

ESTTA Tracking number: **ESTTA1216924**

Filing date: **06/22/2022**

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	LEGO Juris A/S		
Entity	Corporation	Citizenship	Denmark
Address	KOLDINGVEJ 2 BILLUND, DK-7190 DENMARK		

Attorney information	LAURA POPP-ROSENBERG FROSS ZELNICK LEHRMAN & ZISSU, P.C. 151 WEST 42ND STREET, 17TH FLOOR NEW YORK, NY 10036 UNITED STATES Primary email: lpopp-rosenberg@fzlj.com Secondary email(s): kfrumkin@fzlj.com, ttabfiling@fzlj.com 212-813-5900		
Docket no.	LEGJ2207059		

Applicant information

Application no.	97159505	Publication date	05/24/2022
Opposition filing date	06/22/2022	Opposition period ends	06/23/2022
Applicant	Cai, Zhiqiang MAIN STREET, GROUP 4, CAOLIU VILLAGE JIDIAN TOWNSHIP, XIAOCHANG COUNTY HUBEI, 432000 CHINA		

Goods/services affected by opposition

Class 009. First Use: Oct 18, 2021 First Use In Commerce: Oct 18, 2021 All goods and services in the class are opposed, namely: Blank USB flash drives; Computer peripherals and parts thereof; Earphones and headphones; Mileage recorders for vehicles; Protective covers and cases for cell phones, laptops and portable media players; Remote video monitoring system consisting primarily of a camera and video monitor for recording and transmitting images to a remote location; Ski goggles; Smart watches; Snorkels; Spectacles and sunglasses; Swim goggles; Walkie-talkies; Webcams; Wireless chargers; Wireless speakers
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Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)

Marks cited by opposer as basis for opposition

U.S. registration no.	1018875	Application date	09/17/1974
Register	Principal		
Registration date	08/26/1975	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 028. First use: First Use: Jan 1934 First Use In Commerce: Jun 4, 1953 TOY BUILDING BLOCKS AND CONNECTING LINKS FOR THE SAME, SOLD SEPARATELY AND AS KITS FOR CONSTRUCTION OF TOY HOUSES, BUILDINGS, HOUSEHOLD FURNISHINGS, ROBOTS, DOLL FIGURES AND VEHICULAR TOYS		

U.S. registration no.	1248936	Application date	06/14/1982
Register	Principal		
Registration date	08/23/1983	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 016. First use: First Use: 1952 First Use In Commerce: Oct 25, 1979 Series of Books and Number, Symbol and Letter Blocks for Instructional Use Class 020. First use: First Use: 1962 First Use In Commerce: May 4, 1979 Storage Cases, Play Tables with Chairs [Attached] and Including a Storage Box Class 022. First use: First Use: 1976 First Use In Commerce: Aug 10, 1977 Storage Bags Made of Cloth Class 025. First use: First Use: 1977 First Use In Commerce: Sep 3, 1980 T-Shirts		


U.S. registration no.	1535046	Application date	12/31/1987
Register	Principal		
Registration date	04/18/1989	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Aug 18, 1987 First Use In Commerce: Aug 18, 1987 [COMPUTERS,] COMPUTER PERIPHERALS, COMPUTER PROGRAMS AND PLASTIC BUILDING UNITS, SOLD AS A UNIT FOR TEACHING PRINCIPLES OF SCIENCE, DESIGN, MATHEMATICS AND ENGINEERING		

U.S. registration no.	1563848	Application date	07/05/1988
Register	Principal		
Registration date	10/31/1989	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 041. First use: First Use: Sep 1978 First Use In Commerce: Sep 1978 ENTERTAINMENT SERVICES; NAMELY PROVIDING EXHIBITIONS OF MODELS OF FAMOUS STRUCTURES MADE OF TOY BUILDING ELEMENTS, CONDUCTING MODEL BUILDING CONTESTS AND ORGANIZING CLUBS FEATURING THE BUILDING OF MODELS</p> <p>Class 042. First use: First Use: May 1980 First Use In Commerce: May 1980 RETAIL MAIL ORDER SERVICES IN THE FIELD OF TOY BUILDING SETS</p>		

U.S. registration no.	1713101	Application date	11/27/1991
Register	Principal		
Registration date	09/08/1992	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 008. First use: First Use: 1990 First Use In Commerce: 1990 hand tool in the nature of a lever for separating interlocking plastic bricks		

U.S. registration no.	1889004	Application date	01/26/1994
Register	Principal		
Registration date	04/11/1995	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 042. First use: First Use: 1990 First Use In Commerce: 1990 child care centers		

U.S. registration no.	2060284	Application date	10/31/1994
Register	Principal		
Registration date	05/13/1997	Foreign priority date	08/25/1994
Word mark	LEGO		

Design mark	
Description of mark	NONE
Goods/services	<p>Class 006. First use: First Use: None First Use In Commerce: None key rings of metal [money boxes of metal]</p> <p>Class 009. First use: First Use: None First Use In Commerce: None [reflecting tags for wear for the prevention of traffic accidents; sun glasses;] a series of souvenir tour video recordings; educational computer programs used for teaching mathematics, science and technology and for use in the computer-assisted design of toy models and structures; computer accessories, namely, computer cables, interface boxes used to connect model robots, model vehicles or other motorized building set constructions to a computer, through which the computer operator controls them, [and slot cards used to adapt a computer therefor]</p> <p>Class 010. First use: First Use: None First Use In Commerce: None [baby bottles and parts thereof, babies' pacifiers]</p> <p>Class 014. First use: First Use: None First Use In Commerce: None watches; clocks; jewelry [; cuff-links; ornamental pins; ornamental lapel pins]</p> <p>Class 016. First use: First Use: None First Use In Commerce: None books, pamphlets; maps; playing cards; postcards, [greeting cards], posters, photographs, [writing paper and envelopes, writing and drawing pads], calendars, [note books, bookmarks]; pens and pencils, pen and pencil cases, [pencil sharpeners], erasers; [paper bibs; paper napkins, paper place mats and paper tablecloths]; curriculum guides and activity cards for use in teaching pre-school program subjects, including problem solving, motor skills, language development, number concepts and the like; for use in teaching construction toy play and educational games involving construction toys and toy model figures; and for use in teaching reading, mathematics, geometry, science and technology; computer manuals for use of educational software</p> <p>Class 018. First use: First Use: None First Use In Commerce: None [bicycle bags], hand bags, shoulder bags, duffel bags, [string bags, waist packs,] school bags and satchels, [toddler's bags], rucksacks, purses, wallet-sand [umbrellas]</p> <p>Class 020. First use: First Use: None First Use In Commerce: None</p>

	<p>[decorative mobiles ; non-metal key rings;] play tables; storage shelves; non-metallic storage bins; and [money boxes of plastic]</p> <p>Class 021. First use: First Use: None First Use In Commerce: None lunch boxes; [beverageware; plates]</p> <p>Class 024. First use: First Use: None First Use In Commerce: None [textile place mats and table cloths; bedspreads; bed linen; towels of textiles; and draperies]</p> <p>Class 025. First use: First Use: None First Use In Commerce: None clothing for men, women, children and babies, namely, T-shirts, sweatshirts, [ponchos, scarves, bandanas, neckwear, tights, footwear] and headwear</p> <p>Class 028. First use: First Use: None First Use In Commerce: None plush toys, [toy windmills and toy mobiles]; construction toys and blocks; toy figures; toy furniture; [toy screwdrivers for assembling construction toys;]base plates and simulated road plates for construction toys; toy vehicles; toy model train sets; [puzzles;] toy friction motors for toy vehicles; toy electric motors; children's multiple activity toys; educational plastic blocks with numbers or geometric shapes; educational construction toy sets comprising gears, pulleys, beams, wheels, connectors, electric motors, sensors, and/or pneumatic cylinders; computer game software; Christmas tree decorations</p> <p>Class 030. First use: First Use: None First Use In Commerce: None [candy, frozen confections, flavored ices and chocolate]</p> <p>Class 041. First use: First Use: None First Use In Commerce: None theme park and amusement park services;entertainment services in the nature ofproviding facilities for playing computer games; conducting workshops for instruction in the use of computer software and educational toys in teaching; entertainment services, namely, providing exhibitions of models made of toy building elements, conducting model building contests [and organizing clubs featuring the building of models]</p> <p>Class 042. First use: First Use: None First Use In Commerce: None [hotel, motel,] restaurant, cafe, cafeteria, snack bar and fast food stand services; retail toy, gift and souvenir store services; child care centers; retailmail order services in the field of toys, clothing, educational products, souvenirs and gifts</p>
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U.S. registration no.	2065901	Application date	12/05/1995
Register	Principal		
Registration date	05/27/1997	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: Apr 1996 First Use In Commerce: Apr 1996 on-line fan club services for users of construction toys rendered via a world-wide computer network		

U.S. registration no.	2189528	Application date	06/30/1994
Register	Principal		
Registration date	09/15/1998	Foreign priority date	NONE

Word mark	LEGO
Design mark	
Description of mark	NONE
Goods/services	Class 009. First use: First Use: Sep 1997 First Use In Commerce: Sep 1997 computer game software

U.S. registration no.	2245652	Application date	11/21/1997
Register	Principal		
Registration date	05/18/1999	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 028. First use: First Use: 1934 First Use In Commerce: 1953 construction toys; toy construction blocks and connecting links therefor; toy construction kits; toy figures; toy vehicles; toy animals; toy foliage; toy cranes; toy road plates; kits for assembling toy Christmas tree decorations; children's multiple activity toys; baby multipleactivity toys; toy building blocks; [infant's rattles;] dolls; doll house furnishings; accessories for dolls; playsetsfor dolls; playset buildings; educational games; toy model train sets; toy railroad tracks; bath toys; [ride-on toys;] push toys; pull toys; infant's stacking toys; toy furniture; toy friction motorsfor toy vehicles; toy electric motors; board games; [jigsaw puzzles;]educational construction toys sets comprising gears, pulleys, beams, wheels, connectors, electric motors, sensors and/or pneumaticcylinders, with or without computer software for assembling and controlling theconstruction toys; construction toy sets and carrying cases or storage cases sold as a unit; motorized toy model construction kits with or without remote controllers		

U.S. registration no.	3440698	Application date	05/12/2006
Register	Principal		
Registration date	06/03/2008	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: 1996 First Use In Commerce: 1996 educational resources for teachers and educators, namely downloadable com-		

	<p>puter software for design and construction of construction toys; downloadable images for use as computer wallpaper and screensavers; downloadable computer games; educational resources for teachers and educators, namely downloadable computer software for uploading images of design and construction of construction toys</p> <p>Class 035. First use: First Use: Aug 1992 First Use In Commerce: Aug 1992 Retail store services and online retail services, both featuring toys, construction toys, games, video games, movies, clothing, clocks, watches, books, gifts, backpacks, pens, furniture and key chains</p> <p>Class 038. First use: First Use: 1999 First Use In Commerce: 1999 Providing online electronic bulletin boards for transmission of messages among computer users concerning toys, construction toys and robotics toys</p> <p>Class 041. First use: First Use: 1996 First Use In Commerce: 1996 Providing online fan-club services for users of construction toys via the Internet; providing online educational and entertainment services, namely interactive-games, activities, stories, comic books, information in the fields of education and entertainment, on-line computer games, video, audio and images, all featuring toys, cartoons, construction toys or robotic toys; educational and entertainment resources, namely articles and demonstrations for parents and educators, available via the Internet, entertainment services, namely conducting parties</p>
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U.S. registration no.	4395578	Application date	01/17/2013
Register	Principal		
Registration date	09/03/2013	Foreign priority date	NONE
Word mark	LEGO		
Design mark			
Description of mark	NONE		
Goods/services	<p>Class 009. First use: First Use: None First Use In Commerce: None [(Based on 44(e)) Cases for video games software]</p> <p>Class 011. First use: First Use: None First Use In Commerce: None Desk lamps; flash lights; head lamps</p> <p>Class 014. First use: First Use: None First Use In Commerce: None Watches; [jewelry;] clocks; alarm clocks</p> <p>Class 016. First use: First Use: None First Use In Commerce: None Lunch bags made of textile; greeting cards; sketch books; notebooks; writing instruments; erasers; blank journals; book covers; folders; books on construction toys; books on construction toy character figures; children's books; graphic novels; books featuring construction toy building projects; stickers</p> <p>Class 018. First use: First Use: None First Use In Commerce: None Backpacks; carrying cases</p>		

	<p>Class 020. First use: First Use: None First Use In Commerce: None Plastic key chains; plastic key chains with built-in lights; chests of drawers; plastic containers for storage or transport; storage racks; toy boxes and chests [; furniture; play tables]</p> <p>Class 024. First use: First Use: None First Use In Commerce: None Comforters; bed linens</p> <p>Class 025. First use: First Use: None First Use In Commerce: None Headwear; footwear; sleepwear; T-shirts; hooded sweatshirts; shirts</p> <p>Class 028. First use: First Use: Jan 1, 2011 First Use In Commerce: Jan 1, 2011 Cases for handheld video game machines; [game controllers for video games;] protective carrying cases specially adapted for toy figures</p>
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Attachments	74593028#TMSN.png(bytes) 78882181#TMSN.png(bytes) 85825507#TMSN.png(bytes) F4676692.pdf(193085 bytes)
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Signature	/Laura Popp-Rosenberg/
Name	Laura Popp-Rosenberg
Date	06/22/2022

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

LEGO JURIS A/S,

Opposer,

v.

ZHIQIANG CAI,

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Opposer LEGO Juris A/S (“Opposer”) believes that it will be damaged by the issuance of a registration for the trademark FALINLEGO as applied for by Zhiqiang Cai in Application Serial No. 97159505 and therefore opposes the same. As grounds for this opposition, Opposer, by its attorneys, Fross Zelnick Lehrman & Zissu, P.C., alleges as follows:

FACTS

A. Opposer and Its LEGO Mark



1. Opposer is a Danish corporation with an address of Koldingvej 2, Billund, DK-7190, Denmark.

2. Starting at least as early as 1953, Opposer and its predecessors, directly or through licensees, have used the LEGO mark in connection with toy bricks and toy brick construction sets, as well as with a vast array of additional products and services, including but not limited to figurines, games, apparel, handbags, backpacks, carrying cases, lunchboxes, storage cases, keychains, watches, party supplies, books, video games, television series, movies, and amusement park services.

3. Through decades of extensive and successful promotion and use, consumers have come to recognize the LEGO mark as exclusively identifying Opposer’s goods and services. As a result, the LEGO mark has garnered strong trademark rights and represents enormous goodwill to Opposer. Moreover, as a result of Opposer’s reputation, substantial sales success, inestimable popularity, and significant investment in advertising, the LEGO mark has become famous throughout the United States and the world.

4. In addition to its common law trademark rights existing by virtue of the long use of the LEGO mark in commerce, Opposer also owns numerous U.S. trademark registrations for the LEGO mark in connection with a wide array of goods and services, including but not limited to the following:

<u>Mark</u>	<u>Reg’n No.</u>	<u>Reg’n Date</u>	<u>Class and Goods/Services</u>
LEGO	1018875	08/26/1975	IC 28: Toy building blocks and connecting links for the same, sold separately and as kits for construction of toy houses, buildings, household furnishings, robots, doll figures and vehicular toys
LEGO	1248936	08/23/1983	IC 16: Series of books and number, symbol and letter blocks for instructional use IC 20: Storage cases, play tables with chairs and including a storage box IC 22: Storage bags made of cloth IC 25: T-shirts
LEGO	1535046	04/18/1989	IC 9: Computer peripherals, computer programs and plastic building units, sold as a unit for teaching principles of science, design, mathematics and engineering
LEGO	1563848	10/31/1989	IC 41: Entertainment services; namely providing exhibitions of models of famous structures made of toy building elements, conducting model building contests and organizing clubs featuring the building of models IC 42: Retail mail order services in the field of toy building sets

<u>Mark</u>	<u>Reg'n No.</u>	<u>Reg'n Date</u>	<u>Class and Goods/Services</u>
	1713101	09/08/1992	IC 8: Hand tool in the nature of a lever for separating interlocking plastic bricks
LEGO	1889004	04/11/1995	IC 42: Child care centers
	2060284	05/13/1997	<p>IC 6: Key rings of metal</p> <p>IC 9: A series of souvenir tour video recordings; educational computer programs used for teaching mathematics, science and technology and for use in the computer-assisted design of toy models and structures; computer accessories, namely, computer cables, interface boxes used to connect model robots, model vehicles or other motorized building set constructions to a computer, through which the computer operator controls them</p> <p>IC 14: Watches; clocks; jewelry</p> <p>IC 16: Books, pamphlets; maps; playing cards; postcards, posters, photographs, calendars; pens and pencils, pen and pencil cases, erasers; curriculum guides and activity cards for use in teaching pre-school program subjects, including problem solving, motor skills, language development, number concepts and the like; for use in teaching construction toy play and educational games involving construction toys and toy model figures; and for use in teaching reading, mathematics, geometry, science and technology; computer manuals for use of educational software</p> <p>IC 18: Hand bags, shoulder bags, duffel bags, school bags and satchels, rucksacks, purses, wallets</p> <p>IC 20: play tables; storage shelves; non-metallic storage bins</p> <p>IC 21: Lunch boxes</p> <p>IC 25: Clothing for men, women, children and babies, namely, T-shirts, sweatshirts, and headwear</p> <p>IC 28: Plush toys; construction toys and blocks; toy figures; toy furniture; base plates and simulated road plates for construction toys; toy vehicles; toy model train sets; toy friction motors for toy vehicles; toy</p>

<u>Mark</u>	<u>Reg'n No.</u>	<u>Reg'n Date</u>	<u>Class and Goods/Services</u>
			<p>electric motors; children's multiple activity toys; educational plastic blocks with numbers or geometric shapes; educational construction toy sets comprising gears, pulleys, beams, wheels, connectors, electric motors, sensors, and/or pneumatic cylinders; computer game software; Christmas tree decorations</p> <p>IC 41: Theme park and amusement park services; entertainment services in the nature of providing facilities for playing computer games; conducting workshops for instruction in the use of computer software and educational toys in teaching; entertainment services, namely, providing exhibitions of models made of toy building elements, conducting model building contests</p> <p>IC 42: Restaurant, cafe, cafeteria, snack bar and fast food stand services; retail toy, gift and souvenir store services; child care centers; retail mail order services in the field of toys, clothing, educational products, souvenirs and gifts</p>
LEGO	2065901	05/27/1997	IC 41: On-line fan club services for users of construction toys rendered via a world-wide computer network
LEGO	2189528	09/15/1998	IC 9: Computer game software
LEGO	2245652	05/18/1999	<p>IC 28: Construction toys; toy construction blocks and connecting links therefor; toy construction kits; toy figures; toy vehicles; toy animals; toy foliage; toy cranes; toy road plates; kits for assembling toy Christmas tree decorations; children's multiple activity toys; baby multiple activity toys; toy building blocks; dolls; doll house furnishings; accessories for dolls; playsets for dolls; playset buildings; educational games; toy model train sets; toy railroad tracks; bath toys; push toys; pull toys; infant's stacking toys; toy furniture; toy friction motors for toy vehicles; toy electric motors; board games; educational construction toys sets comprising gears, pulleys, beams, wheels, connectors, electric motors, sensors and/or pneumatic cylinders, with or without computer software for assembling and controlling the construction toys; construction toy sets and carrying cases or storage cases sold as a unit; motorized toy model construction kits with or without remote controllers</p>

<u>Mark</u>	<u>Reg'n No.</u>	<u>Reg'n Date</u>	<u>Class and Goods/Services</u>
LEGO	3440698	06/03/2008	<p>IC 9: Educational resources for teachers and educators, namely downloadable computer software for design and construction of construction toys; downloadable images for use as computer wallpaper and screensavers; downloadable computer games; educational resources for teachers and educators, namely downloadable computer software for uploading images of design and construction of construction toys</p> <p>IC 35: Retail store services and online retail services, both featuring toys, construction toys, games, video games, movies, clothing, clocks, watches, books, gifts, backpacks, pens, furniture and key chains</p> <p>IC 38: Providing online electronic bulletin boards for transmission of messages among computer users concerning toys, construction toys and robotics toys</p> <p>IC 41: Providing online fan-club services for users of construction toys via the Internet; providing online educational and entertainment services, namely interactive games, activities, stories, comic books, information in the fields of education and entertainment, on-line computer games, video, audio and images, all featuring toys, cartoons, construction toys or robotic toys; educational and entertainment resources, namely articles and demonstrations for parents and educators, all available via the Internet, entertainment services, namely conducting parties</p>
LEGO	4395578	09/03/2013	<p>IC 11: Desk lamps; flash lights; head lamps</p> <p>IC 14: Watches; clocks; alarm clocks</p> <p>IC 16: Lunch bags made of textile; greeting cards; sketch books; notebooks; writing instruments; erasers; blank journals; book covers; folders; books on construction toys; books on construction toy character figures; children's books; graphic novels; books featuring construction toy building projects; stickers</p> <p>IC 18: Backpacks; carrying cases</p> <p>IC 20: Plastic key chains; plastic key chains with built-in lights; chests of drawers; plastic containers for storage or transport; storage racks; toy boxes and chests</p> <p>IC 24: Comforters; bed linens</p>

<u>Mark</u>	<u>Reg'n No.</u>	<u>Reg'n Date</u>	<u>Class and Goods/Services</u>
			IC 25: Headwear; footwear; sleepwear; T-shirts; hooded sweatshirts; shirts IC 28: Cases for handheld video game machines; protective carrying cases specially adapted for toy figures

B. Applicant and Its Application

5. Upon information and belief, and according to the online records of the United States Patent and Trademark Office (“USPTO”), applicant Zhiqiang Cai (“Applicant”) is a Chinese individual with an address of Main Street, Group 4, Caoliu Village, Jidian Township, Xiaochang County, Hubei, China 432000.

6. Upon information and belief, and according to the online records of the USPTO, on December 7, 2021, Applicant filed with the USPTO Application Serial No. 97159505 (the “Application”) to register FALINLEGO as a trademark.

7. The Application covers “Blank USB flash drives; Computer peripherals and parts thereof; Earphones and headphones; Mileage recorders for vehicles; Protective covers and cases for cell phones, laptops and portable media players; Remote video monitoring system consisting primarily of a camera and video monitor for recording and transmitting images to a remote location; Ski goggles; Smart watches; Snorkels; Spectacles and sunglasses; Swim goggles; Walkie-talkies; Webcams; Wireless chargers; Wireless speakers” in International Class 9.

8. The Application was filed based on an allegation of use in commerce under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with a claimed first-use-in-commerce date of October 18, 2021.

9. Upon information and belief, when Applicant filed the Application, Applicant had actual knowledge of Opposer’s prior and exclusive rights in the LEGO mark by virtue of

Opposer's extensive use and promotion of the mark and the fame of the mark accruing from such use and promotion. At the very least, Applicant was on constructive notice of Opposer's prior and exclusive rights in the LEGO mark by virtue of Opposer's federal trademark registrations therefor, pursuant to Section 22 of the Lanham Act, 15 U.S.C. § 1072.

10. Applicant is not connected to Opposer in any way, and Opposer has not authorized Applicant to register or use the LEGO mark.

FIRST GROUND FOR RELIEF
PRIORITY AND LIKELIHOOD OF CONFUSION UNDER 15 U.S.C. § 1052(d)

11. Opposer repeats the allegations contained in paragraphs 1 through 9 as if fully set forth herein.

12. Opposer's rights in the LEGO mark are prior and superior to any rights Applicant may claim in the FALINLEGO mark.

13. Applicant's FALINLEGO mark is highly similar to Opposer's LEGO mark in sight, sound, and commercial impression.

14. Applicant seeks to register the FALINLEGO mark for goods that are identical in part and otherwise closely related to goods sold by and/or registered to Opposer under the LEGO mark.

15. Owing to the fame of Opposer's LEGO mark, the close similarity between the parties' respective marks, and the relatedness of the parties' respective goods, as well as other factors, consumers are likely to be deceived into falsely believing that the goods offered by Applicant under the FALINLEGO mark originate from or are otherwise associated with or endorsed by Opposer, or that there is some relationship between Applicant and Opposer or the goods of Applicant and Opposer, all to Opposer's injury and harm.

16. Thus, registration of the proposed FALINLEGO mark as applied for in the Application is likely to cause confusion, to cause mistake, or to deceive the public into falsely believing that the goods offered by Applicant under the FALINLEGO mark come from or are otherwise sponsored by or connected with Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

17. As a result of the foregoing, registration of the FALINLEGO mark would be inconsistent with Opposer's prior exclusive rights in the LEGO mark and would threaten to destroy Opposer's investment and goodwill in those marks. Opposer therefore will be injured by registration of the FALINLEGO mark.

SECOND GROUND FOR RELIEF
DILUTION UNDER 15 U.S.C. § 1052(f)

18. Opposer repeats the allegations contained in paragraphs 1 through 17 above as if fully set forth herein.

19. Opposer's LEGO mark is distinctive, has been extensively used in commerce and advertised throughout the United States, and is widely recognized by consumers as a symbol of Opposer and its goods and services.

20. Opposer's LEGO mark is famous and became famous prior to any date upon which Applicant can rely for its claim of rights in Applicant's mark.

21. Applicant's mark is highly similar to Opposer's famous LEGO mark.

22. Applicant's proposed use and registration of Applicant's mark will impair the distinctiveness of Opposer's LEGO mark and consumers' ability to identify the goods and services of Opposer.

23. Further, any use Applicant makes of Applicant's mark will be on or in connection with goods that are not approved by Opposer. Upon information and belief, such goods will be

inferior to the quality of goods that are approved or offered by Opposer. Applicant's use of Applicant's mark will therefore tarnish the hard-earned reputation and goodwill built up in Opposer's LEGO mark.

24. Thus, registration of Applicant's mark in connection with the goods identified in the Application will dilute Opposer's famous LEGO mark by blurring and/or tarnishment in violation Section 2(f) of the Lanham Act, 15 U.S.C. § 1052(f).

25. By reason of the foregoing, Opposer will be harmed by the registration of Applicant's mark.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and that the registration sought by Applicant in Application Serial No. 97159505 be refused.

Dated: New York, New York
June 22, 2022

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

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Attorneys for Opposer