

ESTTA Tracking number: **ESTTA244149**

Filing date: **10/22/2008**

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

Proceeding	91166487
Party	Plaintiff HASBRO, INC.
Correspondence Address	PAUL N. VANASSE HASBRO INC 1027 NEWPORT AVENUE PAWTUCKET, RI 02862 UNITED STATES IPDOCKETING@PBWT.COM
Submission	Response to Board Order/Inquiry
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Signature	/Kim J. Landsman/
Date	10/22/2008
Attachments	H0286-3210.pdf (6 pages)(86563 bytes)

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

In the Matter of Application Serial No. 78/359,895
Filed: January 30, 2004
For the Mark: MEMORY MAGIC in International Class 28
Published in the Official Gazette: May 10, 2005 at TM 330

HASBRO, INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91/166,487
	:	
CREATIVE ACTION LLC,	:	
	:	
Applicant.	:	

Commissioner for Trademarks
Trademark Assistance Center
600 Dulany Street
Alexandria, VA 22313

TO THE COMMISSIONER FOR TRADEMARKS:

By order dated May 9, 2008, this Honorable Board granted Opposer's and Applicant's consented motion to suspend this proceeding pending final determination of a civil action, *Hasbro, Inc. v. MGA Entertainment, Inc.*, Case No. CA-06 262S (D.R.I.). Opposer Hasbro, Inc., by its attorneys, hereby notifies the Board and Applicant that the civil action *Hasbro, Inc. v. MGA Entertainment, Inc.*, has reached final resolution. Judge William Smith entered final judgment on October 2, 2008, upon consent of both parties. A true copy of that judgment is attached.

Dated: October 22, 2008

Respectfully submitted,

PATTERSON BELKNAP WEBB & TYLER LLP

By 
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ELECTRONIC MAILING CERTIFICATE

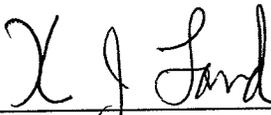
I hereby certify that the NOTICE is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board ("ESTTA") on this 22nd day of October, 2008.


Lorri Emanu

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE was served by first class mail this 22nd day of October, 2008 on counsel for the Applicant:

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Kim J. Landsman

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

-----	X	
	:	
HASBRO, NC.,	:	
	:	
Plaintiff,	:	
	:	C.A. No. 06-262S
- against -	:	
	:	
MGA ENTERTAINMENT, INC.,	:	
	:	
Defendant.	:	
	:	
-----	X	

FINAL JUDGMENT

Plaintiff Hasbro, Inc. ("Hasbro") and Defendant MGA Entertainment, Inc. ("MGA"), by their respective undersigned attorneys of record and their duly empowered officers, stipulate and agree that final judgment shall be entered in favor of Hasbro and against MGA as follows:

1. This Court has jurisdiction over the parties and over the claims asserted by Hasbro and the counterclaims asserted by MGA. Venue of this action properly lies in the District of Rhode Island.
2. This Court hereby vacates its Memorandum and Decision dated July 31, 2007, denying Hasbro's motion for a preliminary injunction. As noted in that decision, Hasbro might have at trial successfully negated MGA's attempts to prove genericness and ultimately establish its infringement claim.
3. Hasbro and MGA waive findings of fact and conclusions of law under Rule 52 of the Federal Rules of Civil Procedure, except as set forth herein.

4. This Final Judgment may be entered without costs or attorneys fees as to either party and without further notice.

5. Hasbro and MGA agree not to appeal from this Final Judgment, and not to attack the validity of this Final Judgment or any provision thereof in any collateral or subsequent proceeding.

6. Hasbro is the owner of the valid, subsisting Registration Nos. 834,282 and 2,894,970 for the trademark MEMORY® for board games in the United States Patent and Trademark Office.

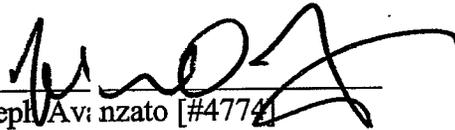
7. MGA's counterclaims filed in this action are dismissed with prejudice.

8. Pursuant to Fed. R. Civ. P. 65 and 15 U.S.C. § 1116, MGA is permanently enjoined from using the term "memory" as all or part of the name of a game, except pursuant to license from Ravensburger AG.

9. This shall constitute the final judgment in this matter, which will be closed, but the Court retains jurisdiction over the parties and this action to implement and enforce this Final Judgment.

10. The following docket entries in the Court record shall be sealed: Docket Nos. 24, 25, 26, 27, 28, 29, 33, 34, 37, 38, 39, 40, 44, 45, 46, 47, 48, 50, 53, 55, 63, 64, 65, 66, 69, 70, 71, 72, 73, 75, 76, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 104, 106, 110, 111, 112, 113, 114, 115, 116, 121, 124, 126, 128, 129, 130, and 133.

Dated: October 2, 2008



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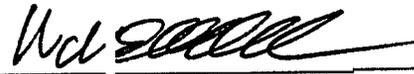
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IT IS SO ORDERED on October 2, 2008.



 Honorable William E. Smith
 United States District Judge

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