

TAB

PBWT File No. H0286-272

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

In the Matter of Trademark Application Serial No. 76/448,436  
Filed: September 11, 2002  
For the mark: RAZZAROO in International Class 28  
Published in the Official Gazette: April 22, 2003 at TM 291

MITCHELL GOLDMAN,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91/157,650
	:	
HASBRO, INC.,	:	
	:	
Applicant.	:	



12-15-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #78

**ANSWER TO NOTICE OF OPPOSITION**

Hasbro, Inc. ("Applicant"), by its attorneys of record, Patterson, Belknap, Webb & Tyler LLP, for its Answer to the correspondingly numbered paragraphs of the Notice of Opposition file by Mitchell Goldman ("Opposer"), in the above-identified trademark application, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations.
3. Admits that on February 7, 2001, Opposer filed an ITU application for the mark "RAZZ AND BLOO, THE BERRY BEBES" in International Class 28 and respectfully refers the Trademark Trial and Appeal Board to the Opposer's application to register that mark,

Serial No. 76/206,214.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations.

5. Admits that Applicant has filed an Application, Serial No. 76/448,436 for the mark "RAZZAROO" in International Class 28 for use with "toy ponies and accessories for use therewith" and that this Application was published for opposition on April 22, 2003.

6. Denies.

7. Denies.

8. Denies.

9. Denies.

10. Denies.

11. Denies.

**FIRST AFFIRMATIVE DEFENSE**

12. The Opposition fails to state a claim for which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

13. Applicant has applied to register a mark that is substantially different from the mark that Opposer seeks to register. Accordingly, there is no likelihood of confusion, deception, or other harm.

**THIRD AFFIRMATIVE DEFENSE**

14. Applicant has applied to register a mark for a use that is different from the alleged use by Opposer. Accordingly, there is no likelihood of confusion, deception or other harm.

**FOURTH AFFIRMATIVE DEFENSE**

15. Opposer lacks standing to oppose Applicant's registration of the "RAZZAROO" mark.

WHEREFORE, Applicant prays that this Opposition be dismissed, and that application Serial No. 76/448,436 for the mark "RAZZAROO" proceed to registration.

Please recognize Kim J. Landsman and Clare F. Saperstein, Patterson, Belknap, Webb & Tyler LLP, 1133 Avenue of the Americas, New York, NY 10036-6710, both members of the Bar of the State of New York, as the attorneys for the Applicant in this proceeding. All communications are to be directed to Clare F. Saperstein at the address identified above.

Dated: December 15, 2003

Respectfully submitted,

PATTERSON, BELKNAP, WEBB & TYLER LLP

By



Kim J. Landsman, Esq.

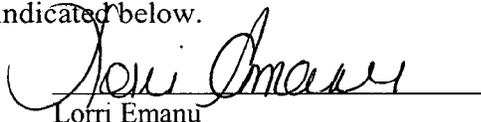
Clare F. Saperstein, Esq.

1133 Avenue of the Americas  
New York, New York 10036  
(212) 336-2000  
Attorneys for Applicant

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this Notice of Opposition is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service (mailing label # **EV 170698269 US**) in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Attn.: Box TTAB, Arlington, VA 22202-3513, on the date indicated below.

By:

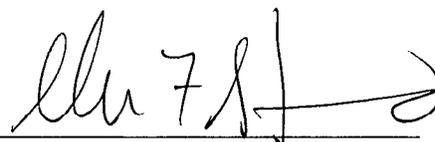
  
Lorri Emanu

Date: December 15, 2003

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the forgoing **ANSWER TO NOTICE OF OPPOSITION** to be deposited with the United States Postal Service, First-Class Mail this 15th day of December, 2003 in an envelope addressed to the Applicant's attorney:

Marsha G. Gentner, Esq.  
Jacobson Holman PLLC  
400 Seventh Street, N.W.  
Washington, D.C. 20004

A handwritten signature in black ink, appearing to read 'Clare F. Saperstein', written over a horizontal line.

Clare F. Saperstein