

ESTTA Tracking number: **ESTTA1107400**

Filing date: **01/12/2021**

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

Proceeding	91264765
Party	Plaintiff Honda Motor Co., Ltd.
Correspondence Address	DYAN FINGUERRA-DUCHARME PRYOR CASHMAN LLP 7 TIMES SQUARE NEW YORK, NY 10036 UNITED STATES Primary Email: dfinguerra-ducharme@pryorcashman.com Secondary Email(s): Mchandler@pryorcashman.com, tmdocketing@pryorcashman.com, halexis@pryorcashman.com 212-326-0443
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Dyan Finguerra-DuCharme
Filer's email	dfinguerra-ducharme@pryorcashman.com, Mchandler@pryorcashman.com, tmdocketing@pryorcashman.com, halexis@pryorcashman.com
Signature	/dfinguerra-ducharme/
Date	01/12/2021
Attachments	Cl. 41 Amended Notice of Opposition.pdf(114947 bytes )

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

In the Matter of Trademark Application Serial No. 88/743,538  
Mark: POWER YOUR DREAMS  
Filed: December 31, 2019

	x	
	:	
HONDA MOTOR CO., LTD.,	:	
	:	Opposition No. 91/264,765
Opposer,	:	
	:	AMENDED
v.	:	<u>NOTICE OF OPPOSITION</u>
	:	
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 41 shown in Application Serial No. 88/743,538 and hereby opposes the same.

The amended grounds for Opposition are as follows:

1. Opposer is a Japanese corporation and one of the world’s leading manufacturers of automobiles, motorcycles, and power equipment. Opposer manufactures automobiles and parts therefor under the HONDA and ACURA brands throughout the world. 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 vehicle 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.

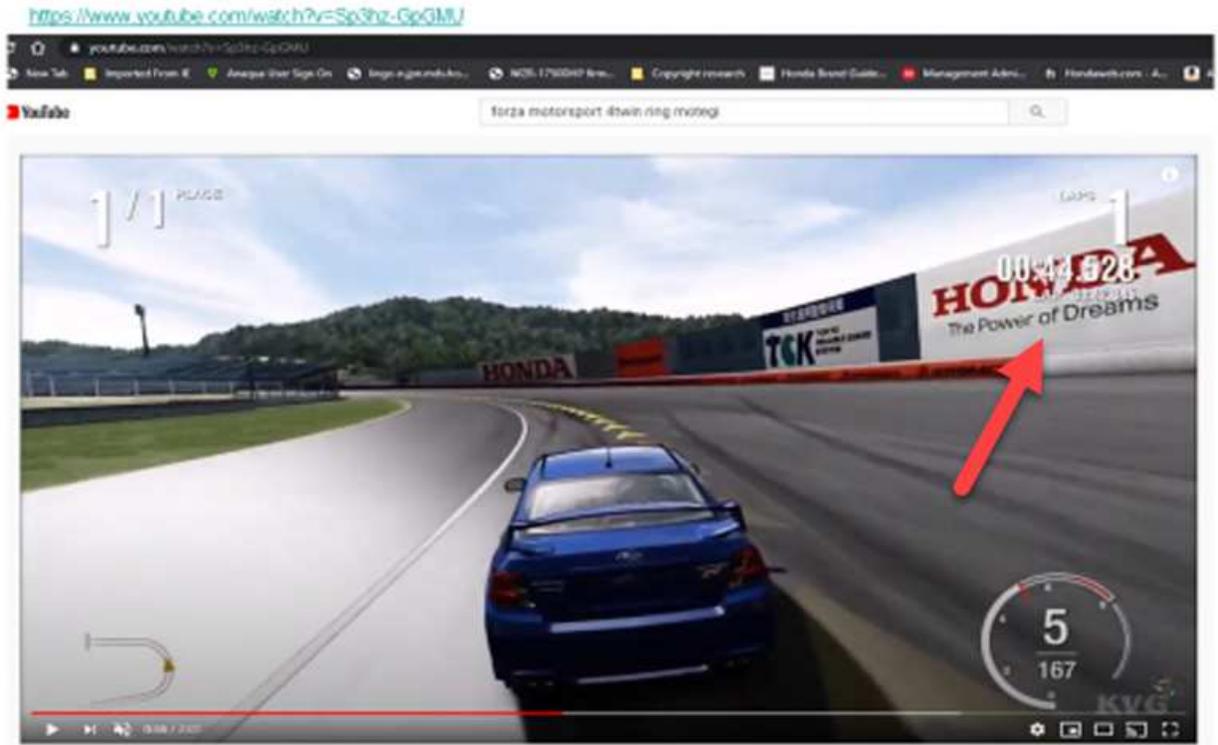
9. Applicant filed intent-to-use U.S. Trademark Application Serial No. 88/743,538 for the POWER YOUR DREAMS mark for Class 41 "providing on-line computer games; providing a website featuring non-downloadable game software; entertainment services, namely, providing

an on-line computer game; providing temporary use of non-downloadable game software; organization of electronic game competitions; organization of games; organizing and arranging exhibitions for entertainment purposes; organization of exhibitions for cultural or educational purposes; entertainment information; provision of information relating to electronic computer games provided via the internet; providing a web site through which people locate information about tournaments, events, and competitions in the video game field; entertainment services, namely, providing interactive multiplayer game services for games played over computer networks and global communications networks; providing information on the video game and computer game industries via the internet; providing information on computer games, video games, video game consoles, and accessories thereof via the internet; arranging and conducting exhibitions in the nature of computer gaming tournaments” (the “Application”). The Application was filed on December 31, 2019 and was published in the Official Gazette on March 17, 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’s mark THE POWER OF DREAMS became famous before the filing date of the Application.

12. 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.

13. 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).

14. 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.

15. Applicant filed a motion to dismiss based on the fact that Opposer inadvertently checked the box for "Trademark Act Section 2(d)" as one ground for the opposition on the ESTTA cover sheet.

16. Opposer hereby amends the ESTTA cover sheet to reflect that this Opposition is based solely on a claim based on Trademark Act Sections 2 and 43(c) and not on a claim for likelihood of confusion. Opposer respectfully requests the Board and Applicant to disregard the inadvertently checked box for “priority and likelihood of confusion” on the ESTTA cover sheet.

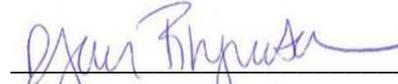
WHEREFORE, Opposer, by its undersigned attorneys, requests that the Trademark Trial and Appeal Board sustain its opposition to Application Serial No. 88/743,538 and grant any and all further relief to Opposer that the Board finds necessary and just in the circumstances.

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: January 12, 2021

Respectfully submitted,

PRYOR CASHMAN LLP



---

Dyan Finguerra-DuCharme

Mallory Chandler

7 Times Square

New York, New York 10036

[dfinguerra-ducharme@pryorcashman.com](mailto:dfinguerra-ducharme@pryorcashman.com)

[mchandler@pryorcashman.com](mailto:mchandler@pryorcashman.com)

[tmcketing@pryorcashman.com](mailto:tmcketing@pryorcashman.com)

*Attorneys for Opposer Honda Motor Co., Ltd.*

**CERTIFICATE OF SERVICE**

A true and correct copy of the Amended Notice of Opposition was sent to counsel for Applicant at the following email addresses on January 12, 2021:

April L. Besl  
Dinsmore & Shohl LLP  
255 East Fifth Street Suite 1900  
Cincinnati, Oh 20006  
april.besl@dinsmore.com  
DSMSTrademarks@dinsmore.com  
jaci.overmann@dinsmore.com  
leanthony.edwards@dinsmore.com  
luke.curran@dinsmore.com

/Mallory Chandler/  
Mallory Chandler