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Filing date: **11/06/2009**

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	Opposition/Response to Motion
Filer's Name	Kim J. Landsman
Filer's e-mail	kjlandsman@pbwt.com, cfrost@pbwt.com
Signature	/Kim J. Landsman/
Date	11/06/2009
Attachments	Kristoffy Declaration .pdf (3 pages)(347705 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.	:	
	:	

DECLARATION OF PETER KRISTOFFY

I, Peter Kristoffy declare and state as follows:

1. I am employed by plaintiff Hasbro, Inc. ("Hasbro") as Director of Global Brands-Games. I submit this declaration, based on personal knowledge and on documents kept in the ordinary course of business, in opposition to Creative Action's motion to compel and in support of Hasbro's motion to lift the stay imposed in connection with Applicant's motion. The purpose is to give the Board some basic information about Hasbro's MEMORY[®] line of card matching games.

2. I have responsibility for marketing certain of the Milton Bradley Preschool Games, including Hasbro's MEMORY line of card matching games.

3. Hasbro's predecessor Milton Bradley Company ("Milton Bradley") acquired the United States rights to the MEMORY game from a German company called Otto Maier Verlag Ravensburg (now called Ravensburger A.G.) in 1964. It has been sold continuously since then and has become enormously popular among preschool games.

4. The MEMORY game consists of numerous pairs of matching cards, typically 36 pairs, that feature colorful characters, images, or other artwork on one side. The cards do not have questions or answers and do not use words at all (aside from the trademark on the back of the cards). The players mix the cards up and place them in rows on a flat surface, face down. They then take turns turning any two cards picture-side-up and try to match pairs. If the two cards a player selects are identical, the player has made a match; the player then removes those cards from play and takes another turn. The process is repeated until the players take all of the cards out of play. The player who has taken the most matching pairs of cards out of play is the winner. It is intended to be fun for children, but also competitive.

5. Hasbro's MEMORY game is targeted to preschool children, ages 3 to 6, most of whom do not read or do not read well. That is one of the reasons why the cards have no text. The packaging for Hasbro's MEMORY game incorporates bright colors and graphics so that it will appeal to preschool children.

6. Hasbro's MEMORY game is sold through primarily through major chain retailers such as Wal-Mart, Kmart, Target, and Toys 'R Us. It is an inexpensive product, with a suggested retail price of \$6.99.

7. Hasbro's MEMORY game is generally purchased for preschool-age children by parents, caretakers, or relatives.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 3, 2009, in East Longmeadow, Massachusetts.



Peter Kristoffy