

**EXHIBITS.**



05-01-2002

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I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" services under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Box TTAB - FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Typed or Printed Name of Person Mailing Paper or Fee: Donna B. Rose

Signature: Donna B. Rose

TRADEMARK: MONSTERSNAPS

IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration Application Serial No. 76/278,209 published in the Official Gazette (Trademarks) on January 31, 2002:

MONSTER CABLE PRODUCTS, INC. )  
 )  
 v. )  
 )  
 JOEL BARRY SHAMITOFF )  
 \_\_\_\_\_ )

Opposition No. \_\_\_\_\_

**Box TTAB - FEE**  
**Assistant Commissioner for Trademarks**  
**2900 Crystal Drive**  
**Arlington, VA 22202-3513**

**NOTICE OF OPPOSITION**

MONSTER CABLE PRODUCTS, INC., a California corporation ("Opposer"), whose address is 455 Valley Drive, Brisbane, CA 94005-1209, believes that it will be damaged by the registration of the mark "MONSTERSNAPS" in International Class 28 (Toys and Sporting Goods)

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on the Principal Register, as shown in the above-referenced application made by Joel Barry Shamitoff ("Applicant"), and hereby opposes same.

The grounds for opposition are as follows:

1. Opposer has prior rights to the trademark MONSTER, as it first used said mark on May 18, 1978, and caused said mark to be placed in commerce on August 18, 1978 in connection with other goods, such as electrical and musical items.

2. Opposer is and has been for many years engaged in the manufacture, advertising and retail sales of the above mentioned goods and services. In connection therewith Opposer has used in interstate commerce throughout the United States the above-stated trademarks since long prior to the Applicant's application to register the trademark MONSTER.

3. Opposer owns Federal Trademark Registration No. 2,184,002, which was granted on August 25, 1998, for the trademark MONSTER for Class 9, namely electrical and music signal transmitting cable connectors. A true copy of said registration is attached hereto as Opposer's Exhibit A.

4. Opposer owns Federal Trademark Registration No. 2,197,793, which was granted on October 20, 1998, for the trademark MONSTER for Class 16, namely newsletters, magazines, catalogs and newspapers providing entertainment industry and cable industry news. A true copy of said registration is attached hereto as Opposer's Exhibit B.

5. Opposer owns Federal Trademark Registration No. 1,690,903, which was granted on June 2, 1992, for the trademark MONSTER STYLE for Class 41, for educational services, namely conducting classes and seminars in the field of audio systems. A true copy of said registration is attached hereto as Opposer's Exhibit C.

6. Opposer owns Federal Trademark Registration No. 1,342,164, which was granted on June 18, 1985, for the trademark MONSTER CABLE for Class 9 for electrical signal transmitting cable and connectors. A true copy of said registration is attached hereto as Opposer's Exhibit D.

7. Opposer owns Federal Trademark Registration No. 1,340,229, which was granted on June 11, 1985, for the trademark MONSTER CABLE for Class 9 for musical and voice signal transmitting cable and connectors. A true copy of said registration is attached hereto as Opposer's Exhibit E.

8. Opposer owns Federal Trademark Registration No. 1,384,076, which was granted on February 25, 1986, for the trademark MONSTER CABLE (STYLIZED) for Class 9 for computer cables. A true copy of said registration is attached hereto as Opposer's Exhibit F.

9. Opposer owns Federal Trademark Registration No. 1,144,700, which was granted on December 30, 1980, for the trademark MONSTER CABLE (STYLIZED) for Class 6 for speaker wire. A true copy of said registration is attached hereto as Opposer's Exhibit G.

10. Opposer owns Federal Trademark Registration No. 1,336,372, which was granted on May 21, 1985, for the trademark MONSTER CABLE SPECIAL for Class 9, audio cable. A true copy of said registration is attached hereto as Opposer's Exhibit H.

11. Opposer owns Federal Trademark Registration No. 1,844,244, which was granted on July 12, 1994, for the trademark MONSTER HOME THEATRE for Class 9, audio cables. A true copy of said registration is attached hereto as Opposer's Exhibit I.

12. Opposer owns Federal Trademark Registration No. 1,738,114, which was granted on December 8, 1992, for the trademark MONSTER DESIGN for Class 9, cable connectors for use with audio equipment. A true copy of said registration is attached hereto as Opposer's Exhibit J.

13. Opposer owns Federal Trademark Registration No. 1,537,306, which was granted on May 2, 1989, for the trademark MONSTER MUSIC for Class 9, compact discs. A true copy of said registration is attached hereto as Opposer's Exhibit K.

14. Opposer owns Federal Trademark Registration No. 1,665,277, which was granted on November 19, 1991, for the trademark MONSTER MUSIC for Classes 41 and 42, production and compact discs, audio tapes and phonographic records, distributorship services in the field of prerecorded compact discs, audio tapes and phonographic records of various artists. A true copy of said registration is attached hereto as Opposer's Exhibit L.

15. Opposer owns Federal Trademark Registration No. 1,824,258, which was granted on March 1, 1994, for the trademark MONSTER POWER for Class 9 for magnetic circuit breakers, power distribution blocks, junction boxes, fuse holders and battery connectors. A true copy of said registration is attached hereto as Opposer's Exhibit M.

16. Opposer owns Federal Trademark Registration No. 1,759,527, which was granted on March 23, 1993, for the trademark MONSTER SOUND for Class 9, audio equipment, namely electrical cables and connectors and parts thereof. A true copy of said registration is attached hereto as Opposer's Exhibit N.

17. Opposer owns Federal Trademark Registration No. 1,428,215, which was granted on February 10, 1987, for the trademark MONSTER VIDEO for Class 9 for video cables. A true copy of said registration is attached hereto as Opposer's Exhibit O.

18. Opposer owns Federal Trademark Registration No. 1,351,414, which was granted on July 30, 1985, for the trademark MONSTER TIPS for Class 9 for electrical audio connectors for connections of home stereo and video components. A true copy of said registration is attached hereto as Opposer's Exhibit P.

19. Opposer owns Federal Trademark Registration No. 1,812,892, which was granted on December 21, 1993, for the trademark MONSTER CONNECTION for Class 16 for newsletters about consumer electronics. A true copy of said registration is attached hereto as Opposer's Exhibit Q.

20. Opposer owns Federal Trademark Registration No. 1,414,284, which was granted on October 21, 1986, for the trademark I AM A MONSTER for Class 25, namely tee shirts and jackets. A true copy of said registration is attached hereto as Opposer's Exhibit R.

28. Opposer's products bearing the above-stated trademarks have been extensively and continuously offered to the public through various channels of trade. By reason of such distribution and advertising, the public has come to recognize marks bearing the word "MONSTER" as signifying Opposer and its individual products and family of products. Opposer has built up extensive goodwill in connection with the sale of products under its trademarks and family of marks.

29. The intended trademark MONSTERSNAPS is confusingly similar to Opposer's above-stated individual trademarks and the MONSTER family of marks, and registration of Applicant's proposed mark and continued use by Applicant on its goods is likely to cause confusion, deception and mistake. Applicant's use of said intended trademark interferes with Opposer's use of its above-stated trademarks and family of marks, and use or registration of its mark by Applicant will seriously damage Opposer. Furthermore, opposer's MONSTER and family of MONSTER marks are entitled to famous mark protection, and Applicant's use will dilute or tend to dilute said marks.

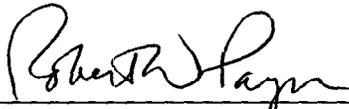
30. Opposer is also the licensee of additional marks of employing the term "Monster".

WHEREFORE, Opposer MONSTER CABLE PRODUCTS, INC. prays that Application Serial No. 76/278,209 be rejected, and that the registration of the mark therein shown for the goods therein specified be refused and denied.

Respectfully submitted,

LARIVIERE, GRUBMAN & PAYNE, LLP

Dated: May 1, 2002.

By: 

Robert W. Payne, Esq.  
1 Lower Ragsdale Drive  
Building 1, Suite 130  
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Attorneys for Opposer



05-01-2002

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**Assistant Commissioner for Trademarks**  
**2900 Crystal Drive**  
**Arlington, VA 22202-3513**

**TRANSMITTAL LETTER**

Dear Sir:

In connection with the above-referenced trademark application, transmitted herewith are the following:

1. Notice of Opposition (6 pages), with Exhibits A-R (35 pages) (in duplicate);
2. Our check #4896 in the amount of \$300.00 as opposition filing fee;

3. Confirmation return post card.

Please date-stamp the enclosed post card and return same to the undersigned in acknowledgment of receipt of all transmitted materials.

Respectfully submitted,



Robert W. Payne  
Attorney for Potential Opposer  
MONSTER CABLE PRODUCTS, INC.

RWP/sag  
Date: May 1, 2002  
LARIVIERE, GRUBMAN & PAYNE, LLP  
Post Office Box 3140  
Monterey, CA 93942  
(831) 649-8800