause confusion, to cause mistake or to deceive potential purchasers as to the source of Applicant's products and/or likely to cause potential purchasers to mistakenly believe that Applicant or Applicant's products are affiliated with, sponsored by or associated with Opposer or Opposer's products.

GROUND I – LIKELIHOOD OF CONFUSION

15. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 13 hereof as if fully set forth herein.

16. Applicant's DREAMWORKS MECHANIMALS mark is confusingly similar with Opposer's trademark GARANIMALS and is likely to cause confusion, to cause mistake and to deceive potential purchasers as to the source of Applicant's products, with consequent injury to Opposer, the public, and the trade, and/or to cause the mistaken belief that Applicant's DREAMWORKS MECHANIMALS products originate with, are sponsored by and/or are affiliated with Opposer.

17. Opposer believes that it will be damaged if the trademark application for DREAMWORKS MECHANIMALS, Serial No. 86323057, for classes 025 and 028, issues to registration because Applicant's trademark DREAMWORKS MECHANIMALS is confusingly similar to Opposer's trademark GARANIMALS, and Applicant's aforesaid mark is or will be used on products that are the same as, similar to, or commercially related to the products supplied and distributed by Opposer under the trademark GARANIMALS.

**GROUND II - DILUTION OF THE FAMOUS
GARANIMALS TRADEMARK**

18. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 16 as if fully set forth herein.

19. Because of the high degree of distinctiveness of the trademark GARANIMALS, the length of time and extent to which Opposer, has used said mark, the vast publicity the trademark GARANIMALS has received, the nationwide trading area in which the trademark GARANIMALS is used, and the high degree of consumer recognition of the trademark GARANIMALS, the trademark GARANIMALS is and has become a famous trademark pursuant to 15 U.S.C. §1125 (c)(1).

20. Registration of Applicant's trademark DREAMWORKS MECHANIMALS, Serial No. 86323057, in part for SHIRTS AND TOPS, DRESSES, SKIRTS, PANTS, TROUSERS, JEANS, SHORTS, ROMPERS, OVERALLS, SWEATSHIRTS AND SWEAT PANTS, SWEATSUITS, CAPS AND HATS, GLOVES, SUSPENDERS, TIES, COATS AND JACKETS, HOSIERY, SHOES, BOOTS, SLIPPERS, PAJAMAS, ROBES, SLEEPSHIRTS, SLEEPWEAR, UNDERWEAR, HALLOWEEN COSTUMES, AND CLOTH BABY BIBS in class 025, and ACTION FIGURES AND ACCESSORIES THEREFOR, BATHTUB TOYS, KITES, TOY BUILDING BLOCKS, BOARD GAMES, COSTUME MASKS, HAND-HELD UNIT FOR PLAYING ELECTRONIC GAMES ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR; HAND-HELD UNIT FOR PLAYING ELECTRONIC

GAMES OTHER THAN THOSE ADAPTED FOR USE WITH AN EXTERNAL DISPLAY SCREEN OR MONITOR, DIE CAST MINIATURE TOY VEHICLES, DOLLS, DOLL ACCESSORIES, DOLL CLOTHING, BEAN BAG DOLLS, BENDABLE PLAY FIGURES, FLYING DISCS, INFLATABLE VINYL PLAY FIGURES, JIGSAW PUZZLES, MARBLES, PLUSH TOYS, PUPPETS, RIDE-ON TOYS, SKATEBOARDS, BALLOONS, ROLLERSKATES, TOY BANKS, WATER SQUIRTING TOYS, STUFFED TOYS, TOY VEHICLES, CHRISTMAS TREE ORNAMENTS; PINBALL MACHINES; AND PLAYING CARDS in class 028 would lessen the capacity of Opposer's famous trademark GARANIMALS to identify and distinguish Opposer's products sold thereunder.

21. Opposer believes that it will be damaged if the trademark application for DREAMWORKS MECHANIMALS, Serial No. 86323057, for classes 025 and 028 issues to registration, as Opposer's trademark GARANIMALS is a famous mark and the use and registration of DREAMWORKS MECHANIMALS by Applicant will and/or is likely to cause dilution of the distinctive quality of Opposer's famous trademark GARANIMALS and, as such, would cause dilution of the trademark GARANIMALS in violation of 15 U.S.C. §1052, as amended by the Trademark Amendments Act of 1999, Pub. L. 106-43, 113 Stat. 218 (the "Act"), and 15 U.S.C. §§1125(c) and 1127.

WHEREFORE, Opposer requests that this opposition against the trademark application for DREAMWORKS MECHANIMALS, Serial No. 86323057, insofar as it relates to International Classes 025 and 028, be sustained.

Respectfully submitted,

EPSTEIN DRANGEL LLP

Dated: New York, New York
December 16, 2014

BY: 

Robert L. Epstein, Esq.
William C. Wright, Esq.
One Grand Central Place
60 East 42nd Street, Suite 2410
New York, New York 10165
Tel. No.: (212) 292 5390
Fax. No.: (212) 292-5391
Attorneys for Opposer

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,162,044

Registered Jul. 21, 1981

TRADEMARK
Principal Register

Garanimals

Garan, Incorporated (Virginia corporation)
350 5th Ave.
New York, N.Y. 10001

For: CLOTHING—NAMELY, PANTS, TOPS,
COVERALLS, OVERALLS, SUN SUITS, JUMP-
ERS, SMOCKS, SHIRTS, BLOUSES, SHORTS,
SKIRTS AND JEANS, in CLASS 25 (U.S. Cl. 39).
First use Oct. 4, 1979; in commerce Oct. 4, 1979.
Owner of U.S. Reg. Nos. 954,125 and 1,075,095.

Ser. No. 250,046, filed Feb. 13, 1980.

J. C. DEMOS, Deputy Director

TERESA M. RUPP, Examiner

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,393,357

Registered May 13, 1986

TRADEMARK
PRINCIPAL REGISTER

Garanimals

GARAN, INCORPORATED (VIRGINIA CORPORATION)
350 FIFTH AVENUE
NEW YORK, NY 10118

FOR: CLOTHING -- NAMELY SHIRTS, PANTS, TOPS, COVERALLS; OVERALLS, SUNSUITS, JUMPERS, SMOCKS, BLOUSES, SHORTS, SKIRTS, JEANS, DRESSES, SUN-DRESSES AND SWEATERS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 10-0-1984; IN COMMERCE 10-0-1984.

OWNER OF U.S. REG. NOS. 954,125, 1,075,095, AND 1,162,044.

SER. NO. 561,825, FILED 10-7-1985.

MARK TRAPHAGEN, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cl.: 39

United States Patent and Trademark Office **Reg. No. 1,393,358**
Registered May 13, 1986

**TRADEMARK
PRINCIPAL REGISTER**

GARANIMALS

GARAN, INCORPORATED (VIRGINIA CORPORATION)
350 FIFTH AVENUE
NEW YORK, NY 10118

FOR: CLOTHING -- NAMELY SHIRTS,
PANTS, TOPS, COVERALLS, OVERALLS, SUN-
SUITS, JUMPERS, MOCKS, BLOUSES, SHORTS,
SKIRTS, JEANS, DRESSES, SUNDRESSES,
SWEATERS, SLEEPWEAR AND HOSIERY, IN
CLASS 25 (U.S. CL. 39).

FIRST USE 3-28-1972; IN COMMERCE
3-28-1972.

OWNER OF U.S. REG. NOS. 954,125, 1,075,095,
AND 1,162,044.

SER. NO. 561,869, FILED 10-7-1985.

MARK TRAPHAGEN, EXAMINING ATTOR-
NEY

United States of America

United States Patent and Trademark Office

GARANIMALS

Reg. No. 3,803,956

Registered June 15, 2010

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
ONE COMMERCE CENTER, SUITE 717
12TH AND ORANGE STREETS
WILMINGTON, DE 19801

FOR: FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 4-6-2009; IN COMMERCE 4-6-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,162,044, 1,393,358, AND OTHERS.

SN 77-570,759, FILED 9-16-2008.

KEVON CHISOLM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Garanimals

Reg. No. 3,706,928 GARAN SERVICES CORP. (DELAWARE CORPORATION)
Registered Nov. 3, 2009 ONE COMMERCE CENTER, SUITE 717
12TH AND ORANGE STREETS
WILMINGTON, DE 19801

Int. Cl.: 25

**TRADEMARK
PRINCIPAL REGISTER**

FOR: CLOTHING, NAMELY, TOPS AND BOTTOMS, SWEATSHIRTS, PANTS, JEANS, SWEATPANTS, SHORTS, LEGGINGS, CAPRIS, DRESSES, HOODS, CREEPERS; AND FOOTWEAR, NAMELY, SHOES, BOOTS, SANDALS, SNEAKERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-27-2009; IN COMMERCE 7-27-2009.

OWNER OF U.S. REG. NOS. 1,162,044, 1,393,358, AND OTHERS.

THE MARK CONSISTS OF THE WORDING "GARANIMALS" WITH A PAW PRINT DESIGN APPEARING OVER THE LETTER "I" AND ANTENNA APPEARING OVER THE LETTER "L".

SN 77-978,022, FILED 9-19-2007.

JAY FLOWERS, EXAMINING ATTORNEY



David S. Kyppas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

Garanimals

Reg. No. 3,994,760

Registered July 12, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
60 E. 42ND STREET; SUITE 2410
350 FIFTH AVENUE, 19TH FLOOR
NEW YORK, NY 10118

FOR: SWEATERS, JEANS, BATHING SUITS, SWIMWEAR, SLEEPWEAR, LEOTARDS, TIGHTS, ROMPERS, UNDERWEAR, HOSIERY, OUTERWEAR, NAMELY, COATS, JACKETS, SCARVES; HEADWEAR, NAMELY, HATS, EARMUFFS, SKI MASKS; GLOVES, BELTS, SOCKS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 11-0-2007; IN COMMERCE 11-0-2007.

OWNER OF U.S. REG. NOS. 1,162,044, 1,393,358, AND OTHERS.

THE MARK CONSISTS OF THE WORDING "GARANIMALS" WITH A PAW PRINT DESIGN APPEARING OVER THE LETTER "I", SOME WHISKERS APPEARING ON THE BACK OF THE THIRD LETTER "A" AND AN ANTENNA APPEARING OVER THE LETTER "L".

SN 77-981,916, FILED 9-19-2007.

JAY FLOWERS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

365 KIDS FROM GARANIMALS

Reg. No. 4,430,103

Registered Nov. 5, 2013

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
200 MADISON AVENUE, 4TH FLOOR
NEW YORK, NY 10016

FOR: CLOTHING, NAMELY, TOPS, BOTTOMS, FOOTWEAR, HOSIERY, UNDERWEAR, OUTERWEAR, NAMELY, COATS, JACKETS, PARKAS, SWEATSHIRTS AND HOODIES; SLEEPWEAR, HATS, CAPS, SCARVES, GLOVES, BELTS, AND RAINWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-0-2013; IN COMMERCE 6-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,393,357, 3,803,956, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "KIDS", APART FROM THE MARK AS SHOWN.

SN 85-980,144, FILED 11-28-2012.

SHANNON TWOHIG, EXAMINING ATTORNEY



Sean Street

Deputy Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GARANIMALS EVERYDAY

Reg. No. 4,467,507

Registered Jan. 14, 2014

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
200 MADISON AVENUE, 4TH FLOOR
NEW YORK, NY 10016

FOR: CLOTHING, NAMELY, TOPS AND BOTTOMS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-0-2013; IN COMMERCE 9-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,393,357, 3,803,956, AND OTHERS.

SN 85-736,979, FILED 9-24-2012.

SHANNON TWOHIG, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

EVERYDAY GARANIMALS

Reg. No. 4,472,043

Registered Jan. 21, 2014

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
200 MADISON AVENUE, 4TH FLOOR
NEW YORK, NY 10016

FOR: CLOTHING, NAMELY, TOPS AND BOTTOMS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 9-0-2013; IN COMMERCE 9-0-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,393,357, 1,393,358, AND 3,803,956.

SN 85-736,972, FILED 9-24-2012.

SHANNON TWOHIG, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GARANIMALS

Reg. No. 3,823,199

Registered July 20, 2010

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
350 FIFTH AVENUE, 19TH FLOOR
NEW YORK, NY 10118

FOR: TOYS, GAMES AND PLAYTHINGS, NAMELY, STUFFED TOYS, PLUSH TOYS, BEAN BAG PLUSH, PUPPETS, TOY PLASTIC FIGURES, PLASTIC PLAYSETS FOR USE IN THE BATH OR AT THE BEACH, PLASTIC PLAYSETS, NAMELY, PLASTIC SHAPE SORTERS, PLASTIC STACKING BLOCKS, LEARNING TOYS, PULL TOYS, MUSICAL TOYS, BOARD GAMES, CARD GAMES, MATCHING GAMES, PUZZLES, TOY BUILDING BLOCKS, TOY SOFT BLOCKS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-0-2009; IN COMMERCE 9-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,162,044, 1,393,358, AND OTHERS.

SN 77-979,530, FILED 9-18-2008.

KEVON CHISOLM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GARANIMALS

Reg. No. 3,823,199

Registered July 20, 2010

Int. Cl.: 28

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
350 FIFTH AVENUE, 19TH FLOOR
NEW YORK, NY 10118

FOR: TOYS, GAMES AND PLAYTHINGS, NAMELY, STUFFED TOYS, PLUSH TOYS, BEAN BAG PLUSH, PUPPETS, TOY PLASTIC FIGURES, PLASTIC PLAYSETS FOR USE IN THE BATH OR AT THE BEACH, PLASTIC PLAYSETS, NAMELY, PLASTIC SHAPE SORTERS, PLASTIC STACKING BLOCKS, LEARNING TOYS, PULL TOYS, MUSICAL TOYS, BOARD GAMES, CARD GAMES, MATCHING GAMES, PUZZLES, TOY BUILDING BLOCKS, TOY SOFT BLOCKS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-0-2009; IN COMMERCE 9-0-2009.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,162,044, 1,393,358, AND OTHERS.

SN 77-979,530, FILED 9-18-2008.

KEVON CHISOLM, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

GARANIMALS

Reg. No. 4,191,352

Registered Aug. 14, 2012

Int. Cls.: 16, 24, 25, and 28

TRADEMARK

PRINCIPAL REGISTER

GARAN SERVICES CORP. (DELAWARE CORPORATION)
350 FIFTH AVENUE, 19TH FLOOR
NEW YORK, NY 10118

FOR: CHILDREN'S BOOKS, CHILDREN'S ACTIVITY BOOKS, BOOKS THAT CAN BE USED IN THE BATH, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 11-13-2010; IN COMMERCE 11-13-2010.

FOR: BEDDING, NAMELY, BED SHEETS, COMFORTERS, BLANKETS, RECEIVING BLANKETS, PLUSH BLANKETS, FLANNEL BLANKETS, SWADDLE BLANKETS; THROWS, CRIB BUMPERS, BASSINET SHEETS, SHEET SAVERS, MATTRESS PADS, FABRIC VALANCES, FABRIC DIAPER STACKERS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 7-0-2011; IN COMMERCE 7-0-2011.

FOR: FOOTWEAR; SHOES, ATHLETIC SHOES, SANDALS, SLIPPERS, HOSIERY, SOCKS, TIGHTS, LEG WARMERS, LEGGINGS; CHILDREN'S AND INFANTS' CLOTH BIBS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 8-0-2009; IN COMMERCE 8-0-2009.

FOR: JIGSAW AND MANIPULATIVE PUZZLES; PUZZLE GAMES; PUZZLES; PUZZLES; TOYS, NAMELY, WOODEN PUZZLES WITH AND WITHOUT SOUND, TOY WOODEN VEHICLES, TOY WOODEN ACTIVITY TRUNK, TOY WOOD SHAPE SORTER, TOY WOODEN BEAD LEARNING CUBE, TOY WOODEN BLOCKS, WOOD AND BEAD MAZE, WOOD STACKING RING WITH PLUSH, WOOD STACKING RING WITHOUT PLUSH, TOY WOODEN WORK BENCH, TOY WOODEN NOAH'S ARK WITH PLUSH ANIMALS, TOYS MADE WITH A COMBINATION OF WOOD AND PLUSH; TOY PLASTIC BLOCKS, TOY SOFT BLOCKS, TOY PLASTIC BLOCKS WHICH CONNECT TO FORM A CHAIN, TOY SORT AND SQUIRT TUGBOAT, TOY PLASTIC STACKING AND NESTING BLOCKS, TOY PLASTIC STACKING RING SETS, TOY SOFT BOWLING SET INCLUDING PINS AND BALL, TOY PLASTIC PULL-APART SHAPE SORTERS, TOY PLASTIC ANIMALS, TOY BASEBALL SET WITH BAT AND BALLS, TOY JACK-IN-A-BOX, INFLATABLE BOP BAGS, TOY FISHING NET, TOY INTERLOCKING BLOCKS, BOARD GAMES, CARD GAMES, DOMINOES, PLUSH TOYS, PLUSH TOYS WITH RATTLE AND SOUND COMPONENTS, RATTLES, TEETHERS, TOY FLIP PHONES, TOY PLASTIC KEY RINGS, MUSICAL TOYS, NAMELY,



David J. Kappas

Director of the United States Patent and Trademark Office

Reg. No. 4,191,352 PIANOS, PLASTIC PLAY GYMS, TOY FABRIC ACTIVITY MATS, FINGER PUPPETS; TOYS, NAMELY, TOY SQUIRTERS, TOY FOAM LETTERS, NUMBERS AND SHAPES, PLASTIC TEA SETS, BATH TOYS, NAMELY, CAR WASH PLAYSET, BASKETBALL HOOP WITH NET AND BALL, TOY FISHING NET WITH PLASTIC FISH, TOY PLASTIC SLIDES WITH PLASTIC ANIMALS, FLOATING SHAPE SORTING TOY, PLASTIC SQUIRTING DUCKS, PLASTIC DUCKS, PLASTIC DUCKS THAT INDICATE WHEN BATH WATER IS TOO HOT, PLASTIC FLOATING TOYS, PLASTIC STACKING CUPS, TOY PLASTIC WATERING CANS, TOY ANIMALS MADE OF TERRY CLOTH, TOY ANIMALS MADE OF TERRY CLOTH WITH SOUND; TOY MOBILES, CRIB MOBILES, YARD SHEETS FOR PLAY PURPOSES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 11-13-2010; IN COMMERCE 11-13-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,706,928, 3,823,199, AND OTHERS.

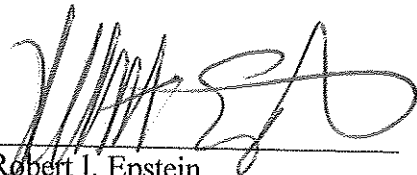
SN 85-183,797, FILED 11-23-2010.

HENRY S. ZAK, EXAMINING ATTORNEY

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition was served by First Class Mail, with sufficient postage prepaid, on this 16th day of December, 2015, upon Applicant's attorney:

Cheryl Friedman, Trademark Counsel
DREAMWORKS ANIMATION L.L.C.
1000 FLOWER STREET
GLENDALE, CA 91201

BY: 
Robert I. Epstein
