

ESTTA Tracking number: **ESTTA63279**

Filing date: **01/24/2006**

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

Notice of Opposition

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

Opposer Information

Name	Pumpkin Land, Inc.
Granted to Date of previous extension	01/25/2006
Address	62 Range Hill Road Poland, ME 04274 UNITED STATES
Correspondence information	B. Brett Heavner Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 901 New York Avenue, N.W. Washington, DC 20001-4413 UNITED STATES docketing@finnegan.com, b.brett.heavner@finnegan.com Phone:2024084000

Applicant Information

Application No	78407186	Publication date	09/27/2005
Opposition Filing Date	01/24/2006	Opposition Period Ends	01/25/2006
Applicant	McLaughlin, Michael T. 447 Troy Schenectady Road Latham, NY 12110 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. All goods and services in the class are opposed, namely: written materials, namely, books; cartoons; halloween decorations, namely, paper flags, plastic bags
Class 018. All goods and services in the class are opposed, namely: halloween decorations, namely, umbrellas
Class 020. All goods and services in the class are opposed, namely: halloween decorations, namely, plastic flags
Class 024. All goods and services in the class are opposed, namely: halloween decorations, namely, cloth and fabric flags
Class 025. All goods and services in the class are opposed, namely: Clothing, namely, T-shirts
Class 028. All goods and services in the class are opposed, namely: Dolls
Class 041. All goods and services in the class are opposed, namely: education and entertainment materials,

nearly animated cartoons for motion picture movies and television programs
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Attachments	00012266.PDF (3 pages)
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Signature	/B. Brett Heavner/
Name	B. Brett Heavner
Date	01/24/2006

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

Pumpkin Land, Inc.,)	
Opposer,)	
)	Opposition No.: _____
v.)	App. No. 78/407,186
)	Mark: PUMPKINLAND KIDS
Michael T. McLaughlin,)	Published: September 27, 2005
Applicant.)	

NOTICE OF OPPOSITION

Pumpkin Land, Inc. ("Opposer"), a Maine corporation located and doing business at 62 Range Hill Road, Poland, Maine 04274, believes that it is, or will be, damaged by registration of Application Serial No. 78/407,186 for goods and services in Classes 16, 18, 20, 24, 25, 28, and 41, filed by Michael T. McLaughlin a U.S. individual located and residing at 447 Troy Schenectady Road, Latham, New York 12110 ("Applicant"), and hereby opposes same.

As grounds for the opposition, and based on information and belief, Opposer alleges that:

1. Applicant is the owner of Application Serial No. 78/407,186 for the mark PUMPKINLAND KIDS covering the following goods and services: "written materials, namely books; cartoons; Halloween decorations, namely paper flags, plastic bags" in Class 16; "Halloween decorations, namely umbrellas" in Class 18; "Halloween decorations, namely plastic flags" in Class 20; "Halloween decorations, namely cloth

and fabric flags" in Class 24; "clothing items, namely, T-shirts" in Class 25; "dolls" in Class 28; and "education and entertainment materials, namely animated cartoons for motion picture movies and television programs" in Class 41. Applicant filed its application on April 23, 2004, alleging an intention to use the mark in commerce for each of these goods and services.

2. Since long before Applicant's filing date, and at least as early as 1992, Opposer has used the mark PUMPKIN LAND for hay rides and Halloween entertainment services, educational children's tours of farming and agricultural operations, T-shirts, and retail sales of pumpkins, Indian corn, gourds, squash, and other items for use as Autumn and Halloween decorations.

3. In view of the inherent and acquired distinctiveness of the PUMPKIN LAND mark, Opposer has common law rights to the PUMPKIN LAND mark in connection with its goods and services.

4. The goods and services set forth in Application No. 78/407,186 are competitive with or closely related to Opposer's goods and services marketed under the PUMPKIN LAND mark.

5. In view of the similarities between the parties' marks, Applicant's mark, as applied to the goods and services listed in Application 78/407,186, so resembles Opposer's common law PUMPKIN LAND mark that it is likely to cause confusion or to cause mistake, or to deceive in violation of the Lanham Act (15 U.S.C. § 1052(d)).

6. If Applicant is permitted to register the PUMPKINLAND KIDS mark for the goods and services listed in Application No. 78/407,186, such registration would be a source of damage and injury to Opposer.

Wherefore, Opposer prays Application Serial No. 78/407,186 be refused; that no registration issue; and that this Opposition be sustained in favor of Opposer.

If the filing fee is found to be insufficient for any reason, please charge the deficiency to Deposit Account No. 06-0916.

Respectfully submitted,

Dated: January 24, 2006

By: 
B. Brett Heavner
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