

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

In the Matter of Application Serial No. 76/229,239
Published in the Official Gazette of July 16, 2002



01-13-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #

TOHO CO., LTD.

Opposer,

v.

CARLTON AND McGRAW PARTNERSHIP

Applicant.

Opposition No.:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS
AN ENVELOPE ADDRESSED TO COMMISSIONER FOR TRADE
2900 CRYSTAL DRIVE, ARLINGTON, VIRGINIA 22202-3513

[Handwritten Signature]
1/9/03
DATE OF SIGNATURE

NOTICE OF OPPOSITION

Opposer Toho Co., Ltd. ("Opposer") believes that it will be damaged by registration of the mark shown in Application Serial No. 76/229,239, and hereby opposes the same. As grounds for opposition, Opposer alleges as follows:

1. Opposer is a corporation organized and existing under the laws of Japan, with its United States offices at 2029 Century Park East, Suite 1150, Los Angeles, California.

2. Upon information and belief, Applicant Carlton and McGraw Partnership ("Applicant") is a Tennessee Partnership, with an address at 3981 Casparis Road, Columbia, Tennessee, 38401.

3. On March 22, 2001, Applicant filed Application Serial No. 76/229,239 (the "Opposed Application") to register the mark MOMZILLA on the Principal Register for "motion picture films featuring animated cartoons, prerecorded videotapes featuring animated cartoons, motion pictures featuring live action characters, prerecorded videotapes featuring live action characters and animated cartoon characters, prerecorded video discs featuring live action characters and animated cartoon characters, and video game cartridges featuring animated

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cartoon characters, and video game software featuring animated cartoon characters” and “toy figures, dolls, cartoon character dolls, stuffed plush toys, and board games” on the basis of Applicant's alleged bona fide intent to use the mark in commerce.

4. Since at least as early as 1956, a time long prior to the filing date of the Opposed Application, or any earlier dates of actual use of the mark shown in the Opposed Application upon which Applicant can rely, Opposer has been engaged in the production and distribution of a series of motions pictures starring a character called GODZILLA (the "GODZILLA Character"). The GODZILLA Character is a large, two-footed green lizard-like creature with fins on its back and the ability to breath fire, and has been represented visually in several depictions.

5. Numerous motion pictures featuring the GODZILLA Character have been distributed in the United States. In 1998, Opposer's licensee, TriStar Pictures, Inc., released a GODZILLA motion picture in the United States and numerous foreign countries. The 1998 GODZILLA motion picture received extensive publicity in the United States and grossed many millions of dollars in the United States alone.

6. For many decades, Opposer and its various licensees have extensively advertised, promoted, and sold in the United States a wide variety of goods and services under and in connection with the GODZILLA mark, various derivative marks, and design marks featuring the GODZILLA Character.

7. Upon information and belief, Applicant intends to use the mark MOMZILLA to identify a character called, or to be called, “MOMZILLA,” which resembles the GODZILLA Character.

8. Opposer owns the following United States Trademark Registrations for the GODZILLA mark:

(a) Reg. No. 1,161,858 for the GODZILLA mark for comic books;

(b) Reg. No. 1,163,122 for the GODZILLA mark for entertainment services in the nature of a continuing motion picture film series;

(c) Reg. No. 1,174,377 for the GODZILLA mark for toys and games, namely, board games, action figure toys, plastic inert figures, inflatable sheet vinyl toys, jigsaw puzzles, and plastic model/hobby kit consisting primarily of molded plastic pieces used to assemble lizard-like monster with display base;

(d) Reg. No. 1,858,403 for the GODZILLA mark for cinematographic and motion picture films featuring entertainment; pre-recorded video tapes and cassettes featuring entertainment, and toys and games, namely, video and computer game programs; video and computer game software; electronic game programs; video and computer game cartridges; vinyl toy figures; plastic inert figures; plastic action figures; inflatable toy figures;

(e) Reg. No. 2,134,696 for the GODZILLA mark for paper party hats, and toys and games, namely, action toys; plastic play and toy carry cases; plush toys; manipulative puzzles; and stuffed toys;

(f) Reg. No. 2,211,328 for the GODZILLA mark for paper bags; paper banners; comic books; coloring and children's educational picture books; calendars; trading cards; greeting, note, and blank cards; pen and pencil cases; book covers; crayons; decals; paper napkins; pen and pencil holders; rubber stamps; pens and pencils; erasers; notebooks; paper party hats; posters; wrapping paper; note pads; series of fiction books; fiction magazines for entertainment and amusement; clothing, namely, hats; sweatshirts; gym shorts; masquerade and halloween costumes; t-shirts; pajamas; raincoats; footwear; headwear; neckwear; hosiery and socks; pants; shorts; shirts; playsuits; coats; briefs; and boxer shorts;

(g) Reg. No. 2,235,421 for the GODZILLA mark for entertainment services in the nature of an animated television series; and

(h) Reg. No. 2,360,489 for the GODZILLA mark for non-electrical doorbells; metal clothes hooks; boards; watches and clocks; lapel pins; pre-printed paper stickers and pre-printed collector boards; backpacks; knap sacks; luggage; beach chairs; drinking straws with play motion; non-metal clothes hooks; paper cups and paper plates; thermal insulated containers; bed linens; bed sheets; pillow cases; clothing and footwear; and toys, games and playthings, namely, hand held units for playing electronic games.

9. All of these registrations are valid and subsisting and belong to Opposer, and Registration Nos. 1,161,858, 1,163,122, 1,174,377, and 1,858,403 have become incontestible. Copies of Opposer's registrations are attached hereto as Exhibit 1 and are incorporated by reference herein as if set forth in full.

CLAIM FOR RELIEF
(Likelihood of Confusion)

10. Opposer repeats and realleges the allegations contained in preceding paragraphs 1-9, inclusive, as if fully set forth herein.

11. The mark shown in the Opposed Application so resembles Opposer's registered GODZILLA marks and the GODZILLA marks previously used in the United States and not abandoned, as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's marks are thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d), as amended.

12. Opposer will be damaged by registration of the mark shown in the Opposed Application because registration of the mark would give Applicant prima facie evidence of its ownership of, and exclusive right to use in commerce, a mark that is confusingly similar to Opposer's marks.

WHEREFORE, Opposer prays for the entry of judgment sustaining this opposition and refusing registration to Applicant of the mark shown in the Opposed Application.

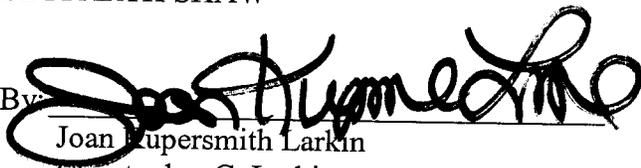
A duplicate copy of this Notice of Opposition, with exhibits, and the filing fee of \$600 are enclosed. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2291 and direct all correspondence in connection with this opposition to the undersigned.

Respectfully submitted,

SEYFARTH SHAW

Dated: January 9, 2003

By



Joan Supersmith Larkin

Christopher C. Larkin

Attorneys for Opposer

TOHO CO., LTD.

One Century Plaza

2029 Century Park East

Suite 3300

Los Angeles, California 90067

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,161,858
Registered Jul. 21, 1981

TRADEMARK
Principal Register

GODZILLA

Toho Co., Ltd. (Japan corporation)
2049 Century Park East
Los Angeles, Calif. 90067

For: COMIC BOOKS AND COLORING SETS
CONSISTING PRIMARILY OF BLACK AND
WHITE POSTER WITH COLOR MARKERS, in
CLASS 16 (U.S. Cl. 38).

First use May 1, 1977; in commerce May 1, 1977.

Sec. No. 217,732, filed May 30, 1979.

HENRY S. ZAK, Primary Examiner

JOHN M. WILKE, Examiner

Int. Cl.: 41

Prior U.S. Cl.: 107

United States Patent and Trademark Office

Reg. No. 1,163,122
Registered Jul. 28, 1981

SERVICE MARK
Principal Register

GODZILLA

Toho Co., Ltd. (Japan corporation)
2049 Century Park East
Los Angeles, Calif. 90067

For: ENTERTAINMENT SERVICES IN THE
NATURE OF A CONTINUING MOTION PIC-
TURE FILM SERIES, in CLASS 41 (U.S. Cl. 107).
First use 1956; in commerce 1956.

Soc. No. 217,718, filed May 30, 1979.

J. C. DEMOS, Deputy Director

GARY L. SHAFER, Examiner

Prior U.S. Cl.: 22

United States Patent and Trademark Office

Reg. No. 1,174,377
Registered Oct. 20, 1981

TRADEMARK
Principal Register

GODZILLA

Toho Co., Ltd. (Japan corporation)
2049 Century Park East
Los Angeles, Calif. 90067

For TOYS AND GAMES—NAMESLY, BOARD GAME, ACTION FIGURE TOY, PLASTIC INERT FIGURE, INFLATABLE SHEET VINYL TOY, JIGSAW PUZZLES, AND PLASTIC MODEL/HOBBY KIT CONSISTING PRIMARILY OF MOLDED PLASTIC PIECES USED TO ASSEMBLE LIZARD-LIKE MONSTER WITH DISPLAY BASE, in CLASS 28 (U.S. Cl. 22).
First use Mar. 26, 1978; in commerce Mar. 26, 1978.

Sec. No. 217,719, filed May 30, 1979.

Myra K. Kurtzhard, Primary Examiner

Gary L. Shaffer, Examiner

Cls.: 9 and 28

or U.S. Cls.: 22 and 38

United States Patent and Trademark Office

Reg. No. 1,858,403
Registered Oct. 18, 1994

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

HO CO., LTD (JAPAN CORPORATION)
9 CENTURY PARK EAST
S ANGELES, CA 90067

FOR: CINEMATOGRAPHIC AND MOTION
PICTURE FILMS FEATURING ENTERTAIN-
MENT; PRE-RECORDED VIDEO TAPES AND
CASSETTES FEATURING ENTERTAINMENT,
CLASS 9 (U.S. CL. 38).
FIRST USE 0-0-1956; IN COMMERCE
-1956.

FOR: TOYS AND GAMES; NAMELY, VIDEO
ID COMPUTER GAME PROGRAMS; VIDEO
ID COMPUTER GAME SOFTWARE; ELECTRO-
NIC GAME PROGRAMS; VIDEO AND
COMPUTER GAME CARTRIDGES, DISCS AND

TAPES; VINYL TOY FIGURES; FRICTION-
POWERED ACTION TOYS; PLASTIC INERT
FIGURES; PLASTIC ACTION FIGURES;
BUBBLE BLOWING TOYS; INFLATABLE TOY
FIGURES; AND INFLATABLE BOP BAGS, IN
CLASS 28 (U.S. CLS. 22 AND 38).

FIRST USE 0-0-1985; IN COMMERCE
0-0-1985.

OWNER OF U.S. REG. NOS. 1,163,122, 1,174,377
AND OTHERS.

SER. NO. 74-322,225, FILED 10-15-1992.

M. L. HERSHKOWITZ, EXAMINING ATTOR-
NEY

Int. Cls.: 16 and 28

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 2,134,696
Registered Feb. 3, 1998

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD. (JAPAN CORPORATION)
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067

FOR: PAPER PARTY HATS, IN CLASS 16
(U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).
FIRST USE 6-1-1996; IN COMMERCE
6-1-1996.

FOR: TOYS AND GAMES, NAMELY, BATTERY-OPERATED ACTION TOYS; WIND-UP TOYS; MANUALLY-OPERATED ROBOT ARM-LIKE GRABBING TOYS; PAINTED TOY FIGURES; MODEL KITS FOR MAKING TOY MONSTERS; PLAYSETS WITH TOY FIGURES; TOY VEHICLES; TOY WEAPONS; PLASTIC PLAY

AND TOY CARRY CASES FOR CHILDREN; PLUSH TOYS; MANIPULATIVE PUZZLES; STUFFED TOYS; MECHANICAL ACTION TOYS; AND HOBBY-CRAFT KITS OF WOOD OR PLASTIC FOR ASSEMBLING INTO TOYS, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).
FIRST USE 12-0-1993; IN COMMERCE
12-0-1993.

OWNER OF U.S. REG. NOS. 1,163,122,
1,174,377, AND OTHERS.

SN 74-322,029, FILED 10-13-1992

M. L. HERSHKOWITZ, EXAMINING ATTORNEY

Int. Cls.: 16 and 25

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 39, and 50

United States Patent and Trademark Office

Reg. No. 2,211,328

Registered Dec. 15, 1998

TRADEMARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD. (JAPAN CORPORATION)
2049 CENTURY PARK EAST
LOS ANGELES, CA 90067

FOR: PAPER BAGS; PAPER BANNERS;
COMIC BOOKS, COLORING AND CHILDREN'S
EDUCATIONAL PICTURE BOOKS; CALEN-
DARS; TRADING CARDS; GREETING, NOTE
AND BLANK CARDS; PEN AND PENCIL
CASES; BOOK COVERS; CRAYONS; DECALS;
PAPER NAPKINS; PEN AND PENCIL HOLD-
ERS; RUBBER STAMPS; PENS AND PENCILS;
ERASERS; NOTEBOOKS; PAPER PARTY
HATS; POSTERS; WRAPPING PAPER; NOTE
PADS; SERIES OF FICTION BOOKS FOR EN-
TERTAINMENT AND AMUSEMENT; FICTION
MAGAZINES FOR ENTERTAINMENT AND
AMUSEMENT, IN CLASS 16 (U.S. CLS. 2, 5, 22,
23, 29, 37, 38 AND 50).

FIRST USE 8-0-1987; IN COMMERCE
8-0-1987.

FOR: CLOTHING, NAMELY, HATS; SWEAT
SHIRTS; GYM SHORTS; MASQUERADE AND
HALLOWEEN COSTUMES; T-SHIRTS; KNIT
SHIRTS; PAJAMAS; SLEEPWEAR; RAIN-
COATS; RAINWEAR; FOOTWEAR; HEAD-
WEAR; NECKWEAR; HOSIERY AND SOCKS;
PANTS AND SLACKS; SHORTS; SHIRTS; TOPS;
PLAYSUITS; COATS; BRIEFS; UNDERPANTS;
AND BOXER SHORTS, IN CLASS 25 (U.S. CLS.
22 AND 39).

FIRST USE 12-0-1994; IN COMMERCE
12-0-1994.

OWNER OF U.S. REG. NOS. 1,163,122,
1,174,377, AND OTHERS.

SN 74-525,545, FILED 5-17-1994.

MELVIN AXILBUND, EXAMINING ATTOR-
NEY

Int. Cl.: 41

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office

Reg. No. 2,235,421

Registered Mar. 23, 1999

SERVICE MARK
PRINCIPAL REGISTER

GODZILLA

TOHO CO., LTD. (JAPAN CORPORATION)
2029 CENTURY PARK EAST, SUITE 1150
LOS ANGELES, CA 90067

FOR: ENTERTAINMENT SERVICES IN THE
NATURE OF AN ANIMATED TELEVISION
SERIES, IN CLASS 41 (U.S. CLS. 100, 101 AND
107).

FIRST USE 9-12-1998; IN COMMERCE
9-12-1998.

OWNER OF U.S. REG. NOS. 1,163,122,
1,858,403, AND OTHERS.

SN 75-423,143, FILED 1-26-1998.

JOHN DALIER, EXAMINING ATTORNEY

BOARDS CONTAINING NON-METAL CLOTHES HOOKS; WINDOW SHADES; THROW PILLOWS; NON-METAL KEY CHAINS AND KEY FOBBS; AND DESKS, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.
FOR: PAPER CUPS AND PAPER PLATES; THERMAL INSULATED CONTAINERS AND THERMAL INSULATED VINYL BAGS FOR HOLDING FOOD OR BEVERAGES; SPORTS BOTTLES WITH MOLDED CHARACTER HEADS AND PRINTED SPORTS BOTTLES WITH OR WITHOUT SOUND MAKING CAPABILITIES SOLD EMPTY; SQUEEZE SPORTS BOTTLES; BATTERY POWERED TOOTHBRUSHES AND BATTERY POWERED TOOTHBRUSHES WITH VOICE EMITTING CAPABILITIES SOLD WITH AND WITHOUT STANDS; BATTERY POWERED TOOTHBRUSH STANDS; BATHROOM ORGANIZERS, NAMELY, PLASTIC SHELVES WITH COMPARTMENTS FOR STORING TOILETRIES; PLATES; BOWLS; CUPS; BEVERAGEWARE; BEVERAGE GLASSWARE; MUGS; AND CANTEENS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 5-20-1998; IN COMMERCE 5-20-1998.
FOR: BED LINENS; BED SHEETS; PILLOW CASES; PILLOW SHAMS; COMFORTERS; BED SPREADS; QUILTS; BED BLANKETS; JACQUARD TROWS, NAMELY, THROW BLANKETS WITH A JACQUARD WEAVE; WINDOW TREATMENTS, NAMELY, SWAGS AND VALANCES; CURTAINS; DRAPERIES; FABRIC "DOOR DEFENDERS" HANGING CLOTH AND FABRIC BANNERETTES, NAMELY, CLOTH BANNERS; BEACH TOWELS; BATH TOWELS; HAND TOWELS; WASHCLOTHS; KITCHEN TOWELS; TEA TOWELS; OVEN MITTS; POT-HOLDERS; TEXTILE PLACE MATS; AND TABLE CLOTHS NOT OF PAPER, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 4-0-1998; IN COMMERCE 4-0-1998.
FOR: CLOTHING AND FOOTWEAR, NAMELY, BASEBALL, PAINTERS AND BIKING CAPS; LONG AND SHORT SLEEVE T-SHIRTS; POLO SHIRTS; WOVEN SHIRTS; HENLEY SHIRTS, NAMELY, COLLARLESS T-SHIRTS WITH BUTTONS; GOLF SHIRTS; NECKTIES; TIES; NIGHTGOWNS; SLIPPERS; ATHLETIC SHOES; AND CANVAS SHOES, BOOTS AND SANDALS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-10-1995; IN COMMERCE 2-10-1995.
FOR: TOYS, GAMES AND PLAYTHINGS, NAMELY, TOY PAPER CUT-OUT FIGURES; TOY CITY PLAY SETS OF PAPER FOR DEMOLITION; BLOW-MOLDED TOY FIGURES WITH AN ELECTRONIC SOUND MECHANISM; MOLDED TOY FIGURES WITH ARTICULATED ARMS, LEGS AND TAIL; PLASTIC MONSTER TOY FIGURES; PLAY BASICS, NAMELY, SPRING LOADED JUMPING FIGURES, EGGS AND MINIATURE MOUNTAINS CONTAINING

TOY FIGURES, AND VINYL SHEETS THAT INFLATE INTO CHARACTERS UPON IMPACT; TOY ACTION HURLING FIGURES; TOY ACTION FIGURES WITH SOUND OR LIGHT FUNCTIONS; TOY ACTION FIGURES THAT SHOOT MISSILES AND/OR WATER; METALLIC BALLOONS, LATEX BALLOONS; ELECTRONIC TOYS, NAMELY, ELECTRONIC ACTION FIGURES, TOY VEHICLES AND TOY WALKIE-TALKIES; MOLDED TOY FIGURES WITH BATTERY OPERATED ELECTRO-MECHANICAL MOTOR WITH ROARING SOUND; TOY PICK-UP TRUCKS WITH INFLATABLE OR INFLATED TIRES; ARTICULATED TOY FIGURES THAT EMIT ORANGE-COLORED LIQUID; TOY FOAM HEADS MOUNTED ON SOFT PLASTIC HANDLES; TOY WALKING FIGURES DRIVEN BY WIND-UP OR BATTERY OPERATED MOTORS; PLAY KITS FOR GROWING MONSTER PODS IN WATER, COMPRISED PRIMARILY OF CONDENSED PLASTIC TOY FIGURES THAT GROW IN WATER AND VACUUM-FORMED TRAY DECORATED WITH CITY SCAPES; FREE-FLOWING PLAY GEL AND TOY DISPENSERS SOLD THEREWITH; TOY CANDY DISPENSERS; TOY POCKET PLAY ARENAS USING FREE-FLOWING PLAY GEL CASES; HOBBY CRAFT SAND ART KITS; SONIC CONTROLLED TOY MONSTER TRUCKS; FOOT BAGS USED IN A KICKING ACTION GAME; TOY SNAP BRACELETS; PLAYSETS AND ACCESSORIES THEREFOR, CONSISTING PRIMARILY OF TOY FIGURES, VEHICLES AND NEIGHBORHOODS; TOY CITY PLAY SETS FOR DEMOLITION; TOY ACTION FIGURE CARRY CASES; WIND-UP/WALKING AND FRICTION DRIVEN TOY FIGURES; SLIDE MANIPULATIVE PUZZLES; MICRO MACHINE SCALE TOY VEHICLES; TOY BANKS; TOY GUM BALL BANKS; TOY ROTATIONAL MOLDED FIGURE BANKS WITH OR WITHOUT SOUND MAKING MOVEABLE CAPABILITIES WITH MOVEABLE PARTS; HOBBY CRAFT KITS FOR MAKING TOY FIGURES WITH AIR DRYING COMPONENT; TOY TALKING SCULPTED HEAD; CHARACTER TOY FIGURES WITH VOICE-EMITTING CAPABILITIES; STAND ALONE COMPUTER OUTPUT GAME MACHINES AND HAND HELD UNITS FOR PLAYING ELECTRONIC GAMES; PLASTIC TOY FIGURES, EGGS, VEHICLES; PLAYSET CITIES AND SCENES FOR USE THEREWITH; MINI-PLAYFACE, NAMELY, STUFFED TOY HEAD THAT DEPICTS CHARACTER FACE; PLASTIC, VINYL AND SOFT SCULPTURE TOY FIGURES; DIE CAST MINIATURE VEHICLES; PLASTIC EGGS; CONSISTING OF ACTION FIGURE TOYS; WIND-UP POWERED ACTION TOYS; FLYING GROUND AND RUBBER ACTION BALLS; FOAM BATTERING BALLS; TOY BASKETBALLS; TOY BASKETBALLS; CONSISTING PRIMARILY OF BASKETBALLS; BASKETBALL CAGES; TOY BASKETBALLS; TOY BASKETBALL BACKBOARDS; PARTY FAVORS IN

THE NATURE OF SMALL TOYS, NAMELY, PAPER GAMES, PAPER AND PLASTIC CARD GAMES, MODEL AND TOY CARS, TOY JEWELRY; TOY PARTY NOISEMAKERS, HORNS, WHISTLES AND RATTLES; DOLLS AND PUPPETS; INFLATABLE SWIMMING TOYS; LATEX SQUEEZE TOYS; MUSICAL TOYS; SKATEBOARDS; BATH TUB TOYS; CHILDREN'S MULTIPLE ACTIVITY TOYS; AND BALLOON PASTE USED TO MAKE BALLOONS OR

PLASTIC BUBBLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 7-0-1997; IN COMMERCE 7-0-1997.
OWNER OF U.S. REG. NOS. 1,161,858, 1,858,403, AND OTHERS.

SN 75-181,532, FILED 10-15-1996.

JANICE O'LEAR, EXAMINING ATTORNEY

SEYFARTH SHAW
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January 9, 2003

VIA HAND DELIVERY

Mr. Shozo Watanabe
TOHO CO., LTD.
2029 Century Park East
Suite 1150
Los Angeles, California 90067



01-13-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #77

Re: Opposition to MOMZILLA
Serial No.: 76/229,239
Our Reference No.: 34418-001477

Dear Shozo:

Enclosed is a copy of the Notice of Opposition which we filed with the U.S. Trademark Office today.

If you have any questions, please give me a call

Very truly yours,

SEYFARTH SHAW

Joan Kupersmith Larkin

JKL:ds
Enclosure

LA1 6389143.1 / 34418-001477

MR

WASHINGTON
SAN FRANCISCO
SACRAMENTO
NEW YORK
LOS ANGELES
HOUSTON
CHICAGO
BOSTON
ATLANTA