ESTTA Tracking number:	**ESTTA1468518**
Filing date:	**10/09/2025**

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	TOHO CO., LTD.
Granted to date of previous extension	10/18/2025
Address	1-2-2, YURAKUCHO CHIYODA-KU, TOKYO, 100-8415 JAPAN

Attorney information	MICHAEL LEONARD FOX ROTHSCHILD LLP 212 CARNEGIE CENTER, SUITE 400 PRINCETON, NJ 08540 UNITED STATES Primary email: mleonard@foxrothschild.com Secondary email(s): ipdocket@foxrothschild.com 2152992085
Docket no.	148411.00277

Applicant information

Application no.	99041967	Publication date	08/19/2025
Opposition filing date	10/09/2025	Opposition period ends	10/18/2025
Applicant	Archer Aviation Inc. 190 W. TASMAN DR. SAN JOSE, CA 95134 United States		

Goods/services affected by opposition

Class 012. First Use: None First Use In Commerce: None All goods and services in the class are opposed, namely: Aircraft

Grounds for opposition

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

Mark cited by opposer as basis for opposition

U.S. registration no.	5552711	Application date	07/20/2017
Register	Principal		
Registration date	09/04/2018	Foreign priority	

		date	
Word mark	MOTHRA		
Design mark			
Description of mark			
Goods/services	Class 009. First use: First Use: None First Use In Commerce: None [Memory cards for video game machines; cellular phones; smartphones; cordless telephones; video telephones; answering machines; facsimile machines; phototelegraphy apparatus; audio- and video-receivers; sound transmitting apparatus; walkie-talkies; video baby monitors; navigation apparatus for vehicles in the nature of on-board computers; radar apparatus; Global Positioning System (GPS) apparatus; electric installations for the remote control of industrial operations; sound reproduction apparatus; DVD players; digital photo frames; camcorders; video recorders; electronic notice boards; aerials; masts for wireless aerials; cell phone straps; telephone receivers and telephone transmitters; hands free kits for phones; coils, electric; holders for electric coils; head cleaning tapes for video recorders; loudspeakers; horns for loudspeakers; cabinets for loudspeakers; transponders; video screens; headphones; microphones; megaphones; tone arms for record players; needles for record players; speed regulators for record players; acoustic couplers; magnetic encoders; magnetic wires; amplifiers; blank floppy computer disks; blank magnetic disks; computers; computer peripheral devices; pocket calculators; encoded identification bracelets, magnetic; electronic tags for goods; electronic pocket translators; electronic agendas; electronic book readers; teleprompters; identity cards, magnetic; X-ray tubes not for medical purposes; vacuum tubes for radio; triodes; thermionic tubes; electric discharge tubes, other than for lighting; semi-conductors; integrated circuits; wafers for integrated circuits; printed circuit boards; computer operating programs, recorded; cyclotrons; X-rays apparatus, not for medical purposes; sonars; betatrons; metal detectors for industrial or military purposes; lasers, not for medical purposes; marine depth finders; particle accelerators; eyeglasses; goggles for sports; contact lenses; anti-glare glasses; divers' masks; containers for contact lenses; eyeglass cords; spectacle lenses; eyeglass chains; eyeglass cases; eyeglass frames; video game cartridges;] phonograph records, namely, records featuring music; [and records featuring spoken words in the form of literatures in particular poetries and novels;] compact discs, namely, compact discs featuring music; [and compact discs [featuring spoken words in the form of literatures in particular poetries and novels;] downloadable music files [; video disks and video tapes with recorded animated cartoons; downloadable image files containing music, comedies, dramas, actions, adventures and animations; cinematographic films, exposed; X-ray films, exposed; X-ray photographs, other than for medical purposes; frames for photographic transparencies] Class 016. First use: First Use: None First Use In Commerce: None [Boxes of cardboard or paper; conical paper bags; wrapping paper; hygienic paper; tissues of paper for removing make-up; towels of paper; table napkins of paper; handkerchiefs of paper; paper; stationery; song books; calendars; magazines in the field of movies, dramas, documentary images, art, animation, animated character and characters relevant to monsters; printed timetables; books featuring characters from animated action adventures, comedies, and dramas;] books in the nature of [coloring books, children's activity books, children's books,] coffee table books featuring documentary images, art, characters relevant to monsters, films and stories and comic books in the field of documentary images, art, characters relevant to monsters, films and stories; [newspapers; geographical maps; pamphlets in the field of movies, dramas, documentary images, art, and animation;] trading cards other than for games; posters;		

	graphic prints; pictures; photo and print engravings; printed photographs [; photograph stands] Class 025. First use: First Use: None First Use In Commerce: None Clothing, namely, [evening dresses, school uniforms, jackets, jogging pants, sweat pants, suits, skirts, ski jackets, ski pants, trousers, smocks, ponchos, leggings as trousers,] overcoats, [topcoats, mantles, raincoats, cardigans,] sweaters, [vests and waistcoats, layettes, open-necked shirts, cuffs, collars for clothing, sport shirts, blouses, polo shirts, shirts for suits,] T-shirts, sweatshirts, [jogging suits, pants, shorts, tank tops, rainwear, dresses, coats, snow suits, robes, hats, caps being headwear, sun visors being headwear, sleepwear, lingerie, underwear, boots, shoes, sneakers, sandals, booties, slipper socks, swimwear,] Halloween costumes, [Halloween costumes and masks sold in connection therewith, night gowns, negligees, Japanese sleeping robes (Nemaki), pajamas, bathrobes, sash bands for kimono (Obi), bustle holder bands for obi (Obiage), bustles for obi-knots (Obiage-shin), waist strings for kimonos (Koshihimo), undershirts for kimonos (Koshimaki), undershirts for kimonos (Juban), tightening-up strings for kimonos (Datejime), wrap belts for kimonos (Datemaki), full-length kimonos (Nagagi), short overcoat for kimonos (Haori), string fasteners for haori (Haori-himo), pleated skirts for formal kimonos (Hakama), detachable neckpieces for kimonos (Haneri), sleep masks, aprons, collar protectors for wear in the nature of collar protector strips for application to clothing collars, mufflers as neck scarves,] socks [and stockings] other than special sportswear [, puttees and gaiters, fur stoles, shawls, scarves, Japanese style socks (Tabi), Japanese style socks covers (Tabi covers), cloth gloves and mittens, neckties, neckerchieves, bandanas; thermal clothing supporters for neck, foot, leg and arm in the nature of thermal socks, neck scarves, leg warmers, arm warmers being clothing, mufflers being clothing, ear muffs as clothing, boas necklets, gaiters, gaiter straps; leggings; leg warmers; bibs not of paper; heelpieces for stockings, spats, hoods for head, sedge-woven headwear in the nature of bamboo hats, nightcaps; garters; sock suspenders; braces for clothing, namely, suspenders; belts; footwear; masquerade costumes; ski gloves; headbands; wet suits for water-skiing] Class 028. First use: First Use: None First Use In Commerce: None [Video game machines; controllers for game consoles; bowling apparatus and machinery;] amusement machines, automatic and coin-operated; toys, namely, [toy clocks and watches, clockwork toys of metal, electrically-driven toy cars, flywheel driven toy vehicles, toy brooches, toy whistles, lever action toys, toys made out of wooden boards or planks in the nature of toy building blocks, hollow toy-models of plywood or veneer, paper balloons for play articles, Karuta playing cards (Japanese card game), sets of sheet-paper dolls and changing clothes therefor,] stuffed toys, [one piece celluloid character toys, clockwork toys of plastics, hollow celluloid character toys, plastic character toys formed by blow molding, hollow rubber character toys formed by molding processes, rubber balls, inflatable thin rubber toys, hollow rubber character toys formed by bonding, solid rubber character toys formed by molding processes, musical boxes as play articles, toy glockenspiels, toy harmonicas, toy pianos, toy xylophones, toy construction sets, toy sets of carpenters' tools, housekeeping-play sets for children to imitate real life occupations, toy beanbags (Otedama), toy marbles, toy pistols, toy masks, toy fireworks, toy Christmas trees, hand-held games with liquid crystal displays, toy koi-nobori streamers in the nature of carp streamers, toy scooters, jigsaw puzzles, four-wheeled toy vehicles, bubble solution sets as toys, kites, hagoita battledores game, shuttlecocks for hagoita game, glass beads as play articles, toy dolls in the nature of menashi-daruma bodhidharma dolls without pupils, rocking horses, tricycles for infants, inflatable swimming pools as play articles, ring games,] action figures and accessories therefor, plush toys, [balloons, bath tub toys, ride-on toys, equipment sold as a unit for playing card games, toy vehicles, flying discs,] toy banks; [Christmas tree ornaments, and toy masks and costume masks;] dolls; [dice; cups for dice; chess games; checkers games; conjuring apparatus in the nature of magic tricks; dom-

	inoes; playing cards; Mah-jong; backgammon games; bingo cards; pachinkos; darts; billiard cues; billiard cue tips; chalk for billiard cues; billiard balls; billiard markers; billiard tables; billiard table cushions; baseball gloves; tennis ball throwing apparatus; tennis nets; rackets; gut for rackets; tables for table tennis; golf clubs; golf bags, with or without wheels; golf divot repair tools; golf gloves; hockey sticks; ball pitching machines; discuses for sports; poles for pole vaulting; starting blocks for sports; bob-sleighs; skis; edges of skis; bags especially designed for skis and surfboards; scrapers for skis; sole coverings for skis; ski bindings; ice skates; snowshoes; snowboards; punching bags; boxing gloves; archery implements; fencing masks; fencing gauntlets; fencing weapons; appliances for gymnastics; body-training apparatus; water wings; men's athletic supporters; swimming kick boards; twirling batons; paragliders; hang gliders; bodyboards; rosin used by athletes; roller skates;] skateboards [; swings; ascenders being mountaineering equipment; climbers' harness; flippers for swimming; surfboards; surfboard leashes; waterskis; surf skis; sailboards; harness for sailboards; masts for sailboards; fishing tackle; butterfly nets] Class 041. First use: First Use: None First Use In Commerce: None [Arranging and conducting of concerts; organization of film showings; film production, other than advertising films; subtitling; scriptwriting services for non-advertising purposes; theatre productions; orchestra services; providing on-line music, not downloadable; circuses; production of radio and television programmes; movie studio services; recording studio services; amusement park services; music-halls]

Attachments	79216282#TMSN.jpg(bytes) 2025-10-09 MOTHRA Notice of Opposition.pdf(415227 bytes)

Signature	/mjl/
Name	Michael J. Leonard
Date	10/09/2025

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

RE: U.S. Trademark Application Serial No. 99/041967
Published in the Official Gazette on 19 August 2025

TOHO CO. LTD.	)	
	)	
Opposer	)	
	)	Opposition No. _____
-v-	)	
	)	
ARCHER AVIATION INC.	)	
	)	
Applicant	)	
	)	

NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22314

Commissioner:

In the matter of Application Serial No. 99/041967 filed 14 February 2025 by Archer Aviation Inc. ("Applicant"), to register the mark MOTHRA ("Applicant's MOTHRA Mark") covering goods in Class 12 described as: "Aircraft" ("Applicant's Goods"), which was published in the Official Gazette on 19 August 2025, Toho Co. Ltd. ("Opposer") of Tokyo, Japan believes it will be damaged by the registration of the Applicant's MOTHRA Mark and opposes registration of same.

The grounds for the opposition are as follows:

1. Upon information and belief, Applicant is a Delaware Corporation having an address at 190 W. Tasman Drive, San Jose, California 95134.

2. On 14 February 2025, Applicant filed Application Serial No. 99/041967 for the mark MOTHRA for Applicant's Goods based on Applicant's alleged bona fide intent to use the mark in United States commerce.

3. Opposer, Toho Co, Ltd. is a Japanese entertainment company, film producer, distributor, and movie theatre company best known for its creation of the famous GODZILLA franchise, subject of 32 feature films, originating in 1954 as both the film title and fictional monster character of the same name.

4. Opposer has been engaged for approximately 70 years in the production and distribution of a series of motion pictures starring a character named "Godzilla," and other monsters.

5. The GODZILLA property has achieved worldwide public recognition and fame, and has become the subject of many different products and services, produced or licensed by Opposer, including but not limited to films, video games, comic books, television shows, novels, children's toys, clothing, etc.

6. Opposer is the owner of a family of U.S. Trademark Registrations and pending applications based on the famous GODZILLA property, covering marks consisting of or incorporating the term GODZILLA, including but not limited to the following:

- Registration No. 1163122 for GODZILLA for "Entertainment Services in the Nature of a Continuing Motion Picture Film Series;"
- Registration No. 4183291 for GODZILLA for "rerecorded DVDs featuring motion pictures films;"
- Registration No. 6799614 for RUN GODZILLA (stylized) for *et al,* "Providing amusement arcade services; video arcade services; game services provided online

from a computer network being providing online electronic games; electronic game services provided by means of the internet; providing on-line computer games; on-line game services being providing online electronic games;"

- Registration No. 6799611 for GODZILLA BATTLE LINE and design for *et al,* "Providing amusement arcade services; video arcade services; game services provided online from a computer network being providing online electronic games; electronic game services provided by means of the internet; providing on-line computer games; on-line game services being providing online electronic games;"
- Registration No. 2276311 for GODZILLA KING OF THE MONSTERS for "comic books;"
- Registration No. 2360489 for GODZILLA for "toys and playthings, namely, plastic toy figures;"
- Registration No. 2211328 for GODZILLA for "comic books" and "clothing, namely, shirts and tops;" and
- Registration No. 1858403 for GODZILLA for "cinematographic and motion picture films featuring entertainment.

(Collectively, "Opposer's GODZILLA Marks").

7. Another monster in Opposer's series of motion pictures is "Mothra," a giant monster portrayed as a massive sentient larva (or caterpillar), accompanied by two fairies that speak on her behalf. *See* https://en.wikipedia.org/wiki/Mothra. Mothra was first introduced into the *Godzilla* franchise in 1961, is a reoccurring monster in the *Godzilla* franchise, and is one of Opposer's most popular monsters/characters, second to only Godzilla in total number of appearances. *Id*.

8. The name *Mothra* (モスラ) comes from adding "-ra" to the English word "moth". The "ra" suffix follows the precedent set by Godzilla (*Gojira*), which came from the word *kujira* (鯨, "whale"). https://en.wikipedia.org/wiki/Mothra#cite_note-FOOTNOTEDi_GiorgioGiganteGordiano201264-10. The term Mothra has no known other meaning unassociated with the character in the *Godzilla* franchise.

9. In 1992, Opposer released the movie "Godzilla vs. Mothra," which was the best attended movie since Opposer released "King Kong vs. Godzilla." https://en.wikipedia.org/wiki/Mothra#cite_note-FOOTNOTEKalat2010184%E2%80%93190-7.

10. Opposer is the owner of multiple registrations for its MOTHRA mark throughout the world including U.S. Registration No. 5552711 for MOTHRA covering a variety of goods and services, such as, phonograph records, namely, records featuring music; compact discs, namely, compact discs featuring music; downloadable music files (Class 9); books in the nature of coffee table books featuring documentary images, art, characters relevant to monsters, films and stories and comic books in the field of documentary images, art, characters relevant to monsters, films and stories; trading cards other than for games; posters; graphic prints; pictures; photo and print engravings; printed photographs (Class 16); Clothing, namely, overcoats, sweaters, T-shirts, sweatshirts, Halloween costumes, socks other than special sportswear (Class 25); and amusement machines, automatic and coin-operated; toys, namely, stuffed toys, action figures and accessories therefor, plush toys, toy banks; dolls; skateboards (Class 28) ("Opposer's MOTHRA Mark").

11. Opposer has used both the "MOTHRA" and "GODZILLA" marks on and in connection with motion picture films, merchandise and services promotional materials distributed throughout the United States.

12. The foregoing Registrations are not limited by channels of trade or classes of purchasers. Opposer's Registrations are valid, subsisting and evidence of the validity of the registered marks set forth therein, and Opposer's exclusive right to use the registered marks in connection with the goods and services specified in the registrations.

13. The goods and services recited in the MOTHRA Registration set forth herein are hereinafter referred to "Opposer's Goods and Services".

14. Since its initial use of Opposer's MOTHRA Mark, Opposer has made a substantial investment in advertising, promoting, offering, selling and rendering Opposer's Goods and Services under Opposer's MOTHRA Mark. Opposer has used, promoted, offered, and sold/rendered Opposer's Goods and Services to the public through various channels of trade in commerce. Opposer's customers and the public in general know and recognize Opposer's MOTHRA Mark and associate same with Opposer and/or Opposer's Goods and Services and/or Opposer's famous GODZILLA mark.

15. Applicant's MOTHRA Mark is confusingly similar to Opposer's MOTHRA Mark in that Applicant's MOTHRA Mark is identical in sight, sound and meaning, and evokes the same commercial impression as Opposer's MOTHRA Mark, thereby causing confusion or mistake or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

16. Opposer's MOTHRA mark is used to identify a giant flying insect. Since Applicant intends to use Applicant's MOTHRA Mark in connection with aircraft (i.e., flying machines), it is highly likely that consumers will assume there is an affiliation, relationship, sponsorship or endorsement between Applicant's MOTHRA goods and Opposer's *Godzilla* franchise and the giant flying monster, *Mothra*, itself.

17. Applicant's 14 February 2025 constructive date of first use in commerce as set forth in Applicant Serial No. 99/041967 is subsequent to the date of first use of Opposer's MOTHRA Mark.

18. Applicant's 14 February 2025 filing date as set forth in Application Serial No. 99/041967 is subsequent to the filing date of Opposer's MOTHRA Mark.

19. The goods covered by Application Serial No. 99/041967 for Applicant's MOTHRA Mark are identical to, similar to, related to and/or overlapping with the goods and services covered by Opposer's MOTHRA Mark, as well as those goods and services covered by Opposer's family of GODZILLA Marks.

20. Opposer's customers, and the public in general, are likely to be confused, mistaken or deceived as to the origin, affiliation, endorsement and sponsorship of Applicant's Goods offered for sale, marketed and sold under Applicant's MOTHRA Mark and misled into believing that such goods are produced, distributed, offered, sold, or are in some way associated with Opposer and/or Opposer's Mark, to the damage and detriment of Opposer and its reputation.

21. Opposer will be damaged by Applicant's use and registration of Applicant's MOTHRA Mark as set forth in Application Serial No. 99/041967, in that Applicant's MOTHRA Mark is identical to and thus confusingly similar in appearance, sound and commercial impression to Opposer's MOTHRA Mark and covers similar, related and/or overlapping goods marketed to identical consumers.

22. Opposer's MOTHRA Markis distinctive and well known, is inherently distinctive, or in the alternative has acquired distinctiveness, and had acquired notoriety, prior to the filing

date of Application Serial No. 99/041967, and prior to any date of first use of Applicant's MOTHRA Mark that can be claimed by Applicant.

23. Opposer's MOTHRA and GODZILLA Marks, as aforesaid, are inherently distinctive, well known and/or famous, or in the alternative have acquired distinctiveness, and have become well known and/or famous, prior to the filing date of Application Serial No. 99/041967, and prior to any date of first use of Applicant's MOTHRA Mark that can be claimed by Applicant.

24. Opposer, will be damaged by Applicant's registration of the MOTHRA Mark as set forth in Application Serial No. 99/041967, in that the mark will cause false association with Opposer's MOTHRA mark and dilute the distinctive quality of Opposer's GODZILLA Mark as unique indicators of source in connection with the goods and services offered to the public by Opposer.

25. Applicant's filing of Application Serial No. 99/041967 for the MOTHRA Mark is without license, authorization or permission from Opposer.

26. Applicant's registration of the MOTHRA Mark of Application Serial No. 99/041967 would be contrary to 15 U.S.C. § 1052(d) & 15 U.S.C. § 1125(c), would violate and diminish the prior and superior rights of Opposer in and to Opposer's MOTHRA Mark and result in false association with Opposer's family of GODZILLA Marks, thereby diluting the distinctive quality of Opposer's MOTHRA and GODZILLA Marks.

WHEREFORE, Opposer prays that its Opposition be sustained, that Application Serial No. 99/041967 for Applicant's MOTHRA Mark be refused and for such other relief as may be deemed just and proper.

Respectfully submitted,

Date: 9 October 2025

By: /michael leonard/

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Toho Co. Ltd.