

ESTTA Tracking number: **ESTTA1078809**

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): mchandler@pryorcashman.com, tmdocketing@pryorcashman.com, halexis@pryorcashman.com 212-326-0443
Docket Number	18223.00752

Applicant Information

Application No.	88739730	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 028. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Video game consoles; video game consoles for use with an external display screen or monitor; controllers for game consoles; game controllers in the nature of keyboards for computer games; video game interactive remote control units

Grounds for Opposition

Dilution by blurring

Trademark Act Sections 2 and 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration

3843591

Application Date

01/14/2009

No.			
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 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 28.pdf(451439 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. 88/739,730
Mark: POWER YOUR DREAMS
Filed: December 26, 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 28 shown in Application Serial No. 88/739,730 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 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. 88/739,730 for the POWER YOUR DREAMS mark for Class 28 "video game consoles; video game consoles for use with an external display screen or monitor; controllers for game consoles; game controllers in the nature of keyboards for computer games; video game interactive remote control units" (the

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