

ESTTA Tracking number: **ESTTA362599**

Filing date: **08/11/2010**

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	Stephen Slesinger, Inc.
Granted to Date of previous extension	08/11/2010
Address	1111 N. Westshore Boulevard Suite 604 Tampa, FL 33607 UNITED STATES
Attorney information	Andrew D. Skale Mintz, Levin, Cohn, Ferris, Glovsky, and Popeo, P.C. 3580 Carmel Mountain Road Suite 300 San Diego, CA 92130 UNITED STATES adskale@mintz.com Phone: 858-314-1506

Applicant Information

Application No	77890766	Publication date	04/13/2010
Opposition Filing Date	08/11/2010	Opposition Period Ends	08/11/2010
Applicant	Disney Enterprises, Inc. 500 South Buena Vista Street Burbank, CA 91521 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2007/07/19 First Use In Commerce: 2007/07/19 All goods and services in the class are opposed, namely: Based on 1(a): Dresses; headwear; infantwear; jackets; pants; shirts; shorts; sleepwear. Based on 1(b): Clothing; aprons; beachwear; belts; bottoms; chaps; cloaks; cloth bibs; coats; costumes for use in role-playing games; cover-ups; cummerbunds; ear muffs; footwear; gloves; Halloween costumes; hosiery; leotards; lingerie; loungewear; mittens; overalls; ponchos; rainwear; scarves; skirts; socks; suits; sweaters; sweatshirts; swimwear; ties; tops; underwear; wrist bands

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)
<i>Torres v. Cantine Torresella S.r.l. Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Other	Lack of Ownership

Marks Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WINNIE-THE-POOH CHRISTOPHER ROBIN		
Goods/Services	Wearing apparel for men, women, and children # namely, nightgowns, nightshirts, and pajamas, underwear made of knitted, netted and textile materials, shoes and slippers made of leather, fabric, rubber and/or combinations thereof; women#s and children#s coats, cloaks, and suits; and men#s and boys# suits, including coats, vests, and trousers and overcoats; sweaters, hats, caps for men, women and children, and bathing suits.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WINNIE-THE-POOH CHRISTOPHER ROBIN		
Goods/Services	Chinaware and pottery, bric-a-brac, and reflectors, globes and shades of china and porcelain.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WINNIE-THE-POOH CHRISTOPHER ROBIN		
Goods/Services	Games # namely, card games, board games, educational card games, puzzles, parlor board games; toys # namely figure toys, dolls, doll houses, mechanical toys, construction toys and roller toys; and sporting goods #namely baseball bats, gloves, masks, leg guards, balls; tennis rackets, nets, balls; footballs, football masks, leg guards, shin guards; basketballs and nets; lacrosse clubs, balls, body guards, masks; golf balls, clubs, golf bags; skates, both roller and ice.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WINNIE-THE-POOH CHRISTOPHER ROBIN		
Goods/Services	Candle sticks, lamp shades not made of glass, but of such materials as silk, linen, paper, wood and metal; and lamp bases.		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	WINNIE-THE-POOH CHRISTOPHER ROBIN		
Goods/Services	Flat and hollow silverware used for table and toilet purposes.		

Related Proceedings	91179064, 91188860, 91182358, 92046853, 91183644, 91186026, 91187261, 91191230, 91192691, 91194551
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Attachments	20100811140923_20100811_150840.pdf (10 pages)(248775 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew D. Skale/
Name	Andrew D. Skale
Date	08/11/2010

Attorney Docket No. 36309-523

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

In the matter of Application Ser. No. 77/890766 for the mark: CLASSIC POOH
Published in the *Official Gazette* on April 13, 2010

STEPHEN SLESINGER, INC.

Opposer,

v.

DISNEY ENTERPRISES, INC.

Applicant.

Opposition No. _____

Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, Virginia 22314

NOTICE OF OPPOSITION

Stephen Slesinger, Inc. ("Opposer"), a New York corporation, located and doing business at 1111 N. Westshore Boulevard, Suite 604, Tampa, Florida 33607, believes that it will be damaged by registration of U.S. Application Serial No. 77/890766 for the mark CLASSIC POOH; and hereby opposes the same. The goods for the mark are outlined in Schedule A, attached hereto.

Pursuant to 15 U.S.C. §§ 1051, 1052, 1063 and 1125 of the Lanham Act, and 37 C.F.R.

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

§§ 2.101 and 2.104, and predicated upon the following grounds, Opposer alleges the following:

FACTUAL BACKGROUND

1. Upon information and belief, Disney Enterprises, Inc. ("Applicant") is a Delaware corporation with an address at 500 South Buena Vista Street, Burbank, California 91521.

Applicant seeks to register the mark CLASSIC POOH (the "Mark") for various services identified in Schedule A, pursuant to an intent-to-use/use-based application filed on December 10, 2009.

2. In the 1920s, author A.A. Milne wrote a collection of stories and verses which appeared in periodicals and in volume book form ("The Winnie-the-Pooh Stories"). Several noted American and British artists decorated those stories and verses, solely for various magazine and book publishers, with black and white ink sketches in a style that was popular during those days. Beginning in 1930, Milne assigned certain sole and exclusive rights to Stephen Slesinger, Inc.'s ("Opposer") predecessor, Mr. Stephen Slesinger, including the right to create new drawings and to commercialize goods and services utilizing the names, drawings, chapter headings and other material from The Winnie-the-Pooh Stories, as well as the right to apply for trademarks in Slesinger's name, along with other sole and exclusive rights, *inter alia*, performing and reproduction rights, whether then known or developed in the future.

3. Beginning in 1930 and continuing thereafter, Opposer created new drawings, registered the marks and developed the characters into at least two distinctive brands which Opposer utilized consistently in interstate commerce and various forms of media. Beginning in 1961 and again in 1983, Opposer licensed certain rights to Applicant. Applicant, since 1961, has been and is Opposer's licensee with respect to the Mark (and other marks related to The Winnie-

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