

ESTTA Tracking number: **ESTTA1078807**

Filing date: **08/31/2020**

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	Honda Motor Co., Ltd.
Granted to Date of previous extension	08/30/2020
Address	1-1, 2-CHOME, MINAMI-AOYAMA, MINATO-KU TOKYO, 107-8556 JAPAN
Attorney information	DYAN FINGUERRA-DUCHARME PRYOR CASHMAN LLP 7 TIMES SQUARE NEW YORK, NY 10036 UNITED STATES Primary Email: dfinguerra-ducharme@pryorcashman.com Secondary Email(s): tmdocketing@pryorcashman.com, Mchandler@pryorcashman.com, halexis@pryorcashman.com 212-326-0443
Docket Number	18223.00752

Applicant Information

Application No.	88743534	Publication date	03/03/2020
Opposition Filing Date	08/31/2020	Opposition Period Ends	08/30/2020
Applicant	Microsoft Corporation ONE MICROSOFT WAY REDMOND, WA 980526399 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Downloadable game software; Recorded game software; Downloadable video and computer game programs

Grounds for Opposition

Dilution by blurring	Trademark Act Sections 2 and 43(c)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3843591	Application Date	01/14/2009
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Registration Date	09/07/2010	Foreign Priority Date	NONE
Word Mark	THE POWER OF DREAMS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 007. First use: First Use: 2000/12/28 First Use In Commerce: 2001/11/29 Power equipment, namely, electric-powergenerators; lawnmowers; gasoline or electrically powered pumps used for evacuating spaces of or filling spaces with liquids, liquids containing waste, or solid or semi-solid materials; snowblowers; power-operated tillers; power-operated trimmers used for cutting grass and brush; outboard motors and engines not for land vehicles</p> <p>Class 012. First use: First Use: 2000/12/28 First Use In Commerce: 2001/11/29 Motor vehicles, namely, automobiles, sports utility vehicles, trucks, motorcycles, all-terrain vehicles, scooters, [watercraft, namely, recreational jet boats,] and aircraft, namely, jet airplanes, and structural parts therefor</p>		

Attachments	Notice of Opposition POWER YOUR DREAMS Class 9.pdf(451097 bytes) Exhibit A THE POWER OF DREAMS.PDF(657853 bytes)
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Signature	/dyan finguerra-ducharme/
Name	Dyan Finguerra-DuCharme
Date	08/31/2020

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

In the Matter of Trademark Application Serial No. 88/743,534
Mark: POWER YOUR DREAMS
Filed: December 31, 2019

	X	
	:	
HONDA MOTOR CO., LTD.,	:	
	:	Opposition No.
Opposer,	:	
	:	<u>NOTICE OF OPPOSITION</u>
v.	:	
	:	
MICROSOFT CORPORATION,	:	
	:	
Applicant.	:	
	X	

Honda Motor Co., Ltd. (“Opposer”), a corporation organized and existing under the laws of Japan with a principal place of business at No. 1-1, 2-chome, Minami-Aoyama Minato-ku, Tokyo, Japan 107-8556, believes that it will be damaged by the registration of the POWER YOUR DREAMS mark in Class 9 shown in Application Serial No. 88/743,534 and hereby opposes the same. The grounds for Opposition are as follows:

1. Opposer is a Japanese corporation and one of the world’s leading manufacturers of automobiles, motorcycles, power equipment, and parts therefor. American Honda Motor Co., Inc. (“AHM”) is a wholly-owned subsidiary of Opposer and the exclusive distributor of HONDA and ACURA-branded products, and all associated emblems, marks and logos, in the United States, including the mark THE POWER OF DREAMS.

2. Opposer is the owner of U.S. Trademark Reg. No. 3,843,591 for THE POWER OF DREAMS mark for Class 7 “power equipment, namely, electric-power generators; lawnmowers; gasoline or electrically powered pumps used for evacuating spaces of or filling spaces with liquids, liquids containing waste, or solid or semi-solid materials; snowblowers; power-operated tillers;

power-operated trimmers used for cutting grass and brush; outboard motors and engines not for land vehicles and Class 12 motor vehicles, namely, automobiles, sports utility vehicles, trucks, motorcycles, all-terrain vehicles, scooters, and aircraft, namely, jet airplanes, and structural parts therefor”, which registered on September 7, 2010. A copy of Opposer’s valid and subsisting trademark registration and TSDR report is attached hereto as **Exhibit A**. Opposer hereby gives notice in accordance with Trademark Rules of Practice 2.122(d)(2) that it will rely upon this registration and TSDR report as evidence in this proceeding, and a status copy showing present title will be introduced into evidence on its behalf during Opposer’s testimony period. Furthermore, this registration is valid, subsisting and in full force and effect and serves as evidence of Opposer’s exclusive right to use the mark THE POWER OF DREAMS in commerce on or in connection with the goods and services identified in the registration, as provided by 15 U.S.C. § 1115(a).

3. Other than the HONDA mark itself, the mark THE POWER OF DREAMS is the brand most identified with Opposer’s company. The slogan THE POWER OF DREAMS appears in virtually all of Opposer’s television and print advertisements, on billboards and sponsorship materials, on the back of virtually every product manual, and on Honda’s websites. Opposer has been using the mark THE POWER OF DREAMS as its main company slogan since at least as early as November 29, 2001. As such, Honda has developed extensive common law rights in the slogan as a source identifier of reliable and high quality goods and services.

4. In addition to television commercials running regularly throughout the day and evening, THE POWER OF DREAMS mark is also featured in commercials that run during major sporting and entertainment events, including the Superbowl, the World Series, NASCAR races, the Grammys, the Emmys, and the Academy Awards, to name a few.

5. Honda is a regular sponsor of professional sports. The mark THE POWER OF DREAMS is featured in prominent banners displayed at major sporting events, including the Olympics, events for NASCAR, the National Football League, the National Hockey League, the National Basketball Association, Major League Baseball, the Professional Golf Association, and more.

6. By virtue of widespread sales and advertising and promotion of the goods and services offered under the mark THE POWER OF DREAMS, Opposer's THE POWER OF DREAMS mark has become well-known by the general public and in the relevant industries, is recognized and relied upon as identifying Opposer's goods and services as distinguishing them from the goods and services of others, and has come to represent and symbolize extremely valuable goodwill belonging exclusively to Opposer. Opposer has spent substantial time, effort and money promoting its goods and services under THE POWER OF DREAMS mark. Through these efforts, the mark THE POWER OF DREAMS has become famous within the meaning of Section 43(c) of the Lanham Act, as amended 15 U.S.C. § 1125(c).

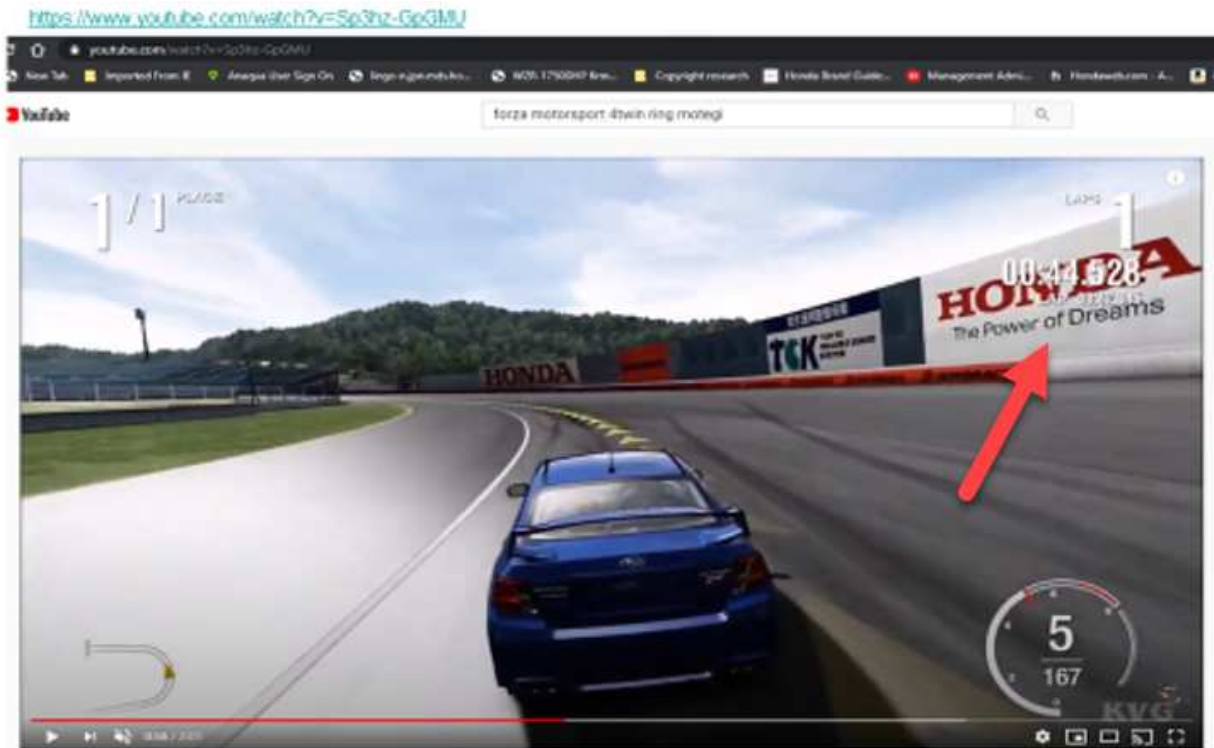
7. Opposer's mark THE POWER OF DREAMS is inherently distinctive and arbitrary.

8. Upon information and belief, Microsoft Corporation ("Applicant") is a Washington Corporation with a principal place of business at One Microsoft Way, Redmond, Washington 98052-6399.

9. Applicant filed intent-to-use U.S. Trademark Application Serial No. 88/743,534 for the POWER YOUR DREAMS mark for Class 9 "Downloadable game software; Recorded game software; Downloadable video and computer game programs" (the "Application"). The Application was filed on December 31, 2019, and was published in the Official Gazette on March 3, 2020.

10. Opposer has continuously used the THE POWER OF DREAMS mark in commerce prior to Applicant's filing date of the Application. As such, Opposer has priority.

11. Opposer and Applicant have an existing licensing relationship where Applicant has permission to use certain of Opposer's marks under the terms of the licensing agreement. For example, THE POWER OF DREAMS mark appears in one of Applicant's video games:



In light of this present relationship between the parties, Applicant's use of the POWER YOUR DREAMS mark is likely to call to mind Opposer's mark THE POWER OF DREAMS.

12. Applicant's POWER YOUR DREAMS Mark so closely resembles Opposer's THE POWER OF DREAMS mark as to likely cause dilution by blurring of the distinctive quality of Opposer's famous THE POWER OF DREAMS mark. As such, Applicant's POWER YOUR DREAMS Mark is not entitled to registration pursuant to 15 U.S.C. § 1125(c).

13. Opposer will be damaged by registration of Applicant's trademark because such registration will support Applicant's dilution of THE POWER OF DREAMS mark and will give

color of exclusive statutory right to Applicant in violation and derogation of the prior and superior rights of Opposer.

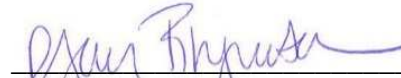
WHEREFORE, Opposer, by its undersigned attorneys, requests that the Trademark Trial and Appeal Board sustain its opposition to Application Serial No. 88/743,534 and grant any and all further relief to Opposer that the Board finds necessary and just in the circumstances.

Opposer appoints as its attorneys in these proceedings Dyan Finguerra-DuCharme and Mallory Chandler of the firm Pryor Cashman LLP, 7 Times Square, New York, New York 10036, to whom all correspondence in this proceeding should be addressed. Please charge Deposit Account No. 500932 for the filing fee for this Notice of Opposition and for any other fees that may be due.

Dated: August 31, 2020

Respectfully submitted,

PRYOR CASHMAN LLP



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Attorneys for Opposer Honda Motor Co., Ltd.

EXHIBIT A

United States of America

United States Patent and Trademark Office

THE POWER OF DREAMS

Reg. No. 3,843,591
Registered Sep. 7, 2010
Int. Cls.: 7 and 12

TRADEMARK
PRINCIPAL REGISTER

HONDA MOTOR CO., LTD. (JAPAN CORPORATION)
MINATO-KU
1-1, MINAMI-AOYAMA, 2-CHOME
TOKYO, JAPAN 107-8556

FOR: POWER EQUIPMENT, NAMELY, ELECTRIC-POWER GENERATORS; LAWNMOWERS; GASOLINE OR ELECTRICALLY POWERED PUMPS USED FOR EVACUATING SPACES OF OR FILLING SPACES WITH LIQUIDS, LIQUIDS CONTAINING WASTE, OR SOLID OR SEMI-SOLID MATERIALS; SNOWBLOWERS; POWER-OPERATED TILLERS; POWER-OPERATED TRIMMERS USED FOR CUTTING GRASS AND BRUSH; OUTBOARD MOTORS AND ENGINES NOT FOR LAND VEHICLES, IN CLASS 7 (U.S. CLS. 13, 19, 21, 23, 31, 34 AND 35).

FIRST USE 12-28-2000; IN COMMERCE 11-29-2001.

FOR: MOTOR VEHICLES, NAMELY, AUTOMOBILES, SPORTS UTILITY VEHICLES, TRUCKS, MOTORCYCLES, ALL-TERRAIN VEHICLES, SCOOTERS, WATERCRAFT, NAMELY, RECREATIONAL JET BOATS, AND AIRCRAFT, NAMELY, JET AIRPLANES, AND STRUCTURAL PARTS THEREFOR, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 12-28-2000; IN COMMERCE 11-29-2001.

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

SER. NO. 77-649,372, FILED 1-14-2009.

WENDY GOODMAN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

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Mark: THE POWER OF DREAMS

THE POWER OF DREAMS

US Serial Number: 77649372

Application Filing Date: Jan. 14, 2009

US Registration Number: 3843591

Registration Date: Sep. 07, 2010

Register: Principal

Mark Type: Trademark

TM5 Common Status Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Jul. 31, 2020

Publication Date: Jun. 22, 2010

Mark Information

Mark Literal Elements: THE POWER OF DREAMS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Power equipment, namely, electric-power generators; lawnmowers; gasoline or electrically powered pumps used for evacuating spaces of or filling spaces with liquids, liquids containing waste, or solid or semi-solid materials; snowblowers; power-operated tillers; power-operated trimmers used for cutting grass and brush; outboard motors and engines not for land vehicles

International Class(es): 007 - Primary Class

U.S Class(es): 013, 019, 021, 023, 031, 034, 035

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 28, 2000

Use in Commerce: Nov. 29, 2001

For: Motor vehicles, namely, automobiles, sports utility vehicles, trucks, motorcycles, all-terrain vehicles, scooters, [watercraft, namely, recreational jet boats,] and aircraft, namely, jet airplanes, and structural parts therefor

International Class(es): 012 - Primary Class

U.S Class(es): 019, 021, 023, 031, 035, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 28, 2000

Use in Commerce: Nov. 29, 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Filed ITU: No

Currently ITU: No

Filed 44D: No
Filed 44E: No
Filed 66A: No
Filed No Basis: No

Currently 44E: No
Currently 66A: No
Currently No Basis: No

Current Owner(s) Information

Owner Name: Honda Motor Co., Ltd.
Owner Address: Minato-ku
1-1, Minami-Aoyama, 2-chome
Tokyo JAPAN 107-8556
Legal Entity Type: CORPORATION
State or Country Where Organized: JAPAN

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Kristen A. McCallion
Attorney Primary Email Address: tmdocto@fr.com
Docket Number: 106910295001
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Kristen A. McCallion
Fish & Richardson P.C.
P.O. Box 1022
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hartnett@fr.com mcdowell@fr.com
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 31, 2020	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jul. 31, 2020	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Jul. 31, 2020	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	59136
Jul. 31, 2020	ASSIGNED TO PARALEGAL	59136
Jul. 21, 2020	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	93051
Jun. 16, 2020	TEAS SECTION 8 & 9 RECEIVED	
Sep. 07, 2019	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Apr. 26, 2017	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Apr. 26, 2017	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	67110
Apr. 26, 2017	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67110
Mar. 07, 2017	TEAS SECTION 8 & 15 RECEIVED	
Sep. 07, 2015	COURTESY REMINDER - SEC. 8 (6-YR) E-MAILED	
Dec. 20, 2012	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
Dec. 20, 2012	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 07, 2010	REGISTERED-PRINCIPAL REGISTER	
Jun. 22, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 22, 2010	PUBLISHED FOR OPPOSITION	
May 20, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	68552
May 20, 2010	ASSIGNED TO LIE	68552
May 13, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 13, 2010	EXAMINER'S AMENDMENT ENTERED	88888
May 13, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 13, 2010	EXAMINERS AMENDMENT E-MAILED	6328
May 13, 2010	EXAMINERS AMENDMENT -WRITTEN	76842

May 13, 2010	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
May 13, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 20, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Apr. 19, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 19, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 19, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 19, 2009	NON-FINAL ACTION E-MAILED	6325
Oct. 19, 2009	NON-FINAL ACTION WRITTEN	76842
Sep. 15, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 14, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 14, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2009	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2009	NON-FINAL ACTION WRITTEN	76842
Mar. 01, 2009	ASSIGNED TO EXAMINER	76842
Jan. 21, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Jul. 31, 2020

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91202490](#)

Filing Date: Nov 09, 2011

Status: Terminated

Status Date: Jan 16, 2013

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Mark Tosa dba Powerlynx Motorsports Management, Inc.

Correspondent Address: MARK TOSA
POWERLYNX MOTORSPORTS MANAGEMENT INC
735 GREENDALE AVENUE
NEEDHAM MA UNITED STATES , 02492 4409

Correspondent e-mail: marktosa@gmail.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE POWER OF DREAMS	Abandoned - After Inter-Partes Decision	77913744	

Plaintiff(s)

Name: Honda Motor Co., Ltd.

Correspondent Address: DYAN FINGUERRA DUCHARME
PRYOR CASHMAN LLP
7 TIMES SQUARE
NEW YORK NY UNITED STATES , 10036

Correspondent e-mail: dfinguerra-ducharme@pryorcashman.com , tmdocketing@pryorcashman.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
THE POWER OF DREAMS	REGISTERED AND RENEWED	77649372	3843591

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 09, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Nov 09, 2011	Dec 19, 2011
3	PENDING, INSTITUTED	Nov 09, 2011	
4	ANSWER	Dec 08, 2011	
5	BOARD'S COMMUNICATION	Dec 29, 2011	
6	APPEARANCE	Aug 28, 2012	
7	CHANGE OF CORRESPONDENCE ADDRESS	Aug 28, 2012	
8	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 28, 2012	
9	EXTENSION OF TIME GRANTED	Aug 28, 2012	
10	P'S MOTION FOR SUMMARY JUDGMENT	Oct 12, 2012	
11	P'S FINGUERRA-DUCHARME DECLARATION	Oct 12, 2012	
12	P'S SMITH DECLARATION & EXHIBIT A	Oct 12, 2012	
13	COPY OF #11	Oct 13, 2012	
14	COPY OF #10	Oct 13, 2012	
15	P'S SMITH DECLARATION, EXHIBIT C	Oct 13, 2012	
16	P'S SMITH DECLARATION, EXHIBIT E (1)	Oct 13, 2012	
17	P'S SMITH DECLARATION, EXHIBIT E(2)	Oct 13, 2012	
18	P'S SMITH DECLARATION, EXHIBITS F-I	Oct 13, 2012	
19	P'S SMITH DECLARATION, EXHIBITS I-M	Oct 13, 2012	
20	P'S SMITH DECLARATION, EXHIBIT B	Oct 13, 2012	
21	P'S SMITH DECLARATION, EXHIBIT D	Oct 13, 2012	
22	COPY OF #21	Oct 13, 2012	
23	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Oct 25, 2012	
24	BOARD'S DECISION: SUSTAINED	Jan 16, 2013	
25	TERMINATED	Jan 16, 2013	