

ESTTA Tracking number: **ESTTA7066**

Filing date: **03/30/2004**

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

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Name	William A. Jones d/b/a William A. Jones Co.		
Opposer Entity	sole proprietorship	Citizenship of Opposer	Illinois
Opposer Address	9028 Roach Avenue Brookfield, IL 60513 UNITED STATES		

Attorney information	Richard W. Young Gardner Carton & Douglas LLP 191 North Wacker Drive Suite 3700 Chicago, IL 60606 UNITED STATES IPDOCKET@GCD.COM Phone:312 569 1000		
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Applicant Information

Application No	76476226	Publication date	03/30/2004
Opposition Filing Date	03/30/2004	Opposition Period Ends	04/29/2004
Applicant	Replication Devices, Inc.		
Address	311 South Arrawana Ave., Suite 2 Tampa, FL 33609 UNITED STATES		

Goods/Services Affected by Opposition

Class 007. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Machines, namely, machines manufactured for molding souvenir plastic articles

Class 009. First Use: First Use In Commerce:

All goods and services in the class are opposed, namely: Machines, namely, machines manufactured for vending souvenir plastic articles

Signature	/richardwyoung/
Name	Richard W. Young
Date	03/30/2004

Attachments	WAJOPPUSA--Opposition_for_MOLD-A-RAMA.pdf (3 pages)
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 76/476,226
Trademark: MOLD-A-RAMA
Published: Trademark Official Gazette Number 13
Page TM 44, March 30, 2004

William A. Jones)	
d/b/a/William A. Jones Co.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Replication Devices, Inc.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer, William A. Jones doing business as William A. Jones Co., a sole proprietorship, existing under the laws of the State of Illinois and doing business at 9028 Roach Avenue, Brookfield, Illinois, 60513 (“William A. Jones”), believes that it is or will be damaged by the registration of Application Serial No. 76/476,226 for the trademark MOLD-A-RAMA and hereby opposes registration of the mark to Replication Devices, Inc. (“Applicant”).

As grounds for opposition, it is alleged that:

1. Since 1971, William A. Jones has used the trademark MOLD-A-RAMA, in interstate commerce, in connection with entertainment services namely personal souvenir production in the nature of vending machines that provide and form plastic souvenirs.
2. Applicant seeks to register the trademark MOLD-A-RAMA for use in connection with machines manufactured for vending souvenir plastic articles, as evidenced by publication of that mark in the Official Gazette Number 13, Page TM 44, dated March 30, 2004.

3. Applicant applied for registration of its mark on an intent to use basis on December 12, 2002. William A. Jones's rights in its MOLD-A-RAMA mark are superior to any rights Applicant may have in the trademark MOLD-A-RAMA.

4. Applicant's trademark is identical in appearance, sound and commercial impression to William A. Jones's MOLD-A-RAMA mark that when applied to the goods identified in the application, it is likely to cause confusion, mistake, or to deceive the purchasing public. Because the goods that Applicant intends to sell under the MOLD-A-RAMA mark and the services with which William A. Jones uses its MOLD-A-RAMA mark are closely related and travel through similar channels of trade, consumers will be led to the mistaken belief that Applicant's goods and William A. Jones's services originate from the same source, or that Applicant's use of the MOLD-A-RAMA mark has been sponsored, authorized or approved by William A. Jones, all to the detriment of William A. Jones.

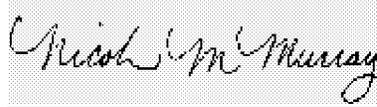
5. William A. Jones has expended substantial sums of money, time and effort in advertising, promoting and popularizing its MOLD-A-RAMA mark and in preserving the goodwill associated therewith. Consumers have come to know William A. Jones's MOLD-A-RAMA mark, and will be confused or deceived by Applicant's use of an identical mark for goods that are closely related to the services with which William A. Jones's MOLD-A-RAMA mark is used.

6. The contemporaneous use by Applicant of the mark MOLD-A-RAMA will dilute and impair William A. Jones's rights in its MOLD-A-RAMA mark. If Applicant is permitted to register the mark MOLD-A-RAMA, such registration may eventually result in the inability of William A. Jones's MOLD-A-RAMA mark to function as an indicator of origin.

WHEREFORE, William A. Jones submits that, in accordance with 15 U.S.C. §1052(d), Applicant's MOLD-A-RAMA trademark is not entitled to registration, and William A. Jones prays that registration of Applicant's MOLD-A-RAMA mark be denied and this Opposition sustained.

Please direct all correspondence in this matter to the undersigned.

WILLIAM A. JONES d/b/a
WILLIAM A. JONES CO.



By:
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Dated: March 30, 2004

Case No.: WAJOPPUSA