



and BLOO Marks in commerce in connection with his products and services advertised, offered, rendered, marketed, distributed and sold by Opposer, to identify and designate same, and to distinguish those goods and services from those of others.

3. On February 7, 2001, Opposer filed an application with the U.S. Patent and Trademark Office to register the trademark RAZZ AND BLOO, THE BERRY BÉBÉS. Said application was designated serial no. 76/206,214 (hereafter Opposer's "Pleaded Application"), with the following identification of goods: "toys, namely, dolls, dollhouses, doll cases, doll furniture, action figures and cases and accessories therefor, plush toys, bath toys, puppets, children multiple activity toys, ride-on toys, musical toys, toy building and construction blocks, children's wire and construction and art activity sets, construction toys, game tables, children's activity tables containing manipulative toys which convert to easels, cube-type, jigsaw, and manipulative puzzles, doll costumes, costume masks, battery-powered computer game with lcd screen which features animation and sound effects, board games, electronic educational game machines for children, and manipulative games." On May 28, 2002, a Notice of allowance issued in Opposer's Pleaded Application, and said application is pending and has not been abandoned by Opposer.

4. When registration on Opposer's Pleaded Application issues, Opposer will obtain the benefit of a constructive use and priority date of the February 7, 2001 filing date of the said application of Opposer.

5. On September 11, 2002, Applicant filed an application to register the mark RAZZAROO. Said application was accorded Serial No. 76/448,436, and was published for opposition

in the Official Gazette of April 22, 2003, at page 291, identifying the goods as “toy ponies and accessories for use therewith.”

6. The mark sought to be registered by Applicant is a colorable imitation of, and confusingly similar to, Opposer's prior and aforesaid RAZZ and BLOO Marks, including the mark of Opposer's Plead Application.

7. The goods set forth in the application opposed herein are identical, similar and/or related to the goods set forth in Opposer's Plead Application and/or the goods and services in connection with which Opposer uses and/or intends to use his RAZZ and BLOO Marks, and on information and belief, the goods set forth in the opposed application are and/or will be sold through the same and/or similar channels of trade, and/or to the same general class of purchasers, in and to which such products and services of Opposer are and/or will be marketed and/or sold.

8. The registration and/or use of the opposed mark, as set forth in the opposed application, is likely to cause confusion, mistake, and/or to deceive as to origin, sponsorship, and/or association of Applicant's goods to be sold under the opposed mark sought to be registered by Applicant vis-a-vis Opposer and/or his RAZZ and BLOO Marks, including the mark of Opposer's Plead Application, and/or to mislead purchasers of Applicant's and/or Opposer's goods and/or services, and/or the public in general, into believing that Applicant's goods are sold by, emanate from, and/or in some way, directly or indirectly, are associated with Opposer, and/or Opposer's mark, products, or services, or vice versa, to the damage and detriment of Opposer.

9. On information and belief, prior to the filing date of the application opposed herein, Applicant had actual knowledge of Opposer's RAZZ and BLOO Marks, and the use thereof by Opposer.

10. By virtue of the foregoing, Opposer believes he will be damaged by the registration by Applicant of the RAZZAROO mark, as set forth in the application therefor, Serial No. 76/448,436.

11. If Applicant is granted the registration opposed herein, and Applicant obtains such rights as conferred under the Principal Register of the Trademark Act of 1946, Applicant will obtain unlawful gain and advantage to which it is not entitled under the Trademark Act of 1946, to the detriment and harm of Opposer.

WHEREFORE, this Opposer believes and alleges that he will be damaged by registration of the RAZZAROO mark of application serial no. 76/448,436, as aforesaid, and prays that:

1. judgment in the present opposition be entered in favor of Opposer;
2. the present opposition be sustained; and
3. registration of application serial no. 76/448,436 be rejected and refused.

Respectfully submitted,

MITCHELL GOLDMAN

Date: August 20, 2003

By: 

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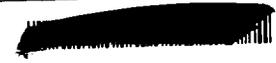


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August 20, 2003



08-20-2003

U.S. Patent & TMOt/TM Mail Rcpt Dt. #22

Assistant Commissioner for Trademarks  
 2900 Crystal Drive  
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RE: New Opposition  
 Mitchell Goldman v. Hasbro, Inc.  
 RAZZAROO - Serial No. 76/448,436  
 Our Ref.: 12005/I-4903

Sir:

We enclose the following for filing in the Patent and Trademark Office:

- Notice of Opposition (in duplicate)
- Notice of Appeal

Also enclosed is our check for the required filing fee in the amount of \$300.00. Should this check become detached, or the amount be insufficient, please charge our Deposit Account, No. 06-1358.

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 TRADE AND TMO MAIL

Respectfully submitted,

Marsha G. Gentner

MGG/tlb  
 Enclosures