

ESTTA Tracking number: **ESTTA988403**

Filing date: **07/17/2019**

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	Classic Media, LLC
Granted to Date of previous extension	07/17/2019
Address	100 UNIVERSAL CITY PLAZA UNIVERSAL CITY, CA 91608 UNITED STATES

Correspondence information	Mary E. Innis Innis Law Group LLC 321 North Clark Street, Suite 2465 Chicago, IL 60654 UNITED STATES docket@innislaw.com, Minnis@innislaw.com, Lmackey@innislaw.com, Losier@innislaw.com 312-321-9020
----------------------------	---

Applicant Information

Application No	87412019	Publication date	03/19/2019
Opposition Filing Date	07/17/2019	Opposition Period Ends	07/17/2019
Applicant	JMM Lee Properties, LLC 2807 Antigua Dr. Burbank, CA 91504 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Greeting cards

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Word Mark	MR. MAGOO
Goods/Services	entertainment services, cartoons, DVDs, comic books, and merchandise

Attachments	Classic Media v. JMM Lee Properties - Notice of Opposition.pdf(101504 bytes)
-------------	---

Signature	/Mary E. Innis/
Name	Mary E. Innis
Date	07/17/2019

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

In the Matter of U.S. Serial No. 87412019
Mark: MR. MAGOO

CLASSIC MEDIA, LLC,)
)
Opposer,)
)
v.)
)
JMM LEE PROPERTIES, LLC,)
)
Applicant.)

NOTICE OF OPPOSITION

Opposer, Classic Media, LLC (“Opposer”), a Delaware limited liability company located and doing business at 100 Universal City Plaza, Universal City, CA 91608, believes that it will be damaged by the registration of JMM Lee Properties, LLC’s (“Applicant”) application for the mark MR. MAGOO, Serial No. 87412019 (the “MR. MAGOO Application”).

As grounds for its opposition, Opposer hereby alleges as follows:

1. Since long prior to Applicant’s claimed priority date of April 14, 2017 or any other date on which Applicant can rely, Opposer, including through its predecessors-in-interest and related companies, adopted, began using, and has continuously used its MR. MAGOO trademark for various goods and services in interstate commerce, including but not limited to entertainment services, cartoons, DVDs, comic books, and merchandise (the “MR. MAGOO Mark”).

2. Since long prior to Applicant’s claimed priority date of April 14, 2017 or any other date on which Applicant can rely, Opposer, including through its predecessors-in-interest and related companies, established and developed substantial common law rights in and to its

MR. MAGOO Mark based on Opposer's continuous use of the MR. MAGOO Mark in interstate commerce since its aforesaid adoption and first use.

3. Opposer, its predecessors-in-interest and related companies, have created, produced, and distributed an animated series entitled "MISTER MAGOO" which features a near-sighted stubborn old man name "Mr. Magoo." One depiction of Opposer's Mr. Magoo character is set forth below:



4. The Mr. Magoo character is known for his ability to get into comical situations due to his near-sightedness and stubbornness.

5. Since long prior to Applicant's claimed priority date of April 14, 2017 or any other date on which Applicant can rely, Opposer, including through its predecessors-in-interest and related companies, have continuously used a design trademark consisting of the Mr. Magoo character in connection with various goods and services, including, but not limited to, entertainment services, cartoons, DVDs, comic books, and merchandise (the "MR. MAGOO Design Mark).

6. Since long prior to Applicant's claimed priority date of April 14, 2017 or any other date on which Applicant can rely, Opposer, including through its predecessors-in-interest and related companies, established and developed substantial common law rights in and to its

MR. MAGOO Design Mark based on Opposer's continuous use of the MR. MAGOO Design Mark in interstate commerce since its aforesaid adoption and first use.

7. The MR. MAGOO Mark and the MR. MAGOO Design Mark (collectively the "MR. MAGOO Marks") are widely recognized by the general consuming public of the U.S.

8. In addition to the inherent distinctiveness of Opposer's MR. MAGOO Marks, and as a result of its long extensive and exclusive use throughout the world, substantial advertising and promotion, the MR. MAGOO Marks have also acquired strong secondary meaning identifying Opposer as the source of the MR. MAGOO goods and services, and Opposer owns the goodwill associated therewith.

9. Opposer owns all right, title, and interest in and to the MR. MAGOO Marks in connection with various goods and services, including, but not limited to, entertainment services, cartoons, DVDs, comic books, and merchandise.

10. Upon information and belief, Applicant is a California limited liability company located and doing business at 2807 Antigua Drive, Burbank, California 91504.

11. Upon information and belief, Applicant has filed multiple intent-to-use applications, for a widely-divergent variety of goods, to register well-known marks, including "RENAULT" for lawn mowers and bicycles; "SILKIENCE" for body wash, hair shampoo and hair conditioner; "WONDER TWINS" for gaming machines for gambling; and "RANGAIRE" for range hoods.

12. On April 14, 2017, Applicant filed the MR. MAGOO Application in International Class 016 (Serial No. 87412019) for "greeting cards" based on Applicant's alleged intent to use the mark in interstate commerce.

13. Applicant's claimed priority date is April 14, 2017.

14. Upon information and belief, Applicant has not made commercial use of the mark contained in the MR. MAGOO application in U.S. commerce.

15. Upon information and belief, Applicant did not have a bona fide intent to use the mark shown in the MR. MAGOO Application in connection with greeting cards when the application was filed, and has never made bona fide use of the mark shown in the MR. MAGOO Application in the ordinary course of trade and not merely to reserve a right in the mark.

16. Applicant's use and/or proposed use of the mark contained in the MR. MAGOO Application is without Opposer's consent, authorization, or permission.

17. Upon information and belief, Applicant's actions were taken with full knowledge of Opposer's prior rights in its MR. MAGOO Marks and deliberately and willfully and with the intention of causing confusion, mistake, or deception and trading on Opposer's goodwill in its MR. MAGOO Marks.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion with Previously-Used Trademarks)

18. Opposer repeats and realleges the allegations in preceding paragraphs 1-17 as if full set forth herein.

19. Applicant's registration, use and/or proposed use of the mark contained in the MR. MAGOO Application is likely to cause confusion, mistake, or deception with Opposer, Opposer's MR. MAGOO Marks, and Opposer's goods and/or services marketed in connection with its MR. MAGOO Marks, in that consumers are likely to believe that the Applicant's goods and/or services are Opposer's goods and/or services or are sponsored, authorized, licensed, or in some other way legitimately connected with Opposer.

20. Registration of the MR. MAGOO Application by Applicant will harm Opposer and its prior rights in the MR. MAGOO Marks.

SECOND CLAIM FOR RELIEF
(Lack of Bona Fide Intention to Use in Commerce)

21. Opposer repeats and realleges the allegations in preceding paragraphs 1-17 as of fully set forth herein.

22. Upon information and belief, Applicant lacked a bona fide intent to use the mark shown in the MR. MAGOO Application in commerce when it filed the MR. MAGOO Application, and the MR. MAGOO Application is thus void.

23. Registration of the MR. MAGOO Application by Applicant will harm Opposer and its prior rights in the MR. MAGOO Marks.

WHEREFORE, registration by Applicant of the mark MR. MAGOO for “greeting cards” in Class 16 would be damaging to Opposer. Opposer respectfully requests that the opposition be sustained and the registration to Applicant be denied.

The \$300.00 filing fee is being paid via credit card. Please charge any additional fees due in connection with the filing of this Notice of Opposition to Deposit Account No. 603056.

Please address all correspondence to Mary E. Innis of Innis Law Group LLC, 321 North Clark Street, Suite 2465, Chicago, Illinois 60654.

Dated: July 17, 2019

Respectfully submitted,

INNIS LAW GROUP LLC

By: /s/ Mary E. Innis

Mary E. Innis

Lucy J. Mackey

Lian B. Osier

321 North Clark Street,

Suite 2465

Chicago, IL 60654

Telephone: (312) 321-9020

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on JMM Lee Properties, LLC by electronic mail on July 17, 2019 to:

Michael J. Lee
Managing Partner
JMM Lee Properties, LLC
Mlee@jmmlee.com

/s/ Lian B. Osier