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06-13-2002

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #71 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Applicant: ABC International Traders, Inc., d/b/a  
MGA Entertainment Corporation

Attorney Docket No.: LOVC62296

Serial No.: 76/299,502

International Class: 28

Filed: August 14, 2001

Published for Opposition: April 30, 2002

Mark: THE BRATZ PACK

Official Gazette: Vol. 1257, No. 5, Page TN

Goods: dolls and dolls accessories

LOVINS, INC., D/B/A FRIDAY HARBOR  
SPORTSWEAR, a Washington corporation,

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

Opposer,

NOTICE OF OPPOSITION

v.

ABC INTERNATIONAL TRADERS, INC.,  
D/B/A MGA ENTERTAINMENT  
CORPORATION, a California corporation,

Applicant.

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 JUN 24 AM 8:37

Seattle, Washington 98101

June 5, 2002

TO THE COMMISSIONER FOR TRADEMARKS  
TRADEMARK TRIAL AND APPEAL BOARD

Lovins, Inc., d/b/a Friday Harbor Sportswear, a corporation of the State of Washington, having a place of business at 1625 39th Avenue East, Seattle, Washington 98112 (hereinafter "Opposer") believes that it will be damaged by registration of the trademark THE BRATZ PACK as requested by Application Serial No. 76/299,502, filed December 11, 2000, in International Class 28, and hereby opposes the same.

As grounds for the opposition, Opposer alleges as follows:

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1           1.       On information and belief, ABC International Traders, Inc., d/b/a MGA Entertainment  
2 Corporation, is a California corporation having a place of business at 16730 Schoenborn Street, North  
3 Hills, California 91343 (hereinafter "Applicant").

4           2.       Continuously, since long prior to any date upon which Applicant can rely, Opposer has  
5 used the trademark BRATZ in association with the sale of clothing, including infant and children's  
6 clothing.

7           3.       Opposer will be damaged by the registration sought by Applicant insofar as the  
8 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership of the  
9 mark THE BRATZ PACK, and Applicant's exclusive right to use the mark THE BRATZ PACK when  
10 in fact, Applicant is not entitled to such rights by virtue of Opposer's prior and continuous use of the  
11 trademark BRATZ in association with the sale of clothing, including infant and children's clothing.

12           4.       The mark THE BRATZ PACK claimed by Application Serial No. 76/299,502 is  
13 confusingly similar to the trademark BRATZ previously used by Opposer in association with the sale of  
14 clothing, including children's clothing, and therefore when used in association with dolls and dolls  
15 accessories, is likely to cause confusion, or to cause mistake, or to deceive within the meaning of  
16 Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

17           5.       Based upon the foregoing, registration of the mark THE BRATZ PACK as requested by  
18 Application Serial No. 76/299,502, filed August 14, 2001, is likely to cause injury and damage to  
19 Opposer.

20           WHEREFORE, Opposer respectfully requests that the registration of the mark THE BRATZ  
21 PACK shown by Application Serial No. 76/299,502 be denied pursuant to Section 2(d) of the Lanham  
22 Act, 15 U.S.C. § 1052(d) and that this opposition be sustained.

23           Accompanying the duplicate signed copies of this Notice of Opposition is our Check  
24 No. 139339 for the required filing fee in the amount of \$300.00. Please charge any excess fees to  
25 Deposit Account No. 03-1740 of Opposer's counsel noted below.

1 Please direct all correspondence to Cindy L. Caditz of Christensen O'Connor Johnson  
2 Kindness<sup>PLLC</sup> at the following address:

3 Cindy L. Caditz  
4 Christensen O'Connor Johnson Kindness<sup>PLLC</sup>  
5 1420 Fifth Avenue, Suite 2800  
6 Seattle, WA 98101-2347

7 Please direct all telephone calls to Cindy L. Caditz at 206-695-1715.

8 Respectfully submitted,

9 CHRISTENSEN O'CONNOR  
10 JOHNSON KINDNESS<sup>PLLC</sup>

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12 Cindy L. Caditz  
13 Attorneys for Opposer

14 **CERTIFICATE OF MAILING**

15 I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial  
16 No. 76/299,502 for the mark THE BRATZ PACK is being deposited with the U.S. Postal Service in a  
17 sealed envelope as first class mail with postage thereon fully prepaid addressed to: BOX TTAB FEE,  
18 Commissioner for Trademarks, Trademark Trial and Appeal Board, 2900 Crystal Drive, Arlington, VA  
19 22202-3513, on 6-5-02.

20 Date: June 5, 2002

21 CLC:jh

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