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Brand Battles: 'Monopoly,' Coca-Cola, 'Kryptonite'

By **Bill Donahue**

Law360 (March 8, 2019, 6:24 PM EST) -- In Law360's latest roundup of new actions at the Trademark Trial and Appeal Board, Hasbro takes on a "Drinkopoly" trademark, Coca-Cola says a popular brand of cocktail mixer can't use "Simply," and Monster Energy finds itself on the receiving end of an opposition after it tries to register a "Kryptonite" trademark.

Do Not Pass Go

Hasbro Inc., the toy giant that sells Monopoly, asked the board this week to block a Croatian company from registering a "Drinkopoly" logo as a trademark.

In a notice of opposition, Hasbro said the sound-alike name and logo would confuse consumers – and the company had pretty impressive stats to back up the claim.

"From 1934 to present, Hasbro has sold more than 220 million sets of the Monopoly board game," the company wrote, citing the year the game was first sold by Parker Brothers, which was later acquired by Hasbro.

"From 2007 to present, Hasbro's sales of products under its Monopoly marks worldwide have exceeded \$3,000,000,000," the company wrote. "The Monopoly board game is sold in over 26 languages in more than 80 countries around the world."

Over the past two years, Hasbro has filed similar cases against applications to register "Monopoly Movement," "Alec Monopoly," "Monopoly Enterprises," "Slotopoly" and "Monopoly Hotels and Resorts."

Hasbro is represented by Frankfurt Kurnit Klein & Selz PC. The applicant is represented by Ladas & Parry LLP. The case number is 91246784.

'Simply' Spat

Is the **Coca-Cola Co.** "simply" the only name in beverages?

The soda giant's **Simply Orange Juice Co.** went to the board this week to block a company called **Jordan's Skinny Mixes** from registering "Jordan's Simply Cocktails" as a trademark for drink mixers.

The filing said the use of "Simply" on other drinks would confuse consumers, pointing to the fact it sells more than a dozen different subbrands of "Simply" products, including "Simply Lemonade," "Simply Tropical" and "Simply Mixed Berry."

Simply Orange Juice is represented by in-house Coca-Cola attorneys. The applicant – formally Skinny Mixes LLC – is represented by Swanson Martin & Bell LLP. The case number is 91246772.

Dilution of Homeland Security

You'd be forgiven for not having heard of the "Radio Internet-Protocol Communications Module," a device sold by the **U.S. Department of Homeland Security** to local law enforcement to help

facilitate interdepartmental communication.

But DHS has registered both the name and the acronym "RIC-M" as trademarks, and the agency asserted those marks this week to block an application from a startup called **Car IQ Inc.**

The company, which sells a software platform for monitoring and managing fleet vehicles, wanted to register "RIC" as a trademark for software, but DHS said the name acronym was confusingly close to its communication tool.

"By virtue of the uncompromising and prestigious quality of the goods provided, advertised and promoted under the RIC-M Marks ... the RIC-M Marks have become well-known and have acquired extensive recognition and strength throughout the United States," the agency wrote.

DHS is represented by its own attorneys. Car IQ is represented by Latham & Watkins LLP. The case number is 91246741.

Monster's 'Kryptonite'

This week at the Board, the hunter became the hunted.

Monster Energy Co., typically the most active plaintiff at the board by a wide margin, was on the receiving end of an opposition this week from **Warner Bros.** unit **DC Comics** over the drink maker's application to register "Ultra Kryptonite" as a trademark for beverages.

As it has in past cases, DC Comics told the board that many smaller aspects of the Superman "mythos," including the fictional material Kryptonite, are so well known that they themselves should be protected as trademarks.

"Because of Opposer's shepherding and careful development of not just the Superman character, but also of his universe and of the things and people that populate that universe, Superman has become associated with certain symbols and indicia which, in the public mind, are inextricably linked with the Superman character and which function as trademarks," the comics studio wrote.

Though not as litigious as Monster Energy, DC Comics is no slouch when it comes to filing TTAB cases.

In 2019 alone, the company has already filed five new cases, going after an application for "SuperDuragMan," another for a logo that looked like Batman's, and one for the name of a self-help company called "Superwoman Project."

DC Comics is represented by Fross Zelnick Lehrman & Zissu PC. Monster Energy is represented by Knobbe Martens Olson & Bear LLP. The case number is 91246803.

Everything Else

Lyft Inc. opposed an Illinois man's application to register "Lyft Clean" as a trademark for home repair software.

Lyft is represented by Wilson Sonsini Goodrich & Rosati PC. The applicant is represented by Ziliak Law LLC. The case number is 91246802.

Red Bull GmbH went after a Connecticut company over an application to register "Bull Breath" as a trademark for breath mints.

Red Bull is represented by Seyfarth Shaw LLP. The applicant is represented by The Law Offices of H.W. Pfabe. The case number is 91246734.

Mars Inc., citing the defunct "Marathon" caramel chocolate bar, asked the board to block a company called **Marathon Ginseng International Inc.** from registering "Marathon Ginseng" as a trademark.

Mars is represented by Arent Fox LLP. Counsel information for the applicant was not yet available.

The case number is 91246781.

--Editing by Pamela Wilkinson.

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